STATE OF NORTH CAROLINA

1951

Session Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT THE

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE THIRD OF JANUARY, A. D. 1951

PUBLISHED BY AUTHORITY
OFFICIAL REGISTER FOR 1951-1953

LEGISLATIVE DEPARTMENT

H. P. TAYLOR ........................................ President of the Senate ............ Anson
W. FRANK TAYLOR .......................... Speaker of House of Representatives.. Wayne

EXECUTIVE DEPARTMENT

W. KERR SCOTT ....................................... Governor ........................ Alamance
H. P. TAYLOR ........................................ Lieutenant-Governor ................. Anson
THAD EURE ........................................ Secretary of State .................... Hertford
H. L. BRIDGES ........................................ Auditor ..................... Buncombe
BRANDON P. HODGES .......................... Treasurer ........................ Guilford
CLYDE A. ERWIN ............................... Superintendent of Public Instruction ........................ Rutherford
HARRY McMULLAN .............................. Attorney-General ................... Beaufort
L. Y. BALLENTINE .............................. Commissioner of Agriculture ........ Guilford
FORREST H. SHUFORD ....................... Commissioner of Labor ................ Randolph
WALDO C. CHEEK .............................. Commissioner of Insurance ........... Wake

* Constitute Council of State (The Attorney-General is the legal adviser to the Executive Department).

JUDICIAL DEPARTMENT

SUPERIOR COURT

W. P. STACY ........................................ Chief Justice ........................ Raleigh
W. A. DEVIN ........................................ Associate Justice ........................ Raleigh
M. V. BARNHILL .......................... Associate Justice ........................ Raleigh
J. WALLACE WINSBOURN ................ Associate Justice ........................ Raleigh
E. B. DENNY ........................................ Associate Justice ........................ Raleigh
SAM J. ERVIN, JR. .................. Associate Justice ........................ Raleigh
JEFF D. JOHNSON, JR. ....... Associate Justice ........................ Raleigh
DILLARD S. GARDNER ............ Librarian ........................ Raleigh
DILLARD S. GARDNER ............ Librarian ........................ Raleigh
ADRIAN J. NEWTON ............................ Clerk ........................ Raleigh
JOHN M. STRONG ............................ Reporter ........................ Raleigh

* Official (not legal) residences.

SUPERIOR COURT JUDGES

CHESTER R. MORRIS ............................. First District ........................ Coinjock
WALTER J. BONE .................................. Second District ...................... Roanoke Rapids
R. HUNT PARKER .......................... Third District ........................ Sanford
J. PAUL FRIZZELL ................. Fourth District ........................ Snow Hill
HENRY L. STEVENS, JR. .......... Fifth District ........................ Raleigh
W. C. HARRIS ............................ Sixth District ........................ Jacksonville
JOHN J. BURNSY .......................... Seventh District ..................... Wakefield
Q. K. NIMOCKS, JR. ............... Eighth District ........................ Raleigh
LEO CARR ..................................... Ninth District ........................ Fayetteville
JOHN H. CLEMENT .......................... Tenth District ........................ Burlington
F. HOYLE SINK ......................... Eleventh District ..................... Walkertown
F. DONALD PHILLIPS ............... Thirteenth District ................... Greensboro
WILLIAM H. ROBBITT ............. Fourteenth District .................... Rockingham
FRANK M. ARMSTRONG ............ Fifteenth District .................... Charlotte
J. C. RUTFIELD ........................ Sixteenth District .................... Troy
J. A. ROUSSAU ........................ Seventeenth District ................ New Bern
J. W. PLESS, JR. ...................... Eighteenth District .................. Wilson
ZEB V. NETTLES ......................... Nineteenth District ................... Marion
DAN K. MOORE ............................ Twentieth District .................. Asheville
ALLEN H. GWYN ......................... Twenty-first District ................ Reidsville

SPECIAL JUDGES

HAROLD K. BENNETT .................. Asheville
W. H. S. BURGWIN .................. Woodland
A. R. CRISP ......................... Lenoir
HOWARD G. GODWIN ............. Dunn
WILLIAM I. HALSTEAD ............. South Mills
WILLIAM T. HATCH ..................... Raleigh
GEORGE B. PATTON .................. Franklin
SUSIE SHARP ................. Reidsville
EMERGENCY JUDGES

FELIX E. ALLEY .................................................. Wayneville
HENRY A. GRADY .................................................. New Bern
LUTHER HAMILTON .................................................. Morehead City

SOLICITORS

WALTER COHON ........................................ First District Elizabeth City
GEORGE M. FOUNTAIN ..................................... Second District Tarboro
E. R. TYLER ................................................ Third District Roxobel
W. J. BUNFY ................................................ Fourth District Kenly
W. J. BUNDY ................................................ Fifth District Greenville
WALTER T. BRITT .......................................... Sixth District Clinton
WILLIAM Y. BICKETT ..................................... Seventh District Raleigh
CLIFTON L. MOORE ....................................... Eighth District Burgaw
MALCOLM B. SEAWELL ................................... Ninth District Lumberton
WILLIAM H. MURDOCK ................................... Tenth District Durham
WALTER E. JOHNSTON, Jr. .............................. Eleventh District Winston-Salem
CHARLES T. HAGAN, Jr. .................................. Twelfth District Greensboro
M. G. BOYETTE ........................................ Thirteenth District Carthage
BASIL L. WHITENER ....................................... Fourteenth District Gastonia
ZEB A. MORRIS ........................................ Fifteenth District Concord
JAMES C. FARTHING ....................................... Sixteenth District Lenoir
J. ALLIE HAYES ........................................ Seventeenth District N. Wilkesboro
CLARENCE O. RIDING ..................................... Eighteenth District Asheville
W. K. MCLAREN ........................................ Nineteenth District Bryson City
T. D. ERYSON, Jr. ........................................ Twenty-first District Danbury
RALPH J. SCOTT ........................................ Twenty-first District Danbury

HEADS OF ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

ADJUTANT GENERAL

J. VAN B. METTS ........................................ New Hanover

DEPARTMENT OF AGRICULTURE

L. Y. BALLENTINE, Commissioner .......................... Wake

BOARD OF ALCOHOLIC CONTROL

ROBERT W. WINSTON, Chairman .......................... Wake

STATE DEPARTMENT OF ARCHIVES AND HISTORY

DR. CHRISTOPHER CRITTENDEN, Director .................. Wake

ART SOCIETY

LUCY CHERRY CRISP, Executive Secretary ................ Pitt

BANKING DEPARTMENT

GURNEY P. HOOCH, Commissioner .......................... Wayne

COMMISSION FOR THE BLIND

H. A. WOOD, Executive Secretary .......................... Lincoln

BUDGET BUREAU

D. S. COLTRANE, Assistant Director ........................ Randolph

BUILDINGS AND GROUNDS

GEORGE B. CHERRY, Superintendent ........................ Wake

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

GEORGE R. ROSS, Director .................................. Randolph

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S. E. LEONARD, Commissioner ............................. Edgecombe

STATE BOARD OF EDUCATION

C. D. DOUGLAS, Controller .................................. Wake

STATE BOARD OF ELECTIONS

R. C. MAXWELL, Executive Secretary ........................ Wake

EMPLOYMENT SECURITY COMMISSION

HENRY E. KENDALL, Chairman .............................. Cleveland

STATE EMPLOYMENT SERVICE

ERNEST C. MCCracken, Director .......................... Haywood

STATE BOARD OF HEALTH

DR. J. W. R. NORTON, Secretary .......................... Wake
OFFICIAL REGISTER

STATE HIGHWAY PATROL
JAMES R. SMITH, Commander ................................................. New Hanover

STATE HIGHWAY AND PUBLIC WORKS COMMISSION
DR. HENRY W. JORDAN, Chairman ......................................... Randolph

N. C. HOSPITALS BOARD OF CONTROL
DR. DAVID A. YOUNG, Superintendent, Mental Hygiene ..................... Wake
R. M. PURSER, Business Manager ........................................... Wayne

INDUSTRIAL COMMISSION
J. FRANK HUSKINS, Chairman ................................................. Yancey

DEPARTMENT OF INSURANCE
WALDO C. CHEEK, Commissioner ............................................ Randolph

BUREAU OF INVESTIGATION
WALTER F. ANDERSON, Director ............................................. Mecklenburg

DEPARTMENT OF JUSTICE
HARRY McMULLEN, Attorney General ...................................... Beaufort

DEPARTMENT OF LABOR
FORREST H. SHUFORD, Commissioner ..................................... Guilford

LIBRARY COMMISSION
ELIZABETH HOUSE, Secretary ................................................ Martin

STATE LIBRARY
CARRIE L. BROUGHTON, Librarian .......................................... Wake

LOCAL GOVERNMENT COMMISSION
W. E. EASTERLING, Secretary ................................................ Wake

MEDICAL CARE COMMISSION
DR. JOHN A. FERRILL, Executive Secretary ................................ Wake

MERIT SYSTEM COUNCIL
*DR. FRANK T. DEVYVER, Supervisor ...................................... Durham

DEPARTMENT OF MOTOR VEHICLES
LANDON C. ROSSER, Commissioner ......................................... Chatham

MUNICIPAL BOARD OF CONTROL
THAD EURE, Secretary (ex-officio) ......................................... Hertford

PAROLES COMMISSION
DR. T. C. JOHNSON, Commissioner ......................................... Catawba

PERSONNEL DEPARTMENT
J. W. McDEVITT, Director .................................................... Madison

PROBATION COMMISSION
N. F. RANSDELL, Director ..................................................... Wake

DEPARTMENT OF PUBLIC INSTRUCTION
DR. CLYDE A. ERWIN, Superintendent ..................................... Rutherford

STATE BOARD OF PUBLIC WELFARE
DR. ELLEN B. WINSTON, Commissioner .................................... Wake

DIVISION OF PURCHASE AND CONTRACT
CHARLES M. WILLIAMS, Director ............................................ Alamance

REHABILITATION COMMISSION
JAMES S. STEVENS, Jr., Acting Director ................................... Wake

RETIRED SYSTEM
NATHAN YELTON, Secretary .................................................. Mitchell

DEPARTMENT OF REVENUE
EUGENE G. SHAW, Commissioner ........................................... Guilford

* Address: Durham, N. C.
All other official addresses, Raleigh, N. C.
### Official Register

#### Rural Electrification Authority

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<thead>
<tr>
<th>Name</th>
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<td>Gwyn B. Price, Chairman</td>
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#### Supreme Court

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<td>Dillard S. Gardner, Librarian and Marshal</td>
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<td>Adrian J. Newton, Clerk</td>
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<td>John M. Strong, Reporter</td>
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#### Department of Tax Research

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#### Utilities Commission

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#### Veterans Commission

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#### Wildlife Resources Commission

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<td>Clyds P. Patton, Executive Director</td>
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#### State Hospitals and State Educational and Correctional Institutions and Heads

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<th>Institution</th>
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<tr>
<td>Appalachian State Teachers College</td>
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<tr>
<td>East Carolina Teachers College</td>
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<td>N. C. School for the Deaf</td>
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<tr>
<td>Oxford Orphanage</td>
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<td>Pembroke State College</td>
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<td>The State School for the Blind and the Deaf</td>
<td>Raleigh</td>
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<tr>
<td>University of North Carolina</td>
<td>Chapel Hill</td>
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<tr>
<td>Chancellor—Chapel Hill Unit</td>
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<tr>
<td>Chancellor—State College Unit</td>
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<tr>
<td>Chancellor—Woman's College Unit</td>
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<tr>
<td>Western North Carolina Teachers College</td>
<td>Cullowhee</td>
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<tr>
<td>Agricultural and Technical College</td>
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<td>Elizabeth City State Teachers College</td>
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<td>Fayetteville State Teachers College</td>
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<tr>
<td>N. C. College at Durham</td>
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<tr>
<td>The Colored Orphanage of North Carolina</td>
<td>Oxford</td>
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<tr>
<td>Winston-Salem State Teachers College</td>
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<tr>
<td>Eastern Carolina Industrial Training School for Boys</td>
<td>Rocky Mount</td>
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<tr>
<td>State Home and Industrial School for Girls, Samarcand</td>
<td>Eagle Springs</td>
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<tr>
<td>Stonewall Jackson Manual Training and Industrial School</td>
<td>Concord</td>
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#### Other Institutions

- C. E. Rankin, Director
- B. B. Dougherty
- J. D. Messick
- Dr. C. E. Rankin
- A. D. Leon Gray
- Ralph D. Wellons
- E. N. Peeler
- Gordon Gray, President
- R. B. House
- J. W. Harrelson
- Edward K. Graham
- Paul Reid
- F. D. Bluford
- S. D. Williams
- J. W. Seabook
- Alfonzo Elder
- T. A. Hamme
- F. L. Atkins
- Wm. D. Clark
- Reva Mitchell
- J. Frank Scott

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*Note: The list above includes various educational institutions and their respective locations.*
<table>
<thead>
<tr>
<th>Official Register</th>
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**Morrison Training School for Negro Boys**  
Paul R. Brown .............................................. Hoffman

**Training School for Negro Girls**  
Mae D. Holmes ................................................. Kinston

**Confederate Woman’s Home**  
Mrs. Pauline Carter ........................................ Fayetteville

**Caswell Training School**  
Dr. William C. Byrd, Sr. .................................... Kinston

**N. C. Sanatorium for the Treatment of Tuberculosis**  
Dr. H. S. Willis .............................................. McCain

**Eastern Sanatorium for the Treatment of Tuberculosis**  
Dr. H. F. Eason .............................................. Wilson

**Western Sanatorium for the Treatment of Tuberculosis**  
Dr. C. D. Thomas ............................................. Black Mountain

**N. C. Orthopedic Hospital**  
Dr. W. M. Roberts ........................................... Gastonia

**State Hospital at Butner**  
Dr. James Murdoch ........................................... Butner

**State Hospital at Morganton**  
Dr. J. S. McKee ................................................ Morganton

**State Hospital at Raleigh**  
Dr. Edward N. Pleasants ...................................... Raleigh

**State Hospital at Goldsboro**  
Dr. Ira C. Long ............................................... Goldsboro

**Examining Boards**  
**State Board of Accountancy**  
E. E. Peacock, Secretary .................................... Chapel Hill

**State Board of Architectural Examination and Registration**  
Ross Shumaker, Secretary (Acting) .......................... Raleigh

**State Board of Barber Examiners**  
R. P. Branch, Secretary ...................................... Raleigh

**State Board of Chiropody Examiners**  
Dr. L. D. Abernethy, Secretary ............................ Charlotte

**North Carolina State Board of Chiropractic Examiners**  
Dr. C. H. Peters, Secretary ................................ Rocky Mount

**North Carolina Licensing Board for Contractors**  
James M. Wells, Jr., Secretary-Treasurer .................. Raleigh

**North Carolina State Board of Cosmetic Art Examiners**  
Mrs. Dorothy Burchette, Executive Secretary ............. Raleigh

**State Board of Dental Examiners**  
Dr. Frank O. Alford, Secretary-Treasurer ................. Charlotte

**Board of Examiners of Electrical Contractors**  
Mrs. James H. Anderson, Secretary-Treasurer ............. Raleigh

**Embalmers Licensing Board**  
Charles P. Rogers, Secretary ................................ Sanford

**State Board of Registration for Engineers and Land Surveyors**  
C. L. Mann, Secretary ....................................... Raleigh

**State Board of Law Examiners**  
E. L. Cannon, Secretary ..................................... Raleigh

**State Board of Medical Examiners**  
Dr. Joseph J. Combs, Secretary .............................. Raleigh
NORTH CAROLINA BOARD OF NURSE EXAMINERS

Miriam Daughtry, Secretary ........................................... Raleigh

NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY

Dr. Henry B. Day, Secretary-Treasurer ................................ Raleigh

N. C. STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION

Dr. Frank R. Heine, Secretary ........................................... Greensboro

N. C. STATE BOARD OF PHARMACY

H. C. McAlister, Secretary .............................................. Chapel Hill

STATE BOARD OF EXAMINERS OF PLUMBING AND HEATING CONTRACTORS

W. F. Morrison, Secretary .............................................. Raleigh

BOARD OF EXAMINERS FOR LICENSING TILE CONTRACTORS

F. E. Wallace, Secretary ................................................. Kinston

N. C. BOARD OF VETERINARY MEDICAL EXAMINERS

Dr. P. C. McLain, Secretary ............................................. High Point

UNITED STATES SENATORS

Clyde R. Hoey .............................................................. Shelby

Willis Smith ............................................................... Raleigh

NORTH CAROLINA REPRESENTATIVES IN CONGRESS

Herbert C. Bonner ......................................................... First District ................................. Washington

John H. Kerr ............................................................... Second District ............................... Warrenton

Graham A. Barden ......................................................... Third District ............................... New Bern

Harold D. Cooley .......................................................... Fourth District ............................. Nashville

Thurmond Chatham ........................................................ Fifth District ................................. Winston-Salem

Carl T. Durham ............................................................ Sixth District ................................. Chapel Hill

F. E. Eytel Carlyle ........................................................ Seventh District ............................. Lumberton

C. B. Deane ................................................................. Eighth District ................................. Rockingham

R. L. Doughton ............................................................. Ninth District ................................. Laurel Springs

Hamilton C. Jones ........................................................ Tenth District ................................. Charlotte

Jones ................................................................. Eleventh District ............................. Rutherfordton

Monroe M. Redden ........................................................ Twelfth District ............................... Hendersonville
GENERAL ASSEMBLY, 1951

**SENATE OFFICERS**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>County</th>
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<tbody>
<tr>
<td>H. P. Taylor</td>
<td>President</td>
<td>Anson</td>
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<tr>
<td>R. Grady Rankin</td>
<td>President pro tem</td>
<td>Gaston</td>
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<tr>
<td>S. Ray Byerly</td>
<td>Principal Clerk</td>
<td>Lee</td>
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<tr>
<td>Robert Rasberry</td>
<td>Reading Clerk</td>
<td>Pitt</td>
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<tr>
<td>Archie R. Taylor</td>
<td>Sergeant-at-Arms</td>
<td>Harnett</td>
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**SENATORS**

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<th>District</th>
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<td>1</td>
<td>J. William Copeland</td>
<td>Hertford</td>
<td>Murfreesboro</td>
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<td>2</td>
<td>J. Emmett Winslow</td>
<td>Perquimans</td>
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<td>3</td>
<td>Sam M. Campen</td>
<td>Pamlico</td>
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<td>Hugh G. Horton</td>
<td>Martin</td>
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<td>W. H. S. Burgwyn, Jr.</td>
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<td>Julian R. Allsbrook</td>
<td>Halifax</td>
<td>Roanoke Rapids</td>
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<td>L. H. Fountain</td>
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<td>Tarboro</td>
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<td>Dr. Paul E. Jones</td>
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<td>J. C. Eagles, Jr.</td>
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CONSTITUTION
OF THE
State of North Carolina

PREAMBLE

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

ARTICLE I

DECLARATION OF RIGHTS

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

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

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

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

Sec. 4. That there is no right to secede. That this State shall ever remain a member of the American Union; that the people thereof are 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.
Sec. 5. Of allegiance to the United States Government. That every
citizen of this State owes paramount allegiance to the Constitution and
Government of the United States, and that no law or ordinance of the
State in contravention or subversion thereof can have any binding force.

Sec. 6. Public debt; bonds issued under ordinance of Convention of
1868, '68-'69, '69-'70, declared invalid; exception. The State shall never
assume or pay, or authorize the collection of any debt or obligation, express
or implied, incurred in aid of insurrection or rebellion against the United
States, or any claim for the loss or emancipation of any slave; nor shall
the General Assembly assume or pay, or authorized the collection of any tax
to pay, either directly or indirectly, expressly or implied any debt or bond
incurred, or issued, by authority of the Convention of the year one thou-
sand 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 hun-
dred and sixty-eight and one thousand eight hundred and sixty-nine, and
one thousand eight hundred and sixty nine and one thousand eight hundred
and seventy, except the bonds issued to fund the interest on the old debt
of the State, unless the proposing to pay the same shall have first been sub-
mitted 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.

Sec. 7. Exclusive emoluments, etc. No person or set of persons are en-
titled to exclusive or separate emoluments or privileges from the commu-
nity but in consideration of public services.

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

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

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

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

Sec. 12. Answers to criminal charges. No person shall be put to answer
any criminal charge except as hereinafter allowed, but by indictment, pre-
sentment, or impeachment, but any person, when represented by counsel,
may, under such regulations as the Legislature shall prescribe, waive in-
dictment in all except capital cases.

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

Sec. 14. Excessive bail. Excessive bail should not be required nor exces-
sive fines imposed, nor cruel or unusual punishments inflicted.
SEC. 15. General warrants. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

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

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

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

SEC. 19. Controversies at law respecting property. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

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

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

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

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

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

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

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

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

To amend and strengthening the laws, elections should be often held.

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

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

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

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

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

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

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

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

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

ARTICLE II

LEGISLATIVE DEPARTMENT

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

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

Number of senators. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Regulations in relation to districting the State for Senators. The Senate district 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.

Sec. 5. Regulations in relation to apportionment of representatives.
The House of Representatives shall be composed of one hundred and
twenty Representatives, biennially chosen by ballot to be elected by the
counties respectively, according to their population, and each county shall
have at least one Representative in the House of Representatives, although
it may not contain the requisite ratio of representation; this apportion-
ment 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.

Sec. 6. Ratio of representation. In making the apportionment in the
House of Representatives, the ratio of representation shall be ascertained
by dividing the amount of population of the State, exclusive of that com-
prehended within those counties which do not severally contain the one
hundred and twentieth part of the population of the State, by the num-
ber 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 twice 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 hav-
ing the largest fractions.

Sec. 7. Qualifications for senators. 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 was chosen one year immediately preceding his election.

Sec. 8. Qualifications for representatives. Each member of the House
of Representatives shall be a qualified elector of the State, and shall have
resided in the county for which he is chosen for one year immediately pre-
ceding his election.

Sec. 9. Election of officers. In the election of all officers whose appoint-
ment shall be conferred upon the General Assembly by the Constitution,
the vote shall be viva voce.

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

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

Sec. 12. Thirty days notice shall be given anterior to passage of private
laws. The General Assembly shall not pass any private law, unless it shall
be made to appear that thirty days notice of application to pass such a
law shall have been given, under such direction and in such manner as
shall be provided by law.
Sec. 13. Vacancies. 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.

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

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

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

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

Sec. 18. Officers of the House. The House of Representatives shall choose their own Speaker and other officers.

Sec. 19. President of the Senate. The Lieutenant-Governor shall reside in the Senate but shall have no vote unless it may be equally divided.

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

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

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

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

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

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

Sec. 26. Yeas and nays. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.
SEC. 27. Election for members of the General Assembly. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

SEC. 28. Pay of Members and Presiding Officers of the General Assembly. 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 fifteen dollars ($15.00) per day for each day of their session, for a period not exceeding ninety days; and should they remain longer in session they shall serve without compensation. The compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding ninety days. 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-five days.

SEC. 29. Limitations upon power of General Assembly to enact private or special legislation. The General Assembly shall not pass any local, private or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to 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, private, or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

SEC. 31. The General Assembly shall not use, or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State,
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Sec. 5. Duties of Governor. The Governor shall reside at the seat of
government of this State, and he shall, from time to time, give the General
Assembly information of the affairs of the State, and recommend to their
consideration such measures as he shall deem expedient.
SEC. 6. Reprieves, commutations, and pardons. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

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

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

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

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

SEC. 11. Duties of the Lieutenant-Governor. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

SEC. 12. In case of impeachment of Governor, or vacancy caused by death or resignation. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in 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 elect such President.

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

Sec. 14. Council of State. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, ex-officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be, ex-officio, the legal adviser of the executive department.

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

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

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

Sec. 18. Department of Justice. The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.
ARTICLE IV

JUDICIAL DEPARTMENT

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

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

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

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

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

SEC. 6. Supreme Court. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina 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 pursuant thereof. (By c. 16, 1837, amending s. 1403 of the Consolidated Statutes, the number of Associate Justices was increased to six.)
SEC. 7. Terms of the Supreme Court. The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

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

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

SEC. 10. Judicial Districts for Superior Courts. The General Assembly shall divide the State into a number of judicial districts which number may be increased or reduced and shall provide for the election of one or more Superior Court judges for each district. There shall be 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.

SEC. 11. Judicial Districts; Rotation; Special Superior Court Judges; Assignment of Superior Court Judges by Chief Justice. Each Judge of the Superior Court shall reside in the district for which he is elected. The General Assembly may divide the State into a number of judicial divisions. The judges shall preside in the courts of the different districts within a division successively; but no judge shall hold all the courts in the same district oftener than once in four years. The General Assembly may provide by general laws for the selection or appointment of Special or Emergency Superior Court Judges not assigned to any judicial district, who may be designated from time to time by the Chief Justice, to hold court in any district or districts within the State; and the General Assembly shall define their jurisdiction and shall provide for their reasonable compensation. The Chief Justice, when in his opinion the public interest so requires, may assign any Superior Court Judge to hold one or more terms of Superior Court in any district.

SEC. 12. Jurisdiction of courts inferior to Supreme Court. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.
SEC. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

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

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

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

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

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

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

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

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

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

SEC. 23. *Solicitors and Solicitorial Districts.* The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General
Assembly may reduce or increase the number of the solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

Sec. 24. Sheriffs and Coroners. In each county a sheriff and coroner shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of 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.

Sec. 25. Vacancies. 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.

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

Sec. 27. Jurisdiction of justices of the peace. The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to 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 the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the clerk of the Superior Court for his county.

Sec. 28. Vacancies in office of justices. When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.
SEC. 29. Vacancies in office of Superior Court clerk. In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

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

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

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

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

ARTICLE V

REVENUE AND TAXATION

SECTION 1. Capitation tax; exemptions. The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.
SEC. 2. Application of proceeds of State and county capitation tax. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

SEC. 3. State taxation. The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: Provided, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 4. Limitations upon the increase of public debts. The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 5. Property exempt from taxation. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The
General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner.

SEC. 6. Taxes levied for counties. The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by article nine, section three of the Constitution: Provided, further, the State tax shall not exceed five cents on the one hundred dollars value of property.

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

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. Who may vote. Every person born in the United States, and every 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 of the State, except as herein otherwise provided. (The 19th amendment to the United States Constitution, ratified Aug. 6, 1920, provided that the “right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.” North Carolina accordingly by c. 18, Extra Session 1920, provided for the registration and voting of women.)

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

SEC. 3. Voters to be registered. Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article,
Sec. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

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

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

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

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

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

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

(Redrafted and submitted to popular vote, Aug. 2, 1900, to become effective July 1, 1902. P. L. 1889, c. 218 and P. L. 1900, c. 2.)

MUNICIPAL CORPORATIONS

SECTION 1. County officers. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 13, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

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

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

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

SEC. 5. Officers of townships. In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

SEC. 6. Trustees shall assess property. 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.

SEC. 7. No debt or loan except by a majority of voters. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

SEC. 8. No money drawn except by law. No money shall be drawn from any county or township treasury except by authority of law.
SEC. 9. When officers enter on duty. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 10. Governor to appoint justices. The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.

SEC. 11. Charters to remain in force until legally changed. All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 12. Debts in aid of the rebellion not to be paid. No county, city, town, or other municipal corporation shall assume or 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 of or support of the rebellion.

SEC. 13. Powers of General Assembly over municipal corporations. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under the general authority of this section several statutory amendments have been made. See notes supra, ss. 1 and 5.)

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

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

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

SEC. 3. What corporations shall include. The term "Corporation" as used in this article shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.
SEC. 4. Legislature to provide for organizing cities, towns, etc. It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

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

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

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

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

SEC. 5. County school fund; proviso. All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appro-
priated 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.

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

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

Sec. 8. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

Sec. 9. Powers and Duties of the Board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Educa-
tion as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

SEC. 10. Agricultural department. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. Children must attend school. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X
HOMESTEADS AND EXEMPTIONS

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

SEC. 2. Homestead. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the 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 the sale for taxes or for payment of obligations contracted for the purchase of said premises.

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

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

SEC. 5. Benefit of widow. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.
SEC. 6. Property of married women secured to them. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

SEC. 7. Husband may insure his life for the benefit of wife and children. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of his husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

SEC. 8. How deed for homestead may be made. Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgment of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

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

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

SEC. 3. Penitentiary. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.
SEC. 4. Houses of correction. The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. Houses of refuge. 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.

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

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

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

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

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

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

ARTICLE XII

MILITIA

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

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

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

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

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

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

ARTICLE XIV
MISCELLANEOUS

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

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

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

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

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

SEC. 6. Seat of government. The seat of government in this State shall remain at the city of Raleigh.
Sec. 7. Holding office. No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Sec. 8. Intermarriage of whites and Negroes prohibited. All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.
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The General Assembly of North Carolina do enact:

Section 1. That when the Board of Commissioners of Chowan County have found and entered upon the minutes of said board that the Clerk of the Superior Court of that county is temporarily disabled and prevented thereby from performing the duties of his office, the Deputy Clerk of the Superior Court heretofore appointed by the Clerk of the Superior Court of said county, no assistant clerk of the court having heretofore been appointed by him, shall be authorized and empowered to perform all of the duties of the Clerk of the Superior Court to the same extent and in the manner authorized as to an assistant clerk by G. S. 2-10.

The resolution of the Board of Commissioners of Chowan County making such finding shall be filed in the office of the Clerk of the Superior Court of said county. Said authorization shall continue until the board of commissioners of said county shall thereafter find that such disability has terminated by resolution, a copy of which shall likewise be filed in the office of said clerk.

The Clerk of the Superior Court of Chowan County and his official bonds shall be held responsible for the acts done by the deputy clerk under the authority of this Act.

The Board of Commissioners of Chowan County is authorized to pay such deputy clerk reasonable compensation for the additional duties imposed by virtue of the provisions of this Act.

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 full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of January, 1951.
S. B. 14

CHAPTER 2

AN ACT RELATIVE TO THE COMPENSATION OF THE EMPLOYEES OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That General Statutes of North Carolina 120-33 be stricken out and the following be inserted in lieu thereof:

The Principal Clerks of each House and the Chief Enrolling Clerk shall be allowed the sum of fifteen dollars ($15.00) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. The Journal Clerks, Calendar Clerks, Chief Engrossing Clerks, Reading Clerks, and Sergeant at Arms in each House shall be allowed the sum of thirteen dollars ($13.00) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. The assistants to the Calendar Clerk and the assistants to the Journal Clerk and the Clerks to the Committees on Finance and Appropriations of each House shall be allowed the sum of eleven dollars ($11.00) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. The Secretary to the Speaker of the House of Representatives, Secretary to the Lieutenant Governor, assistants to the Engrossing Clerks, assistants appointed by the Secretary of State to supervise enrolling of bills and resolutions, the Clerks to all Committees which under the rules of either House are entitled to Clerks, the Disbursing Clerks and Joint Disbursing Clerks shall be allowed the sum of ten dollars ($10.00) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from Raleigh to their homes and return. The typists, who are not stenographers, employed by either House of the General Assembly shall be allowed the sum of nine dollars ($9.00) per day and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. The Chief Pages of the House of Representatives and the Senate shall receive the sum of six dollars fifty cents ($6.50) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. All other Pages authorized by either of the Two Houses shall receive the sum of five dollars ($5.00) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. The Chaplain of each House shall be allowed the sum of eight dollars ($8.00) per day and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return. All laborers authorized by law or rules of either the House of Representatives or the Senate shall receive during the session of the General Assembly the sum of seven dollars ($7.00) per day during the session of the General Assembly and mileage at the rate of ten cents per mile, for one round trip only, from their homes to Raleigh and return.
Sec. 2. This Act shall be in full force and effect from the beginning of the work for the Session of 1951.
In the General Assembly read three times and ratified, this the 16th day of January, 1951.

S. B. 30

CHAPTER 3

AN ACT TO EXPEDITE THE PUBLICATION OF THE SESSION LAWS OF NORTH CAROLINA UPON ADJOURNMENT OF EACH SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, the Session Laws enacted at the last several sessions of the General Assembly have not been available for distribution until many months after the General Assembly adjourned because of delays in printing under existing procedure; and
WHEREAS, the Cumulative Supplement to the General Statutes has likewise been delayed because it could not be prepared until printed copies of the Session Laws were available; and
WHEREAS, many laws frequently including the most important laws, are made effective upon ratification; and
WHEREAS, an early distribution of the Session Laws after the adjournment of the General Assembly is urgent and essential in the public interest; and
WHEREAS, the publication and distribution of the Session Laws should be expedited in every way feasible: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 143-49 is hereby amended by striking out the period at the end of the subsection, inserting a semicolon in lieu thereof and adding the following:

"there shall be included in the contract for the printing of the Session Laws of the General Assembly such specification as to the time limit within which, or the speed with which, such Session Laws are to be printed as to insure the speediest publication practicable so as to make possible an early distribution of the Session Laws after the adjournment of the General Assembly."

Sec. 2. (a) G. S. 147-43.1 is hereby amended by striking out the comma immediately following the word "indexes" in lines four and five, and by striking out the words "and side or marginal notes," in line five, it being the intent and purpose of this amendment to discontinue the requirement that marginal notes be prepared and included in the volumes of the Session Laws.

(b) G. S. 147-43.1 is hereby further amended by adding the following sentence at the end of the section: "All index references with respect to the Session Laws shall refer to the chapter numbers of such laws in lieu of page numbers, and all index references to resolutions shall refer to the resolution numbers of the resolutions in lieu of page numbers, to the end that the indexes shall thereby be made consistent with the index to the General Statutes which refers to the section numbers and not to page numbers."
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of January, 1951.

H. B. 14  
CHAPTER 4
AN ACT TO PROVIDE EMERGENCY FUNDS FOR THE STATE COUNCIL OF CIVIL DEFENSE.

WHEREAS, the State Council of Civil Defense was created on July 20, 1950, by proclamation by the Governor with the approval of the Council of State pursuant to the North Carolina Emergency War Powers Act; and

WHEREAS, it is essential that funds be provided for the operation of this agency for the remainder of the biennium: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. There is hereby allocated to the State Council of Civil Defense from the Contingency and Emergency Fund the sum of forty-one thousand three hundred forty-two dollars ($41,342.00) for expenditure, pursuant to its powers, and subject to the same budgetary control that is applicable to other state departments and agencies, during the period from the effective date of this Act until June 30, 1951. Any unexpended portion at the end of the current fiscal year shall not revert to the General Fund but shall be added to, and in addition to, the appropriation to the State Council of Civil Defense for the biennium, July 1, 1951, to June 30, 1953.

Sec. 1 1/2. The name of the State Council of Civilian Defense is hereby changed to “State Council of Civil Defense.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of January, 1951.

H. B. 8  
CHAPTER 5
AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF LAURINBURG UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. That within five days after the ratification of this Act, the County Board of Elections of Scotland County shall call an election as provided by Chapter 160, Section 160-298, of the General Statutes of North Carolina, in the same manner as if a petition signed by twenty-five per cent of the qualified voters of the Town of Laurinburg had been filed calling for such election, which election shall be held within forty days after the ratification of this Act; and at said election there shall be submitted for determination by the qualified voters of the Town of Laurinburg voting in such election the question of the adoption (in lieu of the present form
of government) of a form of government for the Town of Laurinburg defined as "Plan D" as provided by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council, and a city manager.

The question shall appear on the ballot as follows:

- For City Manager form of government under modified "Plan D"
- Against City Manager form of government under modified "Plan D"

Sec. 2. That the said election shall be advertised and conducted and the result thereof determined and declared and be effective in all respects as provided in said Chapter 160 of the General Statutes of North Carolina; and the first election of officers next succeeding the adoption of said "Plan D" form of government, as amended by this Act, shall be held in the manner and at the time prescribed in Part 3, Article 21, Chapter 160 of the General Statutes of North Carolina.

Sec. 3. That in the event that said "Plan D" form of government, as amended by this Act, shall be adopted at such election, all powers, duties, functions and authority vested by statute in the Board of Commissioners of the Town of Laurinburg, howsoever designated, or in the several commissioners thereof, howsoever designated, shall, upon and after the 9th day of May, 1951, be vested in the governing body of the Town of Laurinburg as constituted by "Plan D", Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, and shall be performed, exercised and administered by the city council or the city manager in accordance with the terms and provisions of said "Plan D", Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act.

Sec. 4. That notwithstanding the provisions of Section 3 of this Act or the provisions of Section 160-341, 343, and 345 of Chapter 160 of the General Statutes of North Carolina, in the event said "Plan D", form of government, as amended by this Act, shall be adopted at said election, the mayor shall be elected by and from the qualified voters of the city who shall hold office for two years from Wednesday, after the first Monday in May, following the election, and until his successor is elected and qualified; the election for the mayor to be held at the same time and in the same manner, and under the same rules and regulations applicable to the election of councilmen in said city; and the mayor shall have no vote, except in case of a tie.

Sec. 5. That notwithstanding the provisions of Section 3 of this Act or the provisions of Section 160-350 of Chapter 160 of the General Statutes of North Carolina, in the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, the city council shall appoint the city attorney, city clerk, city treasurer, city tax collector and such board members of the Laurinburg Administrative School Unit and such other board, commission or committee members as now are appointed by the Board of Commissioners of the Town of Laurinburg.

Sec. 6. That this Act shall apply only to the Town of Laurinburg, and all laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict hereby repealed.
Sec. 7. 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 23rd day of January, 1951.

H. B. 45

CHAPTER 6

AN ACT TO AMEND G. S. 9-25 RELATING TO THE MANNER OF SELECTING THE GRAND JURY IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25 is hereby amended by adding at the end of the section the following paragraph:

“At the first term of court for the trial of criminal cases in Haywood County after January 1, 1951, there shall be chosen a grand jury as now provided by law, and the first 9 members of said jury chosen at said term shall serve for a term of 1 year, and the second 9 members of said jury so chosen shall serve for a term of 6 months, and thereafter at the first term of criminal court after the first days of July and January of each year there shall be chosen 9 members of said grand jury to serve for a term of 1 year.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of January, 1951.

S. B. 20

CHAPTER 7

AN ACT RELATING TO THE QUALIFICATIONS FOR MEMBERSHIP ON THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 84-2 or any other law, no person shall be barred from qualifying or serving as a member of the Board of County Commissioners of Anson County on the ground that such person is a licensed attorney at law.

Sec. 2. This Act shall apply only to Anson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of January, 1951.
S. B. 12

CHAPTER 8

AN ACT TO AMEND SECTION 28-99 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO SALES OF PROPERTY CONVEYED TO A PERSONAL REPRESENTATIVE FOR THE BENEFIT OF THE ESTATE HE REPRESENTS AND TO VALIDATE PRIVATE SALES BY SUCH REPRESENTATIVE MADE PRIOR TO JANUARY 1, 1940.

The General Assembly of North Carolina do enact:

Section 1. Section 28-99 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

In all cases where sale is made of real property acquired by a personal representative for the benefit of the estate he represents, such sale being in good faith and upon a valuable consideration, even though said sale was not made publicly after due advertisement as for judicial sales, but was a private sale, and no action has been taken by the heirs of the deceased persons to annul such sales by litigation or otherwise, any and all such sales held prior to January 1, 1940, if deed has been delivered, are hereby validated.

Sec. 2. This Act shall apply only to Forsyth and Brunswick Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of January, 1951.

H. B. 2

CHAPTER 9

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF PENDER COUNTY TO DEPOSIT IN OR TRANSFER TO THE GENERAL COUNTY FUND ALL COLLECTIONS OF TAXES WHICH ARE DELINQUENT FOR THREE YEARS OR MORE.

The General Assembly of North Carolina do enact:

Section 1. The board of county commissioners of Pender County is hereby authorized and directed to deposit in or transfer to the general county fund all collections on tax accounts which at the time of collection are delinquent for a period of 3 years or more.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1951.
CHAPTER 10
AN ACT ABOLISHING TAX PENALTIES IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That no penalties shall be charged against any taxpayer in Clay County for non-payment of taxes levied for the year 1950 or any year subsequent thereto. However, nothing herein shall be construed so as to remove penalties on any taxes levied prior to the year 1950; nor shall anything herein be so construed as to prevent the addition of interest at the rate of six per centum (6%) per annum on delinquent taxes.

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 31st day of January, 1951.

CHAPTER 11
AN ACT TO AMEND CHAPTER 158 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1925 RELATIVE TO THE ELECTION OF ALDERMEN FOR THE TOWN OF AYDEN IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 158 of the Private Laws of 1925 is hereby amended by striking out the period at the end of the last sentence of that section and inserting in lieu thereof a colon, and adding the following:

"Provided, that from and after April 1, 1951, each alderman shall be elected by all of the qualified electors of the town of Ayden and shall be a resident of the ward which he represents, it being the purpose of this Act not to disturb the system of the election of aldermen provided for by Chapter 158 of the Private Laws of North Carolina of 1925 except to provide that all qualified electors shall be entitled to vote for each alderman rather than having each alderman elected only by the electors of the ward which he represents."

Sec. 2. Section 5 of Chapter 158 of the Private Laws of North Carolina of 1925 is amended by striking out all of that section following the first sentence.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective April 1, 1951.

In the General Assembly read three times and ratified, this the 31st day of January, 1951.
H. B. 23  CHAPTER 12

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salaries provided for in this Act shall be paid in equal monthly installments out of the general fund of the county.

Sec. 2. The clerk of the superior court shall be paid an annual salary of $4,200, and an additional sum of $300.00 annually as judge of the juvenile court.

Sec. 3. The register of deeds shall be paid an annual salary of $4,000.

Sec. 4. The county accountant shall be paid an annual salary of $3,800.

Sec. 5. The judge of the Franklin County Recorder's Court shall be paid an annual salary of $2,000. The vice recorder of the Franklin County Recorder's Court shall be paid an annual salary of $100.00.

Sec. 6. The county attorney shall be paid an annual salary of $3,600. The county attorney shall also act as solicitor of the Franklin County Recorder's Court without any additional compensation and he shall receive no fees or commissions in tax suits. All fees or commissions for acting as commissioner in tax suits which would ordinarily be payable to the county attorney when he serves as commissioner shall be paid into the county general fund.

Sec. 7. The chairman of the board of county commissioners shall be paid $20.00 per meeting of the board not to exceed two meetings per month. Every other member of the board of county commissioners shall be paid $15.00 per meeting of the board not to exceed two meetings per month.

Sec. 8. The board of county commissioners, in its discretion, may increase by not more than twenty-five per cent (25%) the compensation of all officers and employees of the county except those provided for in this Act and except the sheriff and deputy sheriffs and except those officials and employees whose compensation is fixed or governed by statutes having state-wide application.

Sec. 9. This Act shall apply only to Franklin County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 31st day of January, 1951.

H. B. 27  CHAPTER 13

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WILKES COUNTY TO DEFER AND POSTPONE THE REVALUATION OF REAL ESTATE IN SAID COUNTY UNTIL THE YEAR 1952.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Wilkes County is hereby authorized and empowered to defer or postpone the quadrennial revalua-
tion or reassessment of real property in said county as required by G. S. 105-278, until the year 1952.

Sec. 2. That the said board of commissioners shall have the power and authority to appoint the assessors in November, 1951, or prior thereto, to make such revaluation as of January 1, 1952, and to make all preliminary investigations and set up machinery for said revaluation.

Sec. 3. That all laws and clauses of laws in conflict with the Act are hereby repealed.

In the General Assembly read three times and ratified, this the 31st day of January, 1951.

H. B. 32

CHAPTER 14

AN ACT TO FIX THE SALARIES OF THE SHERIFF AND DEPUTY SHERIFFS OF FRANKLIN COUNTY AND TO REQUIRE BONDS OF THE DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. The sheriff of Franklin County shall be paid an annual salary of four thousand dollars ($4,000.00), and a travel allowance of sixty dollars ($60.00) per month. The first deputy sheriff shall be paid an annual salary of three thousand dollars ($3,000.00), and a travel allowance of fifty dollars ($50.00) per month. One deputy sheriff, to be designated as the office and court deputy sheriff, shall be paid an annual salary of two thousand, seven hundred dollars ($2,700.00) and no travel allowance. One additional deputy sheriff shall be paid an annual salary of two thousand seven hundred dollars ($2,700.00) and a travel allowance of fifty dollars ($50.00) per month. The deputy sheriffs herein provided for shall be appointed by, and serve at the will of, the sheriff.

Sec. 2. The salaries and travel allowances provided for in this Act shall be paid in equal monthly installments out of the general fund of the county and shall be in lieu of all other compensation for the performance of duties in Franklin County. All witness fees and mileage allowances accruing from serving as witnesses in any court in Franklin County and all other fees, commissions and mileage allowances other than those provided for in Section 1 of this Act which accrue to the sheriff or his deputies in Franklin County shall be paid into the general fund of the county. The board of county commissioners shall prescribe the method for accounting for such fees and allowances and furnish the necessary books and equipment therefor.

Sec. 3. Each of the three deputy sheriffs designated in Section 1 of this Act shall furnish to the sheriff a bond in the amount of two thousand five hundred dollars ($2,500.00) conditioned on the faithful performance of his duties. The premiums for such bonds shall be paid out of the general fund of the county.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 5. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 31st
day of January, 1951.

H. B. 50  CHAPTER 15

AN ACT REQUIRING ALL CANDIDATES FOR THE OFFICE OF
MAYOR OF THE TOWN OF ROSEBORO AND ALL CANDIDATES
FOR THE OFFICE OF COMMISSIONERS OF THE TOWN OF ROSE-
BORO TO FILE NOTICE OF THEIR CANDIDACY.

The General Assembly of North Carolina do enact:

Section 1. All candidates for the office of mayor of the town of Rose-
boro, and all candidates for the office of town commissioners of the town
of Roseboro shall file written notice of their candidacy with the town
clerk of said town on or before twelve o'clock (12:00) noon, Eastern Stand-
ard Time, of the first Monday in April of each year in which a municipal
election shall be held for the election of town officials under the charter
of the town of Roseboro.

Sec. 2. All candidates for the office of mayor shall deposit with their
notice of candidacy a filing fee of two dollars ($2.00) in cash; and all
candidates for the office of a commissioner of the town of Roseboro shall
likewise deposit with their notice of candidacy a filing fee of one dollar
($1.00) in cash; and the town clerk shall enter upon all notices filed with
said clerk the date and hour of filing, and that the required deposit has
been paid, and all cash deposits so made with the town clerk shall be
paid by said clerk into the general treasury of the town.

Sec. 3. The town clerk shall, on or before twelve o'clock (12:00) noon,
Eastern Standard Time, of Tuesday following the first Monday in April
of each election year, post a notice in the office of the town clerk showing
the names of all persons who have filed notice of their candidacy for the
office of mayor, and the names of all persons who have filed notice of their
candidacy for the office of commissioner of the town of Roseboro. And
the town clerk at the same time of posting said notice of candidacies shall
also file with the mayor of the town of Roseboro a certificate showing the
names of all persons who have filed notice of their candidacy for the office
of mayor, and the names of all persons who have filed notice of their can-
didacy for office of commissioner of the town of Roseboro; and the certifi-
cate so filed with the mayor shall be recorded in the official minute book
of the board of commissioners of the town of Roseboro.

Sec. 4. The mayor of the town of Roseboro, upon the filing with him
of the certificate as provided in the next preceding section, shall forthwith
call a meeting of the board of commissioners of said town, to be held within
4 days after the filing of said certificate, and the board of commissioners
at said meeting shall declare the persons so certified to be the nominees
for mayor and town commissioners, respectively, to be voted for in the
following May town election for town officials; and a minute record of
said action by the board of commissioners shall be entered in the official
minutes of said board meeting.
Sec. 5. At the said board meeting provided to be held under the next preceding section, the commissioners of said town shall also make provision for the printing of the official ballot to be voted in the following May town election. That official ballot shall be printed on white paper and shall be entitled: “Official Ballot for Town Election of Town of Roseboro, for Year 19—.” The said official ballot shall contain 2 sections as follows:

The first section shall be entitled, “For Mayor of Town of Roseboro,” and shall thereafter have printed thereon the names of all candidates who have been declared nominees for the office of mayor under the foregoing provisions of this Act, and a voting square shall be placed in the front of the name of each candidate for mayor; and immediately following the names of the candidates for mayor shall be printed the words: “Vote for not more than one person for mayor by placing a cross mark in the voting square opposite the name of the person for whom you desire to vote.”

The second section of the official ballot shall be entitled “For Commissioners of the Town of Roseboro,” and shall thereafter have printed thereon the names of all candidates who have been declared nominees for the office of commissioner of the town of Roseboro under the foregoing provisions of this Act, and a voting square shall be placed in front of the name of each candidate for the office of town commissioner; and immediately following the names of all candidates for commissioners of the town of Roseboro, shall be printed the words: “Vote for not more than five persons for Commissioners by placing a cross mark in the voting square opposite the names of the five persons for whom you desire to vote.”

Sec. 6. The town of Roseboro, at its own expense, shall cause to be printed for the use of voters in the town election a sufficient number of official ballots, and not less than one and one-fourth (1¼) times as many ballots as there are registered voters appearing on the official registration book of said town, which official ballots shall be delivered to the registrar for said election prior to the date of the election, and no other ballots than the official ballots thus provided shall be voted or counted in the town election, nor shall any person be eligible for the office of mayor or town commissioner of the town of Roseboro who has failed to file notice of his candidacy, paid the required filing fee, and been certified as a candidate, as required by Sections 1, 2 and 3 of this Act.

Sec. 7. All town elections shall be conducted and held in accordance with the provisions of the charter of the town of Roseboro, as modified by the provisions of this Act, and as far as practicable in accordance with the law governing municipal elections, not inconsistent with the provisions of the charter of the town of Roseboro and the provisions of this Act.

Sec. 8. When the polls have been closed, the ballot box shall be opened in the presence of the registrar and both judges of election, and such electors as may desire to be present. The ballots shall be counted and tabulated, and upon conclusion of the counting, that candidate for mayor who shall have received the largest number of votes cast for the office of mayor shall be declared elected to the office of mayor, and those 5 candidates for the office of commissioner of the town of Roseboro who shall have received the largest number of votes for the office of town
commissioner shall be declared elected commissioners of the town of Roseboro for the next ensuing term of said officers. And the registrar and judges of said election shall certify the result of said election to the board of commissioners; and a certificate showing the number of votes received by each candidate for mayor and each candidate for town commissioner shall be signed by election officials and returned to and filed with the town clerk on or before noon of the day following the said election, and said certificate shall be filed and recorded in the official minute book of the board of commissioners, as a permanent record of the result of the said election.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of January, 1951.

H. B. 13

CHAPTER 16

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM BY ANNEXING TO SAID CORPORATE LIMITS CERTAIN TERRITORY OWNED BY GREENWAY APARTMENTS, INC., AND DEFINING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE ANNEXED AREA.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Article I of Chapter 232 of the Private Laws of North Carolina for the year 1927, as amended by Section 1 of Chapter 152 of the Session Laws of North Carolina for the year 1949, is hereby further amended by extending the corporate limits of the City of Winston-Salem to include the territory owned by Greenway Apartments, Inc., described as follows:

Beginning at a point 175 feet northwardly from the north line of Inverness Street said point being also 140 feet westwardly from the west line of Bon Air Avenue; running thence S 0°44' E crossing said Inverness Street 345 feet to an iron stake; thence N 89°48' E 5 feet to an iron stake; thence S 0°44' E 561.4 feet to an iron stake; thence S 89°48' W crossing Gilmer Avenue 527.6 feet to an iron stake; thence N 89°20' W crossing Greenway Avenue 218.8 feet to an iron stake; thence along Chatham's line N 0°25' E 819 feet to an iron stake; thence along Alspaugh's line the two following courses N 88°10' E 218.8 feet to an iron stake and N 0°25' E 85.4 feet to an iron stake; thence N 89°48' E crossing Gilmer Avenue 518.4 feet to the place of beginning, containing 14.33 acres more or less, being all of the property except the east portion of Tract 3, including Inverness Street, Gilmer Avenue and Greenway Avenue as shown on map of Greenway Apartments, Inc., surveyed by J. E. Ellerbe, C. E., May 4, 1949.

Sec. 2. The territory above described is hereby annexed to the corporate limits of the City of Winston-Salem effective as of January 1, 1951, for the purposes of ad valorem taxation, and all persons, firms and
corporations owning property within the territory above described are
required to list same for ad valorem taxation, as provided by law, for the
year 1951, and all such property is hereby made subject to the payment
of 1951 ad valorem taxes to the City of Winston-Salem.

Sec. 3. The corporate boundary lines of the City of Winston-Salem as
contained in Section 1 of Chapter 152 of the Session Laws of North Caro-
olina for the year 1949 are hereby extended to include the territory de-
scribed in Section 1 hereof and the said corporate limit lines of the City
of Winston-Salem are hereby fixed and shall continue and remain until
further extended as provided by law, as follows:

DESCRIPTION OF THE CORPORATE LIMIT LINES OF THE CITY OF
Winston-Salem including the Proposed Greenway
Apartments, Inc., Property.

Beginning at a point in the north line of the property of Greenway
Apartments, Inc., said point being 150 feet west of Bon Air Avenue and
175 feet north of Inverness Street; running thence along a line that is 150
feet west of and parallel to said Bon Air Avenue north 0 degrees 22 min-
utes east 247.4 feet to an iron stake in the south line of a sand clay road,
said iron stake being 132 feet west of and at right angles to the existing
tangent of the west line of Patterson Avenue Extension on U. S. Route
52, thence along a line that is 132 feet west of and parallel to the existing
tangent of the west line of said Patterson Avenue Extension and its pro-
jection north 28 degrees 35 minutes west 1551.8 feet to an iron stake in the
right-of-way of the Southern Railway Company, said iron stake being
1.5 feet east of the R. J. Reynolds fence and approximately 14 feet north
of the south line of the first shed, thence along said right-of-way north
42 degrees 15 minutes west 343.7 feet to an iron stake, said iron stake
being where the south line of Walker Road extended westwardly inter-
sects a line in the Southern Railway right-of-way 1.5 feet east of the
R. J. Reynolds fence and being 27.3 feet north from the south line of
the third shed, thence crossing the railroad and Patterson Avenue Exten-
sion and falling in with the south line of Walker Road, the five following
courses and distances; south 87 degrees 44 minutes east 693.7 feet to an
iron stake, north 85 degrees 56 minutes east 789.5 feet to an iron stake
on the east side of the new U. S. Highway #52, said iron stake being 14.2
feet south from the east end of the new bridge, north 83 degrees 28 min-
utes east 295.5 feet to an iron stake, north 68 degrees 19 minutes east
422.1 feet to an iron stake, said iron stake being approximately where
the east line of Leo Street intersects the south line of Walker Road,
north 46 degrees 54 minutes east 792.1 feet to an iron stake the northeast
corner of lot 107 (Block 983 Forsyth County Tax Map) Bronton Devel-
oment, thence with the east line of said lot 107, south 43 degrees 04 min-
utes east 200.7 feet to an iron stake the southeast corner of said lot 107,
thence crossing Carolina Boulevard south 27 degrees 46 minutes east 409.3
feet to an iron stake in the north line of Virginia Avenue 226.4 feet west-
wardly from Creason Street in the south line of lot 20, block 984 (Forsyth
County Tax Map) Bronton Development, thence crossing Virginia Ave-
 nue and Chemical Avenue along a line that is 195 feet east of and parallel
to the east line of Carolina Boulevard south 1 degree 47 minutes west
708.8 feet to an iron stake in the northerly line of Glenn Avenue Extension, thence crossing Glenn Avenue Extension south 86 degrees 25 minutes east 274 feet to an iron stake in the west edge of Creason Street, said iron stake being 305 feet north from the north line of Hanes Street, thence crossing Hanes Street south 16 degrees 41 minutes east 1700.0 feet to an iron stake on the south bank of a branch, thence with the branch the eighteen (18) following courses: south 55 degrees 55 minutes east 31.5 feet to an iron stake, thence crossing the N. & W. Yards south 85 degrees 51 minutes east 659.3 feet to an iron stake on the east side of Liberty Street, south 70 degrees 19 minutes east 184.4 feet to an iron stake, south 63 degrees 49 minutes east 277.4 feet to an iron stake, south 18 degrees 58 minutes east 73.2 feet to an iron stake, south 65 degrees 02 minutes east 171.5 feet to an iron stake, south 81 degrees 00 minutes east 113.1 feet to an iron stake, south 57 degrees 40 minutes east 117.4 feet to an iron stake, south 0 degrees 15 minutes east 90.0 feet to an iron stake, south 41 degrees 38 minutes east 69.3 feet to an iron stake, south 48 degrees 40 minutes east 359.2 feet to an iron stake, south 19 degrees 39 minutes east 145.0 feet to an iron stake, south 25 degrees 55 minutes east 223.2 feet to an iron stake, south 60 degrees 15 minutes east 307.8 feet to an iron stake, south 70 degrees 41 minutes east 530.6 feet to an iron stake in the north bank of the branch, south 44 degrees 11 minutes east 370.2 feet to an iron stake on the south bank of the branch 86.2 feet eastwardly from the center of Rochester Street, south 79 degrees 06 minutes east 59.3 feet to an iron stake on the south bank of branch, thence leaving the branch and falling in with the east line of lots 24, 23, 22, 21 Sanford Snyder Estate south 6 degrees 34 minutes west 802 feet to an iron stake the northeast corner of lot 20 of said Snyder Estate, thence continuing with the east line of lots 20, 19, 32 and crossing White Oak Street, south 26 degrees 04 minutes west 324.8 feet to an iron stake in the south line of White Oak Street, thence with the south line of White Oak Street south 84 degrees 19 minutes west 58.1 feet to an iron stake in the east line of an alley, thence with east line of said alley southwestwardly 211.8 feet to an iron stake, thence south 83 degrees 42 minutes east 1821 feet to an iron stake, the northwest corner of lot No. 136 of the Alexander Heights Development; thence with the south line of a ten-foot alley south 88 degrees 50 minutes east 340.0 feet to an iron stake at the northwest corner of lot No. 122 of the said development; thence south 1 degree 10 minutes west 497.2 feet to an iron stake at the southeast corner of lot No. 90 of the said Alexander Heights Development, thence south 7 degrees 30 minutes west 2494.3 feet to an iron stake on the north side of the Mickey Mill Road, said iron being at the southeast corner of lot No. 143 of the “Overbrook” property; thence south 49 degrees 08 minutes west 471.3 feet to an iron stake located at a point 200 feet north of the eastern terminus of East 14th Street; thence with the line of the City School property and its extension south 2 degrees 20 minutes west 1471.0 feet to an iron stake on the north side of East 12th Street, a corner of the City School property; thence south 2 degrees 40 minutes east 951.0 feet to an iron stake at the northeast corner of the Cameron Park property;
thence south 21 degrees 34 minutes east 825.0 feet to an iron stake; thence south 39 degrees 44 minutes east 812.0 feet to an iron stake, a corner of Cameron Park property and W. D. Temple property; thence south 5 degrees 16 minutes west 540 feet to a point on the westerly bank of Brushy Fork Branch; thence southwardly along the westerly bank of Brushy Fork Branch as it meanders to a point on the south bank of Salem Creek, thence along the south bank of Salem Creek the following four courses: south 89 degrees 20 minutes east 335.0 feet to an iron; north 88 degrees 20 minutes east 448.0 feet to an iron; south 72 degrees 35 minutes east 600.0 feet to an iron; south 87 degrees 40 minutes east 259.0 feet to an iron stake on the south bank of Salem Creek; thence with the east line of the “Longview” property and its extension south 12 degrees 25 minutes east 4911.5 feet to an iron stake, a corner of the “Nissen Park” property and the said “Longview” property; thence with a line of the said “Nissen Park” property north 77 degrees 10 minutes east 751.2 feet to an iron; thence south 83 degrees 00 minutes east 2143.0 feet to an iron on the east line of Leight Street; thence with the east line of Leight Street north 4 degrees 50 minutes west 1279.0 feet to an iron stake 150 feet north of the north line of Linville Street; thence parallel to Linville Street south 86 degrees 00 minutes east 1061.4 feet to an iron stake; thence south 9 degrees 00 minutes west 998.0 feet to an iron stake; thence south 86 degrees 50 minutes east 585.0 feet to an iron stake on the east line of Butler Street; thence with the east line of said Butler Street south 28 degrees 40 minutes east 778.6 feet to an iron stake on the north side of Waughtown Street; thence south 17 degrees 40 minutes west 233.6 feet to an iron stake; thence crossing Sprague Street Extension south 18 degrees 18 minutes east 404.5 feet to an iron, thence south 55 degrees 12 minutes west 826.7 feet to an iron; thence south 34 degrees 00 minutes west 1605.1 feet to an iron; thence south 39 degrees 49 minutes west 647.6 feet to an iron; thence south 85 degrees 25 minutes west 300.0 feet to an iron; thence south 7 degrees 30 minutes east 398.0 feet to an iron; thence south 21 degrees 30 minutes east 1284.3 feet to an iron; thence south 52 degrees 55 minutes east 446.0 feet to an iron; thence south 2 degrees 30 minutes west 362.0 feet to an iron stake 150 feet south of Clodfelter or Mansfield Street thence parallel to Clodfelter Street north 88 degrees 00 minutes west 1744.0 feet to an iron at a branch; thence with said branch the following five courses: south 6 degrees 05 minutes west 97.3 feet to an iron; south 42 degrees 00 minutes west 62.7 feet to an iron; south 10 degrees 50 minutes west 51.0 feet to an iron; south 38 degrees 10 minutes west 97.0 feet to an iron; south 22 degrees 40 minutes west 100.0 feet to an iron at the intersection of another branch; thence with the latter branch the following seven courses: north 51 degrees 40 minutes west 260.0 feet to an iron; north 37 degrees 55 minutes west 517.3 feet to an iron; north 89 degrees 30 minutes west 100.0 feet to an iron; south 80 degrees 40 minutes west 296.5 feet to an iron; north 70 degrees 00 minutes west 455.4 feet to an iron; north 56 degrees 47 minutes west 391.0 feet to an iron; north 36 degrees 40 minutes west 229.5 feet to an iron on the northwesterly side of an alley; thence with the northwesterly line of said alley the following two courses: south 68 degrees 30 minutes west 270.3 feet to an
iron; south 62 degrees 06 minutes west 812.0 feet to an iron stake on the northeasterly side of the Thomasville Road; thence crossing Thomasville Road south 54 degrees 22 minutes west 497.4 feet to an iron stake in the extension of the rear lines of the lots fronting on the south side of Crowder Street; thence with the rear line of said lots north 89 degrees 10 minutes west 1400.0 feet to an iron stake on the east edge of an old road; thence south 29 degrees 12 minutes west 945.1 feet to an iron stake in the edge of the woods; thence south 5 degrees 59 minutes west 527.2 feet to an iron stake at the northwest corner of lot No. 5 in block "A" of the E. B. Cassell property, said corner being 150 feet east of an unnamed street in said Cassell property, thence parallel to said unnamed street south 1 degree 37 minutes west 1521.7 feet to an iron stake at the southwest corner of lot No. 3 in block "F" of said Cassell property; thence with the south line of said Cassell property and its extension north 88 degrees 33 minutes west 350.0 feet to an iron stake; thence south 12 degrees 35 minutes east 662.9 feet to a stone, a corner of the County School lot; thence with the north line of said school lot south 87 degrees 28 minutes west 262.5 feet to a stone on the east side of the Lexington Road, a corner of said school lot; thence crossing said Lexington Road, north 75 degrees 50 minutes west 478.4 feet to an iron stake; thence approximately parallel with the Lexington Road north 7 degrees 22 minutes west 2708.5 feet to an iron stake located 400.4 feet west of the southeast corner of Lexington Road and Pope Street; thence north 1 degree 23 minutes east 928.0 feet to an iron stake on the east line of a street west of the New Eden Moravian Church; thence north 89 degrees 24 minutes west 367.2 feet to a stone; thence north 18 degrees 44 minutes west 1092.0 feet to an iron stake; thence south 11 degrees 46 minutes west 811.4 feet to an iron stake, thence south 3 degrees 31 minutes west along the line of Douglas Battery Company 218.3 feet to an iron stake the southwest corner of said Douglas Battery Company property; thence along the south line of Douglas Battery Company south 87 degrees 44 minutes east 96.9 feet to an iron stake; thence with the east right-of-way line of the Winston-Salem Southbound Railroad Company south 11 degrees 46 minutes west 1710.5 feet to an iron stake in the north line of lot No. 30 on map of Harmon Rothrock; thence along the north line of said lot No. 30 north 87 degrees 36 minutes west 47.4 feet to a stone the northwest corner of lot No. 30; thence along the west line of lots 30, 32, 34 and 36 of said Harmon Rothrock property and being also the east right-of-way of the Winston-Salem Southbound Railroad Company south 0 degrees 21 minutes west 1390 feet to an iron stake; thence south 45 degrees 58 minutes west 608.4 feet to an iron stake; thence with the east right-of-way line of the Winston-Salem Southbound Railroad Company crossing Waughtown-Clemmons Road south 11 degrees 34 minutes west 789.4 feet to an iron stake; thence on a line 200 feet south of and parallel to the Waughtown-Clemmons Road crossing Highway #52, north 88 degrees 50 minutes west 2177.6 feet to an iron stake in the south line of lot 60, block 1323, Forsyth County Tax Map; thence south 86 degrees 45 minutes west 925.5 feet crossing Konnoak Drive to an iron stake the northeast corner of lot 12, block 1393, Forsyth County Tax Map; thence on a line west of Konnoak Drive crossing Waughtown-
Clemmons Road north 6 degrees 07 minutes west 1502.4 feet to an iron stake; thence north 0 degrees 36 minutes west 1123.5 feet to an iron stake; the northwest corner of lot No. 10 of the J. T. Etheridge Development; thence north 4 degrees 46 minutes west crossing Beth Avenue 3378.9 feet to an iron stake on the west bank of a branch; thence with said branch the following seven courses: north 36 degrees 10 minutes west 182.8 feet; north 9 degrees 25 minutes east 139.0 feet; north 32 degrees 00 minutes west 171.0 feet; north 20 degrees 30 minutes west 87.5 feet; north 45 degrees 30 minutes west 133.0 feet; north 25 degrees 35 minutes west 198.0 feet; north 40 degrees 20 minutes west 237.0 feet to the intersection of another branch; said intersection being just east of Freeman Street; thence westwardly along the north bank of latter branch to a point in Mrs. Emma Fogle's east line; thence with said Fogle's line and the west line of a twenty-foot alley northwardly to a point on the south side of the Salisbury Road; thence northwardly crossing the Salisbury Road to the northwest corner of said road and an alley shown on the map of the Winston-Salem Land and Investment Company, recorded in the office of the Register of Deeds of Forsyth County; thence with the west line of said alley and its continuation in a straight course northwardly to a point on the south bank of Salem Creek; thence in a northeasterly direction up the south bank of Salem Creek 1430.0 feet to a point on the south bank of said creek; thence in a northwesterly direction 2700.0 feet to the southwest corner of the Granville Place development, said corner being at the southwest corner of lot No. 11 in block No. 11 in said development; thence south 83 degrees 35 minutes west 2689.0 feet to a stake on the west side of Gales Avenue, said stake being at the southeast corner of lot No. 103 in "Ardmore Section No. 4" development; thence south 4 degrees 02 minutes east 942.9 feet to an iron stake; a corner of Granville Nading estate and Ryan in the line of Calvan Rights on the north side of a farm road; thence with the line of Nading estate, Emma Sink and Ryan south 2 degrees 04 minutes east 611.8 feet to an iron stake corner of Granville Nading estate and Emma Sink; thence crossing Lockland Avenue south 88 degrees 15 minutes west 269.4 feet to an iron stake; said iron being in the line of Granville Nading and C. C. Cheatham's Stafford Farm extended westwardly; thence north 9 degrees 10 minutes west 333.6 feet to an iron stake, said iron stake being 165 feet west of Irving Street and 150 feet south of Sherwood Drive (formerly Suburban Street); thence parallel to Sherwood Drive south 89 degrees 47 minutes west 1300 feet more or less to an iron stake; said iron stake being 6.0 feet east of the west line of lot #21, block 1683 as shown on the Forsyth County Tax Map, and 10.0 feet northwardly from the south line of said lot, also in the east line of lot #33 extended northward, running thence along said extended line and along the east line of lots #33, 32, 31, 30, 29, 28 and continuing south 1 degree 35 minutes east 495.4 feet to an iron stake; thence along a line 150 feet south of and parallel to Cherokee Lane (formerly Vintage Avenue) crossing Ebert Street, south 87 degrees 02 minutes west 1394 feet more or less to a point in the east line of lot No. 1 of Boone Park Development, said point being also in the west line of lot No. 46 of Westover Park Annex No. 3; thence along the east line of
lots 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, 15 and 16 of Boone Park Development south 6 degrees 57 minutes east 1109.9 feet to the southeast corner of said lot 16; thence along the south line of lots 16, 17, 18, 19, 20, 21, 22, 24 and 25 of Boone Park Development south 81 degrees 05 minutes west 946.8 feet to the southwest corner of said lot 25; thence along the west line of lots 25, 26, 27, 28, 29 and part of 30 of Boone Park Development north 8 degrees 25 minutes west 368.9 feet to a point in the west line of said lot 30, said point being also the southeast corner of lot No. 32; thence along the south line of said lot 32 and continuing along said south line extended north 87 degrees 10 minutes west crossing a branch 288.8 feet to a point the southwest corner of the property of Bilt-Rite Construction Company; thence along the line of Bilt-Rite Construction Company the two following courses: north 3 degrees 21 minutes east 426.7 feet to a point and south 83 degrees 26 minutes east 232.3 feet to a point the division corner between lots 33 and 35 of Boone Park Development; thence along the rear line of lots 35 and 36 north 35 degrees 38 minutes east 154.4 feet to a point the division corner between lots 36 and 37; thence along the north line of lots 37, 38, 39, 40 and 41 north 64 degrees 05 minutes east 426 feet to a point the division corner between lots 41, 42 and 44 of Boone Park Development; thence along the west line of lots 44 and 45 of Boone Park Development north 6 degrees 20 minutes west 156.3 feet to a point, said point being 150 feet south of and at right angles to Cherokee Lane (formerly Vintage Avenue); thence along a line 150 feet south of and parallel to the south line of Cherokee Lane (formerly Vintage Avenue) extended south 87 degrees 02 minutes west 233 feet to an iron stake; thence on a line falling in with the west line of Westover Annex #2, north 00 degrees 34 minutes east 600.2 feet to an iron stake in the west line of Lot #100 in said Westover Annex #2; thence south 89 degrees 47 minutes west 2350 feet more or less to an iron stake in a field; thence north 00 degrees 36 minutes east 178 feet more or less to a point; thence about north 86 degrees 10 minutes west 228 feet more or less to a point; thence about north 11 degrees 56 minutes east 660 feet more or less to a point in the south line of lot #79 of West Branchland Development, said point being also 125 feet east of Kinman Street; thence along a line 160 feet south of and parallel to Hawthorne Road about south 86 degrees 10 minutes east 115 feet to the south division corner between lots 80 and 81 of West Branchland Development; thence along the division line between said lots 80 and 81 crossing Hawthorne Road and falling in with a line that is 240 feet west of and parallel to Bodford Street (formerly High Street) north 00 degrees 36 minutes east 1153.7 feet to the north division corner between lots 12 and 13 of West Branchland; thence on a line north 6 degrees 22 minutes west 1594.2 feet to an iron stake 25 feet north of the center line of U. S. Highway No. 158, said iron stake being also 1.0 foot outside of the fence line of the P. H. Hanes Knitting Company extended southwardly. Thence parallel to and 1.0 foot outside the said fence line north 26 degrees 17 minutes west 710.5 feet to an iron stake, 1.0 foot outside said fence; thence parallel to and 1.0 foot outside said fence, north 43 degrees 28 minutes west 870.3 feet to an iron stake; thence north 00 degrees 58 minutes west fall-
ing in with the west line of Woodvale Development 576.7 feet to a point in the west line of lot #20 of said Woodvale Development, said point being also the southeast corner of the property of Dorothy Hanes; thence along the south line of Dorothy Hanes about north 85 degrees 22 minutes west 766.7 feet to an iron stake; thence with the west line of Dorothy Hanes about north 3 degrees 20 minutes east crossing Grady Street 1421.5 feet to an iron stake the southwest corner of lot #18 map of Burkwood Place Development said southwest corner of lot 18 being also the northeast corner of Pennsylvania Avenue and Grady Street; thence crossing Pennsylvania Avenue and falling with the south line of lot #17 of Burkwood Place Development south 89 degrees 14 minutes west 240 feet to an iron stake the southwest corner of said lot #17; thence along the west line of "Burkwood Place" said line being 190.0 feet west of and parallel to Pennsylvania Avenue northwardly 1357.3 feet to an iron stake in the north side of West First Street Extension, said iron stake being 30.0 feet north of the center line of said West First Street Extension and just west of the entrance to Forsyth Country Club, thence north 3 degrees 14 minutes west 2803.9 feet to an iron stake; thence north 1 degree 20 minutes west 200 feet to a point in the south line of Pine Valley Road (formerly Westview Drive West); thence along the south line of Pine Valley Road (formerly Westview Drive West) about north 60 degrees 00 minutes west 237 feet to a point the western terminus of Pine Valley Road and in the east property line of Shaffner Estate; thence about north 2 degrees 26 minutes east along the division line between Shaffner Estate and lots 13, 12 and 11, of property of Forsyth Realty Company, 429 feet to an iron stake the northwest corner of said lot No. 11 and being also the southwest corner of Mrs. Dillard Reynolds' property; thence along the division line between Mrs. Dillard Reynolds and lots 11 and 10 the two following courses: south 86 degrees 58 minutes east 178.3 feet to an iron stake and south 72 degrees 32 minutes east 56 feet more or less to a point in the north line of said lot No. 10 map of Forsyth Realty Company; thence north 1 degree 20 minutes west 1805 feet more or less to an iron stake, said iron stake being 211.6 feet north from the south line of Robin Hood Road, and being where the south line of Glendale Avenue (Englewood Development) extended westwardly intersects the west line of lots #1 through 7, said Shaffner Estate extended northwardly; thence along said extended south line of Glendale Avenue north 78 degrees 11 minutes east 1732.1 feet to an iron stake, the southwest intersection of Glendale Avenue and Buena Vista Road, thence crossing Buena Vista Road and continuing with the south line of said Glendale Avenue north 66 degrees 37 minutes east 389.9 feet to an iron stake the northeast corner of lot 21, block "A," Englewood Development, said iron stake being 420 feet northwardly from the north line of Brookstown Road, now Robin Hood Road; thence north 78 degrees 52 minutes east 1354.2 feet to an iron stake the southwest corner of lot 7, block "A," Ferrell Place Development, said iron stake being 150 feet west of Kearns Avenue and 224 feet north of Robin Hood Road; thence along the rear line of the lots on the west side of Kearns Avenue and crossing Wake Avenue north 1 degree 18 minutes west 1712.0 feet to an iron stake, said iron stake being 3.0 feet south from the northwest
corner of lot 23, block "D", Section 2, Ferrell Place Development, thence continuing with the rear line of the lots on the west side of Kearns Avenue north 00 degrees 25 minutes east 166.9 feet to an iron stake the northwest corner of lot 29, block "D," said Ferrell Development, thence with the north line of lot 29, block "D", and falling in with the north lines of Brook Road and lot 28, block "F", of said Ferrell Development south 88 degrees 57 minutes east 706.5 feet to an iron stake the northeast corner of lot 28, block "F", said Ferrell Place Section 2, said iron stake being 181 feet east from the east line of Vernon Avenue as shown on map of said Ferrell Place Development; thence along a line that is 181 feet east and parallel to the east line of said Vernon Avenue south 1 degree 18 minutes east 1116.5 feet to an iron stake, said iron stake being approximately 39 feet east of and 15 feet south of the northeast corner of lot 35, block "C", Ferrell Place Development; thence across the Bowman Gray Estate property, now "Graylyn," south 89 degrees 17 minutes east 1260.7 feet to an iron stake set in concrete, said iron stake being 935 feet westwardly from an iron stake on the east side of Reynolda Road and 810.5 feet northwardly from an iron stake on the south side of Robin Hood Road; thence crossing Reynolda Road north 74 degrees 20 minutes east 6817.5 feet to an iron stake; thence crossing North Cherry Street and falling in with the north line of a 20-foot alley along the north side of Snipes' Shultz Farm property south 88 degrees 15 minutes east 4254.6 feet to an iron stake just south of West 27th Street, thence north 1 degree 55 minutes east crossing 27th Street and falling in with the east line of Greenway Avenue 2083 feet more or less to an iron stake the northwest corner of lot No. 167 as shown on map of Bon Air Development, said iron stake being 154.3 feet northwardly from 30th Street in the east line of Greenway Avenue; thence crossing Greenway Avenue and falling in with the north line of lots 192, 193 and 194 of Bon Air Development north 89 degrees 20 minutes west 211.4 feet to an iron stake the northwest corner of said lot No. 194 said iron stake being also the southwest corner of the property of Greenway Apartments, Inc.; thence along the division line between Chatham and Greenway Apartments, Inc., north 00 degrees 25 minutes east 819 feet to an iron stake; thence along the division line between Alspaugh and Greenway Apartments, Inc., the two following courses: north 88 degrees 10 minutes east 218.8 feet to an iron stake and north 00 degrees 25 minutes east 85.4 feet to an iron stake; thence along the north line of Greenway Apartments, Inc., crossing Gilmer Avenue north 89 degrees 48 minutes east 508.4 feet to the place of beginning, containing 18.86 square miles more or less.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 January, 1951.
H. B. 60

CHAPTER 17

AN ACT AMENDING CHAPTER 130 OF THE GENERAL STATUTES RELATING TO THE ISSUANCE OF BONDS BY SANITARY DISTRICTS AND CHANGING THE METHOD OF DETERMINING RESULTS OF ELECTIONS IN SANITARY DISTRICTS SO AS TO CONFORM WITH THE CONSTITUTION OF NORTH CAROLINA AND TO ENACT WHAT APPEARS AS CHAPTER 880 OF THE SESSION LAWS OF 1949 WHICH WAS NOT ADOPTED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE CONSTITUTION.

The General Assembly of North Carolina do enact:

Section 1. That Article 6 of Chapter 130 of the General Statutes shall be and the same is hereby amended as follows:

(1) By changing subsection 10 of Section 130-39 to read as follows:

"10. After adoption of a plan as provided in Section 130-44, the sanitary district board may, in its discretion, alter or modify such plan if, in the opinion of the State Board of Health, such alteration or modification does not constitute a material deviation from the objective of such plan. Such alteration or modification may provide among other things for the construction of a water line for the supply of any person, firm, corporation, city, town, village or political subdivision of the State either within and/or without the corporate limits of the district instead of a sewage disposal line and other improvements, where such alteration or modification would permit the disposal of sewage at a point nearer the district either within and/or without the corporate limits, thereby contaminating the prevailing water supply of the person, firm, corporation, city, town, village or political subdivision of the State to whom the water is to be supplied and would effect a saving to the district, and the sanitary district board may appropriate or reappropriate money of the district for carrying out such plan as altered or modified."

(2) By changing Section 130-44 to read as follows:

"130-44. Consideration of Reports and Adoption of a Plan. The report or reports filed by the engineers pursuant to Section 130-43 shall be given careful consideration by the sanitary district board, and said board shall adopt a plan, but before adopting such plan said board may, in its discretion, hold a public hearing, giving due notice of the time and place thereof, for the purpose of considering objections to such plan. The plan adopted as aforesaid shall be submitted by the sanitary district board to the State Board of Health and shall not become effective unless and until it is approved by the State Board of Health.

"The provisions of this Section and of Section 130-43 shall apply when it shall have been determined by the sanitary district board that consumption of the plan is predicated upon the issuance of bonds of the district, except that they shall not apply in a proposed purchase of firefighting equipment and apparatus. Failure to observe or comply with said provisions shall not, however, affect the validity of any bonds of a sanitary district which may be hereafter issued pursuant to this Article."
(3) By changing Section 130-45 to read as follows:

"130-45. Resolution Authorizing Bond Issue and Purposes for Which Bonds May Be Issued. Either before or after the adoption of the plan as aforesaid, the sanitary district board may adopt a resolution authorizing the issuance of bonds of the sanitary district for one of the following purposes, which purpose may include land, rights in land or other rights necessary for the accomplishment thereof, viz:

(a) Acquisition, construction, reconstruction, enlargement of, additions or extensions to a water system or systems, including interest on the bonds during construction if deemed advisable by the sanitary district board, water purification or treatment plant or plants and/or acquisition, construction, reconstruction, enlargement of or additions or extensions to a sanitary sewer system or systems and/or a sewage treatment plant or plants.

(b) Construction, reconstruction or acquisition of an incinerator or incinerators or other facilities for the disposal of garbage, waste and other refuse.

(c) Purchase of fire-fighting equipment and apparatus. Such resolution shall state,

1. In brief and general terms, the purpose for which the bonds are to be issued.
2. The maximum aggregate principal amount of the bonds.
3. That a tax sufficient to pay the principal and interest of the bonds when due shall be annually levied and collected on all taxable property within the sanitary district.
4. That the resolution shall take effect when and if it is approved by the voters of the sanitary district at an election.

Such resolution shall be published once a week for three successive weeks: Provided, however, the first of such publications shall be not later than the first publication of the notice of election required in Section 130-46. A statement in substantially the following form (the blanks being first properly filled in), with the printed signature of the secretary of the sanitary district board appended thereto, shall be published with the resolution:

The foregoing resolution was adopted by the sanitary district board of........................................ Sanitary District on the.........day of................................., 19........, and was first published on the.........day of................................., 19........ Any action or proceeding questioning the validity of said resolution must be commenced within thirty days after its first publication.

.................................................................
Secretary, ........................................ Sanitary District Board."

(4) By inserting new Sections after Sections 130-45 to read as follows:

"130-45.1. Limitation of Action to Set Aside a Bond Resolution. Any action or proceeding in any court to set aside a bond resolution adopted pursuant to this Article, or to obtain any other relief upon the ground that such resolution is invalid, must be commenced within thirty days after the first publication thereof as provided in Section 130-45. After the expira-
tion of such period of limitation, no right of action or defense founded upon the invalidity of the resolution shall be asserted, nor shall the validity of such resolution be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.”

“130-45.2. Publication of Resolution, Notice and Statement. A resolution or notice or statement required by this Article to be published shall be published in a newspaper published in the county in which the district lies or if the district lies in two or more counties, in a newspaper published in each such county or if there is no newspaper published in a county in which the whole or a part of the district lies, then and in lieu of a newspaper published in such county in a newspaper which, in the opinion of the sanitary district board, has general circulation within the district.”

(5) Amend Section 130-46 as follows: (a) by striking out the words “the resolution” in line two and by inserting in lieu thereof the words “a bond resolution,” (b) by striking out the words “to provide funds for doing the work as set forth in the resolution adopted by the sanitary board” in lines 9, 10 and 11 and by inserting in lieu thereof the words “as set forth in such bond resolution,” (c) by striking out the words “if, at such election the majority of the registered voters vote in favor of incurring the indebtedness as proposed, the district board shall issue and sell bonds for the amount set forth in the resolution” in lines 11, 12, 13, 14 and 15 and by inserting in lieu thereof the words “if, at such election a majority of the registered voters who shall vote thereon at such election shall vote in favor of the proposition submitted, the bonds set forth in the bond resolution may be advertised, sold and issued in the manner provided by law,” (d) by striking out the first sentence of the last paragraph and by inserting in lieu thereof “A ballot shall be furnished to each qualified voter in said election, which ballot may contain the words ‘For approval of the bond resolution adopted by the sanitary district board of………………………….Sanitary District on the……..day of……………………………., 19………, authorizing the issuance of not exceeding $………………. of bonds of said sanitary district (briefly stating the purpose of such bonds), and the levy of a tax for the payment thereof,’ and the words ‘Against approval of the bond resolution adopted by the sanitary district board of…………………………Sanitary District on the……..day of……………………………., 19………, authorizing the issuance of not exceeding $………………. of bonds of said sanitary district (briefly stating the purpose of such bonds), and the levy of a tax for the payment thereof,’ with squares opposite said affirmative and negative forms of the proposition submitted to the voters, in one of which squares the voter may make a cross (X) mark, but this form of ballot is not prescribed. Two or more bond resolutions adopted by the sanitary district board, each for a separate purpose as provided in Section 130-45, may be submitted at the same election and each may be stated on the same ballot as a separate proposition,” and (a) by adding a paragraph at the end to read “A statement of results of an election on the proposition of issuance of bonds showing the date of such election, the proposition submitted, the number of voters who voted for the proposition and declaring the result of the
election shall be prepared and signed by a majority of the members of
the sanitary district board and deposited with the clerk of the superior
court of the county in which the district lies, or, if parts of the district
lie in two or more counties, with the Clerk of the Superior Court of each
such county. Such statement shall be published once. No right of action
or defense founded upon the invalidity of such election shall be asserted,
nor shall the validity of the election be open to question in any court upon
any ground whatever, except in an action or proceeding commenced within
thirty days after the publication of such statement,” and (f) by striking
out the second sentence of the third paragraph of said Section which
reads “The notice of the election shall be given by publication at least
three times in some newspaper published or circulated in the district”
and inserting in lieu thereof the sentence “The notice of the election shall
be given by publication once a week for three successive weeks.”

(6) Amend Section 130-47 by striking out the last two sentences and
by inserting in lieu thereof the following:
“The officer or officers having charge or custody of funds of the district
shall require said bank to furnish security for the protection of deposits
of the district as provided in Section 159-28” and by adding the following
paragraph at the end of said Section:
“Bonds issued for any purpose pursuant to this Article shall mature
within the period of years as hereinafter provided, each such period being
computed from the date of the election upon the issuance thereof held
under the provisions of Section 130-46. Such periods shall be for the pur-
poses stated by clauses in Section 130-45 as follows: Clause (a), forty
years; clause (b), twenty years; clause (c), ten years. Such bonds shall
mature in annual installments or series, the first of which shall be made
payable not more than five years after the date of the first issued bonds
of such issue, and the last within the aforesaid period. No such install-
ment or series shall be more than two and one-half times as great in
amount as the smallest prior installment or series of the same bond issue.
If all of the bonds of any issue are not issued at the same time, the bonds
at any one time outstanding shall mature as aforesaid. Such bonds may
be issued either all at one time or from time to time in blocks, and dif-
ferent provisions may be made for different blocks. Bonds issued pursuant
to this Article shall be subject to the provisions of the Local Government
Act. The cost of preparing, issuing, and marketing bonds shall be deemed
to be one of the purposes for which the bonds are issued.

(7) Amend Section 130-48 by striking out the last sentence and by
inserting in lieu thereof the following:
“In the event the proceeds of the sale of the bonds shall be in excess
of the amount necessary for the purpose for which they were issued, such
excess shall be applied to the payment of principal and interest of said
bonds.”

(8) Amend Section 130-49 by striking out the last sentence of the
second paragraph and by inserting in lieu thereof “The officer or officers
having charge or custody of the funds of the district shall require said
bank to furnish security for protection of such deposits as provided in
Section 159-28.”
Sec. 2. Article VII of Chapter 130 of the General Statutes shall be and the same is hereby as follows:

(1) Amend Section 130-58 by striking out in next to the last sentence of said Section the words "at the election is in favor" and by inserting in lieu thereof the words "who shall vote thereon at the election shall vote in favor."

(2) Amend Section 130-59 by striking out in the tenth and eleventh lines "case a majority of the qualified voters in such new territory shall vote at such election" and by inserting in lieu thereof the words "case a majority of the qualified voters who shall vote thereon at such election in such new territory shall vote," and by inserting in the seventeenth line of said Section the words "who shall vote thereon" after the word "voters" and before the words "shall vote against said tax."

(3) Amend Section 130-60 by inserting in the second sentence of said Section the words "who shall vote thereon" after the words "of the qualified voters" and before the words "in said district."

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 1st day of February, 1951.

H. B. 34

CHAPTER 18

AN ACT TO AMEND G. S. 143-146 AS TO THE EXECUTION OF DEEDS FOR STATE-OWNED LANDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 143-146 is hereby amended so as to read as follows:

"G. S. 143-146. Execution of Deeds for State-owned lands. The Governor of the State is hereby authorized and empowered to execute a deed in the manner provided by G. S. 143-148 to any land which is not needed for purposes of the State Government, the title to which is vested in the State, or any State institution, department or agency upon the application of the trustees or directors of such institution or the board, commission or State officer having such property in charge. The application shall show that such conveyance is for the best interests of the State or such institution, department or agency and shall be approved by the Council of State.

"All conveyances heretofore made by the Governor, attested by the Secretary of State and authorized by the Council of State, in the manner provided by G. S. 143-148 of any lands, the title to which was vested in the State for the use of any State institution, department or agency or vested in the State for any other purpose, are hereby ratified and validated.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1951.
H. B. 58  CHAPTER 19

AN ACT AUTHORIZING BOARDS OF COUNTY COMMISSIONERS TO PROVIDE FOR THE REPRODUCTION AND SAFEGUARDING OF CERTAIN PUBLIC RECORDS BY PHOTOCOPYING, PHOTOGRAPHING OR MICROPHOTOGRAPHING; PROVIDING FOR THE ADMISSIBILITY IN EVIDENCE OF SUCH REPRODUCTIONS AND FOR THE DISPOSAL, DESTRUCTION OR ARCHIVAL PRESERVATION OF CERTAIN INACTIVE RECORDS.

The General Assembly of North Carolina do enact:

Section 1. Any board of county commissioners in the State of North Carolina is hereby authorized and empowered to purchase, lease, rent, contract for or otherwise acquire the necessary equipment, supplies and service for the photocopying, photographing or microphotographing of instruments, documents, or papers filed for docketing or for record, or which have heretofore been filed, docketed, or recorded in the offices of the clerk of the superior court, the register of deeds, and all other county offices, and the filing, docketing, and recording of such public or official records of photocopying, photographing or microphotographing shall in all respects constitute sufficient filing, docketing and recording of same in the same manner as if such reproductions were originals.

Sec. 2. An official, person in charge of, or head of any office, or department, or board of any county government may, with the consent of the board of county commissioners, cause any or all papers, documents, books and records kept by such official person in charge of, or head of any department or board to be photocopied, photographed or microphotographed or reproduced on film or otherwise by the use only of such equipment or system as provided by the board of commissioners. Such film or reproducing material shall be of durable material, and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details. The board of commissioners shall provide for the preservation of such films in conveniently accessible files or vaults, of fire resisting material, in order that the films may be permanently kept, and shall permit the use of such films from which to make copies, as provided by law under such regulations as the board may prescribe.

Sec. 3. Such photocopy, photograph, microphotograph or photographic film or reproduction of the original papers, documents, books and records kept and on file shall be deemed to be an original file or record for all purposes, and shall be admissible in evidence in all courts or administrative agencies of this State. A facsimile, photocopy, certified or exemplified copy thereof shall, for all purposes recited herein, be deemed to be a photocopy, certified or exemplified copy of the original papers or records as fully as if said papers had been typed or written in longhand in the records.

Sec. 4. Whenever an official person in charge of, or head of any office or department, or board of county government shall have photographed, photocopied, microphotographed, or otherwise reproduced all or any part of the papers on file or any records kept by said person in a manner and on film or other material that complies with the provisions of this Act,
and said reproductions are placed in conveniently accessible files and provisions made for preserving, examining and using same, as herein set out, and said official being of the opinion that said inactive papers, documents, books and records kept and on file in the office of the clerk of superior court, the register of deeds, or any of the county offices are consuming valuable space, and have no practical or historical value, may destroy or otherwise dispose of said original papers, documents, books and records upon a resolution being adopted by the board of county commissioners giving authority therefor, and when entered in the minutes of said board, and with the consent of the North Carolina State Department of Archives and History, or its successors; Provided, that said official person shall first furnish the State Department of Archives and History a complete description of the kind and type of papers, documents, books and public records intended to be destroyed or otherwise disposed of and turn over to the Department of Archives and History all or any of such papers, documents, books and records as the department may desire to preserve. In the event that the Department of Archives and History, or its successors, shall fail to notify said official person of any county government within 90 days after receiving an explanation of the kind and type of papers, documents, books and public records intended to be destroyed or otherwise disposed of, in respect to its action thereon, then such failure to notify said official person, shall in all respects be deemed a consent by the State Department of Archives and History for the destruction or other disposal of said papers, documents, books and public records.

Sec. 5. In order to provide for the services herein set forth, the board of commissioners of any county may execute such contracts or agreements as in its opinion will promote efficiency and economy in the county government, in the carrying out of the purposes of this Act. In order to make the benefits of this Act available to the counties at the least possible expense, the several boards of county commissioners are hereby specifically authorized to contract between or among themselves for the use of any facilities or equipment provided by any board of county commissioners for use in the reproduction of records pursuant to this Act, for the purpose of enabling two or more counties to utilize the same facilities and equipment; and in order to facilitate the joint use of such facilities and equipment any board of county commissioners is hereby authorized to remove from any of the several county offices any of the records intended to be reproduced pursuant to this Act, and whenever necessary for such reproductions, to transport, under the direct control of an agent appointed by the board of county commissioners, any such records into any other county where such facilities and equipment are available; provided, that no such record so removed shall be kept out of the office of its regular legal custodian for a longer period than 24 hours at any one time, except under a formal resolution of the board of county commissioners of the county extending such period.

Sec. 6. In order to further safeguard public records reproduced pursuant to this Act, any board of county commissioners is hereby authorized to cause to be prepared duplicate sets or copies of any such reproductions.
and to contract for the storage and custody of such duplicate sets or copies in some safe and fireproof depository in a building separate and apart from that in which the original records or reproductions are kept.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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 February, 1951.

H. B. 91

CHAPTER 20

AN ACT TO AMEND G. S. 14-335, RELATING TO PUBLIC DRUNKENNESS SO AS TO MAKE THE SECTION APPLICABLE TO PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335 is hereby amended by inserting the word “Perquimans” immediately following the word “Orange” in subsection 1 of said section.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1951.

H. B. 118

CHAPTER 21

AN ACT REPEALING G. S. 154-2 RELATING TO BOND OF COUNTY SURVEYORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 154-2 requiring county surveyors to enter into surety bond for the faithful performance of their duties is hereby repealed in its entirety.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1951.

H. B. 140

CHAPTER 22

AN ACT TO FIX THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. The salary of the mayor of the City of Durham is hereby fixed at two thousand dollars ($2,000.00), to be paid in equal monthly installments out of the general fund of the city.
Sec. 2. The salary of the members of the city council of the City of Durham is hereby fixed at twenty-five dollars ($25.00) each per month, payable out of the general fund of the city. In addition thereto, each member of the city council shall be paid ten dollars ($10.00) for each regular meeting and each meeting of the city council as a committee of the whole which he attends, not to exceed a total of four meetings per calendar month, which shall be paid out of the general fund of the city.

Sec. 3. The schedule of compensation herein fixed is retroactive to January 1, 1951, and shall be payable from and after January 1, 1951.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1951.

H. B. 3

CHAPTER 23


The General Assembly of North Carolina do enact:

Section 1. That Chapter 120, Section 3, of the General Statutes of North Carolina is hereby deleted in its entirety and there is substituted in lieu thereof the following:

"120-3. The pay of the members and presiding officers for a regular session of the General Assembly as provided in Article 2 of Section 28 of the Constitution of North Carolina may be paid in installments, or upon a per diem basis, as asked for by the several members and presiding officers; provided, that in no instance shall installments or per diem amount to more than $15.00 per day for the members and $20.00 per day for the two presiding officers for the number of days the General Assembly has been in session, and the total pay of the presiding officers and members at a regular session shall in no case exceed $1,800.00 for each presiding officer and $1,350.00 for each member of both Houses. And, provided further, that the pay for an extra session of the General Assembly shall be $20.00 per day for presiding officers and $15.00 per day for members for a period not to exceed 25 days."

Sec. 2. That Chapter 120, Section 4, of the General Statutes of North Carolina is hereby 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 and fully effected as of January 3, 1951.

In the General Assembly read three times and ratified, this the 7th day of February, 1951.
H. B. 35

CHAPTER 24

AN ACT TO AMEND SECTION 160-25 OF THE GENERAL STATUTES SO AS TO ELIMINATE THE REQUIREMENT THAT CERTAIN MUNICIPAL EMPLOYEES BE REGISTERED VOTERS AT THE TIME OF THEIR APPOINTMENT.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 160-25 is hereby amended by rewriting the same to read as follows:

"Section 160-25. Must be voters in town or city. No person shall be a mayor, commissioner, councilman, or alderman of any city or town unless he shall be a qualified voter therein."

Sec. 2. That 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 7th day of February, 1951.

S. B. 35

CHAPTER 25

AN ACT TO AMEND SECTION 160-18 OF THE GENERAL STATUTES RELATING TO THE JURISDICTION OF POLICE OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 160-18 of the General Statutes is hereby amended by adding the following at the end thereof:

"Provided, further, that police officers are hereby authorized to transport persons charged with crime beyond the corporate limits for the purpose of placing them in jail or to transport persons charged with crime from one jail to another jail or to return persons charged with crime from a point outside the corporate limits to the municipality or to a jail. They are further authorized to go beyond the city limits for the purpose of attending court."

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 7th day of February, 1951.

S. B. 79

CHAPTER 26

AN ACT TO PRESCRIBE CERTAIN TRAFFIC REGULATIONS FOR THE VILLAGE OF ERWIN IN DUKE TOWNSHIP IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In the village of Erwin in Duke Township in Harnett County it shall be unlawful:
(1) To park, load or unload between the hours of 8:00 A. M. and 10:00 P. M. any truck of any type on that portion of the road or street, known as H Street, lying between the road or street known as 13th Street and the road or street known as 12th Street which former is a part of North Carolina Highway No. 421; or

(2) To park any truck of any type between the hours of 8:00 A. M. and 10:00 p. m. on that portion of said 13th Street lying between said H Street and that road or street known as G Street, which is also a part of North Carolina Highway No. 421; or

(3) To double park any type of vehicle at any time on that portion of H Street lying between said 12th Street and said 13th Street, or on that portion of said 13th Street lying between said G Street and said H Street; or

(4) To park any vehicle for more than two hours on that portion of said H Street lying between said 12th Street and said 13th Street, or on the east side of that portion of said 13th Street lying between said G Street and said H Street;

(5) To park any vehicle closer than eight feet to any building on the west side of that portion of said 12th Street lying between said G Street and said H Street.

Sec. 2. Any violation of this Act is a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or by imprisonment for not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1951.

S. B. 103

CHAPTER 27

AN ACT TO AUTHORIZE THE INSTALLATION OF AN ELEVATOR IN THE STATE CAPITOL AND TO APPROPRIATE SUFFICIENT FUNDS THEREFOR.

WHEREAS, it is desirable that an elevator be installed in the State Capitol for the use of members of the General Assembly and the visiting public; and

WHEREAS, it has been determined that an elevator can be installed in the Capitol building without defacing or changing the present structure in any manner; and

WHEREAS, there is ample space between the present stairways and the upper balconies wherein an elevator may be installed; and

WHEREAS, for many sessions of the General Assembly, a need for elevator facilities in the State Capitol has been recognized as necessary to accommodate members of the General Assembly and the general public who by reason of their ill health are unable to safely climb the present stairways; and

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WHEREAS, it has been determined that the installation of the elevator may be completed within a period of thirty days: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. The Board of Public Buildings and Grounds is authorized to immediately enter into a contract for the installation of an elevator in the State Capitol building.

Sec. 2. In the contract for the installation of said elevator, it shall be specifically provided that there will be no material changes in the present structure of the building and that care shall be taken that the building shall not be defaced in any manner.

Sec. 3. The Governor and Council of State are authorized to allocate funds from the Contingency and Emergency Fund in an amount not to exceed seven thousand five hundred dollars ($7,500.00) to accomplish the purpose of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 7th day of February, 1951.

S. B. 32

CHAPTER 28

AN ACT TO AMEND SUBSECTION 2 OF G. S. 2-16 SO AS TO AUTHORIZE ANY CLERK OF THE SUPERIOR COURT OF THIS STATE TO ADMINISTER OATHS OF OFFICE TO PUBLIC OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection 2 of G. S. 2-16 as rewritten by Chapter 57, Session Laws of 1949, is amended by adding after the words “oaths” in line one the following:

“including oaths of office to any and all public officers of this State,”

Sec. 1½. That G. S. 7-47 be and the same hereby is amended by adding in line five after the comma following the words “Justice of the Peace” the words and figures as follows: “or before any Clerk of the Superior Court,”

Sec. 2. All official oaths heretofore administered to public officers by the clerks of the Superior Courts of this State are hereby, in all respects, ratified, confirmed and validated.

Sec. 3. Provided this Act that not apply to pending litigation, or to litigation instituted prior to July 1, 1951.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 7th day of February, 1951.
S. B. 25  CHAPTER 29

AN ACT TO AMEND G. S. 105-232 SO AS TO PROVIDE A METHOD FOR WINDING UP THE AFFAIRS OF CERTAIN DISSOLVED CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-232 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"When the certificate or articles of incorporation in this State have been suspended by the Secretary of State, as provided in G. S. 105-230, or similar provisions of prior or subsequent Revenue Acts, and there remains property held in the name of the corporation, or undisposed of at the time of such suspension, or there remains possibilities of reversionary, reversionary interests, rights of re-entry or other future interests that may accrue to the corporation or its successors or stockholders, and the time within which the corporate rights might be restored as provided by this Section has expired, any stockholder or any bona fide creditor or other interested party may apply to the Superior Court for the appointment of a receiver. Application for such receiver may be made in a civil action to which all stockholders or their representatives or next of kin shall be made parties. Stockholders whose whereabouts are unknown and unknown stockholders and unknown heirs and next of kin of deceased stockholders may be served by publication, as well as creditors, dealers and other interested persons, and a guardian ad litem may be appointed for any stockholders or their representatives who may be an infant or incompetent. The receiver shall enter into such bond with such sureties as may be set by the court and shall give such notice to creditors by publication or otherwise as the court may prescribe. Any creditor who shall fail to file his claim with the receiver within the time set shall be barred of the right to participate in the distribution of the assets. Such receiver shall have authority to sell such property or possibilities of reversionary, reversionary interests, rights of re-entry, or other future interests, upon such terms and in such manner as shall be ordered by the court, apply the proceeds to the payment of any debts of such corporation, and distribute the remainder among the stockholders or their representatives in proportion to their interests therein. Shares due to any stockholder who is unknown or whose whereabouts are unknown shall be paid into the office of the clerk of the Superior Court, by him to be disbursed according to law. In the event the stockbooks of the corporation shall be lost or shall not reflect the latest stock transfers, the court shall determine the respective interests of the stockholders from the best evidence available, and the receiver shall be protected in acting in accordance with such finding. Such proceeding is authorized for the sole purpose of providing a procedure for disposing of the corporate assets by the payment of corporate debts, including franchise taxes which had accrued prior to the suspension of the corporate charter and any other taxes the assessment or collection of which is not barred by a statute of limitations, and by the transfer to the stockholders or their representatives their proportionate shares of the assets owned by the corporation."
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 full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1951.

H. B. 61 CHAPTER 30
AN ACT TO AMEND ARTICLE 16 OF CHAPTER 14 OF THE GENERAL STATUTES, RELATING TO OFFENSES AGAINST PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Article 16 of Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-78, to be numbered G. S. 14-78.1, and to read as follows:

"14-78.1. Any person engaged in traveling from house to house or from place to place, buying or trading for corn, without the permission of the landowner upon whose premises such buying or trading is conducted, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court."

Sec. 1½. This Act shall apply only to the counties of Halifax, Warren, Wake, Bertie, Nash, Hertford, Harnett, Columbus, Edgecombe and Northampton.

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 7th day of February, 1951.

H. B. 26 CHAPTER 31
AN ACT TO VALIDATE THE OFFICIAL ACTS OF M. B. STEWART, A JUSTICE OF THE PEACE IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That each and all of the official acts of M. B. Stewart, a justice of the peace of Harnett County, performed after April 1, 1949, and prior to November 2, 1950, under the color of his office, are hereby in all respects validated.

Sec. 2. That this Act shall not apply to pending litigation.

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 8th day of February, 1951.
H. B. 47

CHAPTER 32

AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the register of deeds of Forsyth County shall be five thousand five hundred dollars ($5,500.00) per year, effective as of January 1, 1951, payable in 12 equal monthly installments or, at the election of the Forsyth County Board of Commissioners in 24 equal semi-monthly installments as full compensation for his or her services as register of deeds of Forsyth County.

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 8th day of February, 1951.

H. B. 60

CHAPTER 33

AN ACT RELATING TO FEES OF JUSTICES OF THE PEACE IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fees to be received by Justices of the Peace in Polk County for the items listed below shall be the amounts listed opposite those items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subpoenas, each</td>
<td>$ .25</td>
</tr>
<tr>
<td>Recognizance, each</td>
<td>1.00</td>
</tr>
<tr>
<td>Judgment contested, each</td>
<td>3.00</td>
</tr>
<tr>
<td>Judge not contested, each</td>
<td>2.00</td>
</tr>
<tr>
<td>Capias and Order, each</td>
<td>.70</td>
</tr>
<tr>
<td>Continuance, each</td>
<td>.60</td>
</tr>
</tbody>
</table>

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1951.

H. B. 62

CHAPTER 34

AN ACT RELATING TO THE FEES OF JURORS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5 is hereby amended by adding at the end thereof a new paragraph to read as follows:

"In Macon County, all jurors in the Superior Court shall receive such an amount per day as the board of commissioners of said county may fix, but not less than four dollars ($4.00) per day nor more than five dollars
($5.00) per day. In addition thereto, such jurors shall receive such travel allowance as is allowed by general law."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1951.

H. B. 99

CHAPTER 35

AN ACT TO AMEND G. S. 47-56 WITH REGARD TO THE VALIDATION OF PROBATES BY JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-56 is hereby amended by striking out the words "one thousand nine hundred and seven," in line nine, and inserting in lieu thereof the words "one thousand nine hundred and fifty-one," and by striking out all of said Section following the word "validated" in line 17 thereof.

Sec. 2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 8th day of February, 1951.

H. B. 103

CHAPTER 36

AN ACT TO FIX THE SALARY OF THE SHERIFF OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Sampson County shall be paid a monthly salary of three hundred fifty dollars ($350.00) as compensation for his services as sheriff only, and a monthly travel allowance of one hundred seventy five dollars ($175.00) for expenses of travel within the county; said salary and travel allowance to be effective as of the first day of July, 1951, and shall be paid monthly out of the general fund of said county. The sheriff shall furnish his automobile and pay all expenses of its operation and maintenance.

Sec. 2. That all fees and commissions allowed by law to the sheriff by virtue of his office shall be faithfully collected by him and paid into the General Fund of Sampson County.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall become effective on the first day of July, 1951.

In the General Assembly read three times and ratified, this the 8th day of February, 1951.
H. B. 113  

CHAPTER 37

AN ACT TO PERMIT THE NORTH CAROLINA HOSPITALS BOARD OF CONTROL TO EXPEND PUBLIC FUNDS FOR THE REPAIR OR ERECTION OF BUILDINGS WITHOUT COMPLYING WITH THE PROVISIONS OF ARTICLE 8, CHAPTER 143 OF THE GENERAL STATUTES WHEN THE TOTAL COST OF SUCH PROJECT DOES NOT EXCEED THE SUM OF $50,000.00.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-135 is amended by adding at the end thereof a new sentence reading as follows:

"From and after the ratification of this Act and until the first day of January 1953, this Article shall not apply to the North Carolina Hospitals Board of Control in the repair, erection and completion of projects, buildings or structures at Camp Butner where the total cost of any such project, building or structure does not exceed the sum of $50,000.00."

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1951.

H. B. 119  

CHAPTER 38

AN ACT TO FIX CERTAIN FEES TO BE COLLECTED BY THE REGISTER OF DEEDS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Register of Deeds of Alamance County shall collect the fees herein authorized for performing the following duties: For registering the regular short form of warranty deed, the sum of one dollar and twenty-five cents ($1.25); for registering the regular or short form of mortgage or deed of trust, the sum of one dollar and fifty cents ($1.50); for registering the regular or short form of chattel mortgage, the sum of forty cents (40c); for registering the regular or short form of conditional sales contract, the sum of ninety-five cents (95c); for registering other written instruments not listed above, the sum of eighty cents (80c) for the first 300 words and fifteen cents (15c) for each additional 100 words thereof.

Sec. 2. The above fees shall be payable to the register of deeds for deposit in the county general fund, and shall not include the probate costs payable to the Clerk of the Superior Court for probating such papers.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1951.
H. B. 122  CHAPTER 39
AN ACT TO FIX THE COMPENSATION OF THE SHERIFF OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the 1st of January, 1951, the Sheriff of Watauga County shall receive an annual salary of three thousand dollars ($3,000.00), payable in 12 equal monthly installments, and in addition thereto shall receive all fees and commissions which are now or may hereafter be allowed by law.

Sec. 2. In addition to the salary provided for in Section 1 of this Act, the Sheriff of Watauga County shall receive the sum of six hundred dollars ($600.00) per year, payable in 12 equal monthly installments, as expense incurred by him in the operation of his automobile while carrying out the duties of his office.

Sec. 3. The Sheriff of Watauga County is authorized to appoint two special deputy sheriffs who shall each be paid as compensation for their services by the county commissioners of said county in an amount not to exceed seven hundred dollars ($700.00) per annum.

Sec. 4. In addition to all other expenses provided for in this Article, the Sheriff of Watauga County shall be paid by the county commissioners of said county mileage at the rate of seven cents (7c) per mile for all trips he is required to make outside the county in the performance of his official duties.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 8th day of February, 1951.

H. B. 130  CHAPTER 40
AN ACT RELATING TO THE FEES OF THE REGISTER OF DEEDS OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The proviso to G. S. 2-28, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by inserting the word "Pamlico," immediately before the word "Person" in line four of said proviso.

Sec. 2. The Register of Deeds of Pamlico County shall collect a fee of seventy-five cents (75c) for registering any lien or other instrument described in G. S. 2-28.

Sec. 3. G. S. 161-10.1, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by adding at the end thereof the following:

"In Pamlico County, the Register of Deeds shall receive the following fees:
"For recording chattel mortgage, statutory form, forty cents (40c); for recording each warranty deed, mortgage deed, deed of trust, contract or other instrument relating to real estate, the sum of one dollar ($1.00) for the first 300 words thereof, and fifteen cents (15c) for each 100 additional words or fraction thereof."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 8th day of February, 1951.

H. B. 132

CHAPTER 41

AN ACT TO AMEND SECTION 7-235 OF THE GENERAL STATUTES OF NORTH CAROLINA IN SO FAR AS THE SAME RELATES TO THE SALARY OF THE SOLICITOR OF THE PERQUIMANS COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 7-235 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

"Provided further, that in Perquimans County the salary of the solicitor of the recorder's court shall be fixed in the same manner, form and amount as that of the Recorder of the Perquimans County Recorder's Court."

Sec. 2. The provisions of this Act shall apply only to Perquimans County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 8th day of February, 1951.

H. B. 133

CHAPTER 42

AN ACT TO AMEND CHAPTER 742 OF THE SESSION LAWS OF 1943, RELATING TO THE SALARY OF THE RECORDER OF THE RECORDER'S COURT OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 742 of the Session Laws of 1943 is hereby amended by striking out the words and figures "fifty dollars ($50.00)" in line seven of the said Section, and inserting in lieu thereof the words and figures "one hundred twenty-five dollars ($125.00)"; the said Section is further amended by striking out the words and figures "seventy-five dollars ($75.00)" as the same appear in line eight of the said Section, and inserting in lieu thereof the words and figures "two hundred dollars ($200.00)."
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 8th day of February, 1951.

H. B. 134

CHAPTER 43

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE TREASURER OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Treasurer of Perquimans County shall be paid a salary of not less than seventy-five dollars ($75.00) nor more than one hundred dollars ($100.00) per month, to be fixed by the board of county commissioners in its discretion, and to be paid out of the general fund of the county.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1951.

S. B. 40

CHAPTER 44

AN ACT TO CURE POSSIBLE DEFECTS IN CONVEYANCES OF THE GOVERNING BODIES OF CITIES, TOWNS, SCHOOL DISTRICTS OR SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina do enact:

Section 1. All conveyances and sales of real estate made prior to January 1, 1942, by the governing body of any city, town, school district, or school administrative unit by private sale without notice and public outcry shall be valid and cured of any such defects and any city, town, school district or school administrative unit affected hereby shall have six months from the date of the ratification of this Act to assert any claim it may have by reason of such defects or it will thereafter be forever barred.

Sec. 2. This Act shall not affect pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 9th day of February, 1951.
AN ACT TO CHANGE THE NAME OF THE CABARRUS COUNTY HOSPITAL TO CABARRUS MEMORIAL HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. Wherever in Chapter 307 of the Public-Local Laws of 1935, Chapter 288 of the Public Laws of 1939, Chapter 635 of the Session Laws of 1947, or in any other general, special or local Act the words "Cabarrus County Hospital" appear, the same are hereby stricken out and the words "Cabarrus Memorial Hospital" are substituted in lieu thereof.

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 9th day of February, 1951.

AN ACT AMENDING CHAPTER 439 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE MAINTENANCE OF ASHEVILLE BILTMORE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 439 of the Public-Local Laws of 1939 is hereby amended so as to read as follows:

"An Act to Enable the City of Asheville and the County of Buncombe to Appropriate Funds for the Maintenance of Asheville Biltmore College. "Section 1. That the governing body of the City of Asheville is hereby authorized and empowered, in its discretion, to appropriate from the general funds of the city such sum of money, not to exceed ten thousand dollars ($10,000.00) during any one fiscal year, for the purpose of aiding and assisting in the cost of operating Asheville Biltmore College."

"Sec. 2. That the Board of Commissioners of the County of Buncombe is hereby authorized and empowered, in its discretion, to appropriate from the general funds of the county such sum of money, not to exceed ten thousand dollars ($10,000.00) during any one fiscal year, for the purpose of aiding and assisting in the cost of operating Asheville Biltmore College."

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

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

In the General Assembly read three times and ratified, this the 9th day of February, 1951.
H. B. 127

CHAPTER 47

AN ACT AMENDING CHAPTER 571 OF THE SESSION LAWS OF 1947 RELATING TO THE EMPLOYMENT OF PERSONNEL IN COUNTY OFFICES IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 571 of the Session Laws of 1947 is hereby amended by adding at the end of Section 1 of said Chapter the following:

"Provided, however, that no person shall be appointed by the Board of County Commissioners to serve under any elective county officer without the consent of such elective officer; and provided further that said elective officers shall have authority to discharge any employees of their respective offices without the consent or approval of the Board of County Commissioners."

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1951.

H. B. 151

CHAPTER 48

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROBERSONVILLE SO AS TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR NOMINATION OF CANDIDATES FOR THE MUNICIPAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. All laws relating to the method of nominating candidates for the office of Mayor and Members of the Board of Commissioners in the Town of Robersonville are hereby amended so as to provide as follows:

(1) Nomination by primaries. All candidates to be voted for at all general municipal elections, at which time a mayor and five commissioners, or any other elective officers, are to be elected, 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 provided.

(2) How primaries are held. The primary election for such nominations shall be held on the fourth Monday preceding the general election. The judges and other officers of election appointed for the general municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in 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 the general municipal elections.

(3) Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner shall, at least 10 days prior to the primary election, file with the town clerk a statement of such candidacy in substantially the following form:

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STATE OF NORTH CAROLINA
COUNTY OF MARTIN

I, .................................................., hereby give notice that I reside at ................................ Street, Town of Robersonville, County of Martin, State of North Carolina; that I am a candidate for nomination of the office of mayor, commissioner (strike out inapplicable part), to be voted upon at the primary election to be held on the ............. Monday of ................., 19......... I affiliate with the ...................................... party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) .............................................................

Such candidate shall, at the same time, pay to the town clerk to be turned over to the town treasurer the sum of five dollars ($5.00).

(4) Publication of names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be posted at the town hall, in proper form, the names of persons as they are to appear upon the primary ballots.

(5) Ballots prepared. The clerk shall thereupon cause the primary ballots to be printed. Upon the ballot the names of the candidate for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below shall appear the words, “Vote for one.” And upon the ballots in like manner shall be placed, alphabetically, the names of the candidates for commissioner, with instructions to vote for five.

(6) Ballots counted. Judges of elections 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 town clerk upon blanks to be furnished by the clerk within six hours of the closing of the polls.

(7) Returns canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the board of commissioners, shall canvass such returns so received from all the polling precincts, and shall post the results at the town hall. The canvass by the town clerk shall be publicly made.

(8) Who to be candidate. The candidate receiving the highest number of votes for mayor and the five candidates receiving the highest number of votes for commissioners shall be the candidates of the political party of which they affiliate and the only candidates whose names shall be placed upon the ballot for mayor and commissioners at the next succeeding general municipal election: Provided, in all cases where only one aspirant for nomination by the party with which he affiliates for the office of mayor shall have filed as herein required and where only five aspirants for nomination by the party with which they affiliate have filed as herein required by the board of commissioners, they shall be declared the nominees by the party with which they affiliate.

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 9th day of February, 1951.

H. B. 152

CHAPTER 49

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO MAKE RULES AND REGULATIONS FOR THE PROTECTION AND USE OF ITS WATER SUPPLY LAKE AND ITS PUBLIC PARK AND SWIMMING POOL ON DEEP RIVER.

The General Assembly of North Carolina do enact:

Section 1. The Council of the City of High Point is authorized to make rules and regulations for the protection and use of its raw water reservoir located on Deep River. Such rules and regulations shall include terms and conditions under which fishing and boating shall be permitted, fix a charge for fishing permits, and provide for a ward or wardens to enforce such rules and regulations.

Sec. 2. The Council of the City of High Point is also authorized to make such rules and regulations as it may deem necessary to enforce the provisions of this Act, and to carry out its true purpose and intent, for the protection, betterment, administration and use of its park and swimming pool located on Deep River just below its water supply lake. Such rules and regulations shall provide for the use of streets, alleys, driveways, and authorize the establishing parking areas and places in the said park, and prohibit the sale and use of beer, wine and whiskey in the said park.

Sec. 3. All rules and regulations adopted by the Council of the City of High Point pursuant to this Act shall, upon their adoption, have the force and effect of ordinances and shall be enforced by the Sheriff or any Deputy Sheriff of Guilford County.

Sec. 4. That any parking regulations adopted pursuant to this Act shall also be enforced by police officers of the City of High Point. That any police officer of the City of High Point who may be injured while enforcing such rules and regulations in such park shall be covered by the provisions of North Carolina Workman's Compensation Act.

Sec. 5. That the violation of any of such rules and regulations shall be a misdemeanor and any person found guilty of violation of any one or more of such rules and regulations shall be punished for such violation by a fine of $25.00 and the cost of the court.

Sec. 6. If any Section, paragraph, clause or provision of this Act shall be held invalid, the invalidity of such Section, paragraph, clause or provision shall not affect the remaining Sections, paragraphs, clauses or provisions of this Act.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 9th day of February, 1951.
H. B. 153  CHAPTER 50
AN ACT TO AMEND CHAPTER 440 OF THE 1949 SESSION LAWS OF NORTH CAROLINA, RELATING TO PURCHASE OF SUPPLIES BY GUILFORD COUNTY AND THE CITY OF GREENSBORO IN GUILFORD COUNTY, MAKING SUCH ACT APPLY TO CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of Chapter 440 of 1949 Session Laws of North Carolina applying to the purchase of supplies by Guilford County and the City of Greensboro in Guilford County be amended to apply also to the City of High Point in Guilford County.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1951.

H. B. 171  CHAPTER 51
AN ACT TO AMEND CHAPTER 448 OF THE SESSION LAWS OF 1949, WHICH AMENDS CHAPTER 115 OF THE PRIVATE LAWS OF 1899, RELATING TO THE POWERS OF THE BOARD OF ALDERMEN OF THE CITY OF GREENVILLE, IN PITT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 115 of the Private Laws of 1899 entitled, “An Act to Amend and Consolidate the Charter of the Town of Greenville, N. C.”, as amended, is hereby further amended by striking out the words and figures “twelve thousand dollars ($12,000.00)” which appear after the word “of” in line four of the second paragraph thereof, numbered 19, as incorporated therein by Chapter 448 of the Session Laws of 1949, and inserting in lieu thereof, “thirty thousand dollars ($30,000.00).”

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 9th day of February, 1951.

H. B. 178  CHAPTER 52
AN ACT TO APPOINT DR. WILLIAM REDDIN KIRK A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That pursuant to provisions contained in Chapter 113, pages 150 to 159 of the Public, Local and Private Laws, entitled “An Act to Amend the Charter of the City of Hendersonville” ratified December 19,
1921, Dr. William Reddin Kirk be, and he is hereby re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was duly elected by Act of the General Assembly of 1945.

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 9th day of February, 1951.

H. B. 201

CHAPTER 53

AN ACT TO AMEND CHAPTER 157 RELATING TO THE TERM OF OFFICE OF THE CASWELL COUNTY COUNTY ACCOUNTANT.

The General Assembly of North Carolina do enact:

Section 1. James N. Slade, the incumbent hold-over Caswell County Accountant, shall hold and perform all of the duties incident to said office until the first Monday in December 1952 and until his successor duly qualifies. The Caswell County County Accountant shall be nominated in the May 1952 primary and elected in the general 1952 election in the same respect and under the same laws applicable to the election of other county officers.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1951.

S. B. 82

CHAPTER 54

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF THE CITY OF WARSAW, IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All that territory embraced within the territorial limits of the City of Warsaw, in Duplin County, is hereby designated a bird sanctuary.

Sec. 2. It shall be unlawful for any person to hunt, kill or trap any birds, or willfully molest any nests or eggs thereof, within the territorial limits of the City of Warsaw. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.
H. B. 25

CHAPTER 55

AN ACT TO AMEND CHAPTER 7, SECTION 70 OF THE GENERAL STATUTES OF 1943, TO CHANGE THE TERMS OF THE SUPERIOR COURT IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes of North Carolina, fixing the terms of Superior Court for Caldwell County in the Sixteenth Judicial District, is hereby rewritten to read as follows:

"Caldwell—First Monday before the first Monday in March; second Monday before the first Monday in September, each to continue two weeks; eleventh Monday after the first Monday in March, to continue two weeks, for the trial of civil and criminal cases; twelfth Monday after the first Monday in September, to continue two weeks, for the trial of civil and criminal cases; the eighth Monday before the first Monday in March, to continue two weeks, for the trial of civil cases only; eighth Monday after the first Monday in March, to continue one week, for the trial of civil cases only; ninth Monday after the first Monday in March, to continue one week, for the trial of civil and criminal cases; fourth Monday after the first Monday in September, to continue two weeks, for the trial of civil cases only; thirteenth Monday after the first Monday in March, to continue two weeks, for the trial of civil cases only; first Monday in September, to continue two weeks, for the trial of civil cases only. For the last five terms provided for above, the Chief Justice of the Supreme Court may assign a regular, special, or emergency judge when the judge regularly assigned to the district is unable to hold said terms for any cause set out in Article IV, Section 11, of the Constitution.

"If the regular judge holding the courts in the Sixteenth District is not available for any cause set out in Article IV, Section 11, of the Constitution, to hold any of the terms of court provided for in this Act, the Chief Justice of the Supreme Court shall assign a judge to hold such term or terms from among the regular, special or emergency judges."

Sec. 2. All general, special, and local laws and clauses of laws in conflict with this Act are hereby repealed, it being the intent and purpose of this Act that the terms of court herein provided for shall supersede and be in substitution of all other terms of court in Caldwell County.

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 14th day of February, 1951.

H. B. 28

CHAPTER 56

AN ACT TO AMEND CHAPTER 7, SECTION 70 OF THE GENERAL STATUTES OF 1943 SO AS TO CREATE AN ADDITIONAL TERM OF THE SUPERIOR COURT IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes of North Carolina, fixing the terms of Superior Court for Cleveland County in the
Sixteenth Judicial District, is amended by inserting between the word "Cleveland" and the word "third" the following:

"First Monday in February for two weeks for the trial of civil cases only."

Sec. 2. The Chief Justice of Supreme Court shall assign a judge to hold said term from among the regular, special, or emergency Superior Court Judges.

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, 1951.

H. B. 92

CHAPTER 57

AN ACT TO AMEND G. S. 7-70 RELATING TO TERMS OF SUPERIOR COURT IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-70 is hereby amended by striking out all of the paragraph relating to the terms of Superior Court of Perquimans County and inserting in lieu thereof the following:

"Perquimans—Fifth Monday before the first Monday in March for civil cases only; sixth Monday after the first Monday in March; fourth Monday after the first Monday in September for civil cases only, for which term a special judge shall be assigned by the Chief Justice of the Supreme Court to hold the same; eighth Monday after the first Monday in September."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

H. B. 117

CHAPTER 58

AN ACT TO REPEAL CHAPTER 206 OF THE PUBLIC LAWS OF 1941, WHICH PUBLIC LAW AMENDS, AS TO BUNCOMBE COUNTY, G. S. 15-5 PERTAINING TO THE FEES ALLOWED COUNSEL ASSIGNED TO DEFEND IN A CAPITAL CASE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 206 of the Public Laws of 1941 is hereby repealed in its entirety.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.
H. B. 137  

CHAPTER 59

AN ACT TO AMEND G. S. 40-11 AND 40-19, RELATING TO CON-DEMNATION PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 40-11 is hereby amended by striking out all of that Section following the word "acquire" in line 6 and inserting in lieu thereof the following:

"fee simple title to such real estate or an easement in such real estate in the manner and by the special proceedings herein prescribed."

Sec. 2. G. S. 40-19 is hereby amended by striking out the period following the word "aforesaid" in line 29 of that Section and adding the following:

"or if the proceedings have been instituted by such corporation to acquire a fee simple title to such real estate, then all persons who have been made parties to the proceedings shall be divested and barred of all right, title and interest in such real estate."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

H. B. 160  

CHAPTER 60

AN ACT TO MAKE UNIFORM THE PERIOD OF NOTICE OF SALE OF PERSONAL PROPERTY BY ADMINISTRATORS AND EXECU-TORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-75 is hereby amended by striking out the word "twenty" in line four of said Section, as the same appears in the 1949 Cumulative Supplement to the General Statutes, and inserting in lieu thereof the word "ten."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

S. B. 47  

CHAPTER 61

AN ACT TO AMEND G. S. 6-52, RELATING TO THE FEES OF WIT-NESSES IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 6-52, as it appears in the 1949 supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows:
“In Montgomery County, the fees of witnesses shall be such amount per day as the board of county commissioners of said county may fix, to be not less than two dollars ($2.00) per day and not more than three dollars ($3.00) per day.”

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 14th day of February, 1951.

S. B. 48

CHAPTER 62

AN ACT RELATING TO THE FEES OF JURORS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5 is amended by adding at the end thereof a new paragraph to read as follows:

“In Montgomery County, all jurors in the Superior Court and inferior courts shall receive such an amount per day as the board of commissioners of said county may fix, not less than four dollars ($4.00) per day nor more than seven dollars ($7.00) per day. In addition to the compensation herein fixed, all jurors in Montgomery County shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel; provided, that this allowance shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required.”

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 14th day of February, 1951.

S. B. 118

CHAPTER 63

AN ACT TO AMEND CHAPTER 511, SESSION LAWS OF 1947, TO EXTEND TIME TO HOLD A REFERENDUM OF FLUE CURED TOBACCO FARMERS IN NORTH CAROLINA TO PROMOTE THROUGH ORGANIZED EFFORT THE EXPORT SALE OF FLUE CURED TOBACCO.

WHEREAS, in accordance with the provisions of Chapter 511, Session Laws of 1947, a referendum of the flue cured tobacco farmers in North Carolina was held in the year 1947 and was carried by the vote of more than two-thirds, to wit: 97.6%, of the eligible farmers participating therein and assessments in pursuance of said Act and of said referendum were levied during the years 1947, 1948 and 1949; and
WHEREAS, pursuant to the provisions of said Act, a second referendum of the flue cured tobacco farmers of North Carolina was held in the year 1949 and was carried by the votes of more than two-thirds, to wit: 97%, of the eligible farmers participating therein and assessments pursuant to said Act and pursuant to said referendum have been levied in the year 1950, and will be levied in the years 1951 and 1952; and

WHEREAS, it would be in the public interest to extend the period of holding a referendum under said Act in order to accomplish the purposes stated in the preamble of said Act: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. That Chapter 511, Session Laws of 1947, be and the same is hereby amended by adding to said Chapter Sections 12-A, B, and C as follows:

"Sec. 12-A. The Board of Directors of Tobacco Associates, Incorporated, in its discretion, shall have the full power and authority to call and conduct at such time as it may determine in the year 1952, another referendum in which the flue cured tobacco farmers of North Carolina shall vote upon the question of whether or not the assessment heretofore authorized in this Act shall be continued for the next ensuing three years, to wit, 1953, 1954 and 1955. In the event such a referendum is carried in the affirmative in the manner and by the vote as required above, the assessment as authorized and defined heretofore in this Act shall be levied and collected as herein provided.

Sec. 12-B. That in the event such referendum, held in the year 1952 pursuant to the authority of Section 12-A above, or any referendum, held at any time thereafter as authorized by the provisions of this Act, is carried by the vote of two-thirds or more of the eligible farmers participating therein and assessments in pursuance thereof are being levied annually as set forth in the call for such referendum, then the Board of Directors of Tobacco Associates, Inc., shall, in its discretion, have full power and authority to call and conduct during the third year of such period another referendum in which the farmers and producers of tobacco shall vote upon the question of whether or not such assessments shall be continued for the next ensuing three years.

Sec. 12-C. That in the event any referendum conducted as provided for in this Act shall not be supported by two-thirds or more of those voting therein, then the Board of Directors of Tobacco Associates, Inc., shall have full power and authority to call another referendum for the purposes here-in set forth in any succeeding year, on the question of an annual assessment for three years."

Sec. 1½. That Chapter 511, Session Laws of 1947 be and the same is hereby amended by adding to Section 13 of said Chapter the following:

"The treasurer of said Tobacco Associates, Incorporated, shall further, within 30 days after the end of any fiscal year, file with the State Auditor a financial statement as of the end of the fiscal year and a detailed statement of operations for the year ended. Further a condensed statement of financial condition and operating expenses for said fiscal year shall be pub-
lished in a newspaper of general circulation, if one exists, in each county from which assessments are collected."

Sec. 2. That Chapter 511, Session Laws of North Carolina, 1947, be and the same is hereby amended by striking from Section 8 and after the words "per acre" in line five thereof, the following words "on all tobacco acreage in the State of North Carolina in accordance with the allotments of acreage" and inserting in lieu thereof the following words "on all flue cured tobacco acreage in the State of North Carolina."

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 14th day of February, 1951.

H. B. 138

CHAPTER 64

AN ACT TO AMEND THE CHARTER OF THE CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Section 1. That in all primaries to be held for the nomination of the elective officers of the City of Washington, candidates for membership on the board of aldermen shall be nominated by the voters at large of their respective political parties, and the two persons in each of the four wards receiving the highest city-wide vote of their party shall be declared the nominees of such party. At the ensuing municipal election the two persons in each of the wards receiving the highest city-wide vote as members of the board of aldermen shall be declared elected.

Sec. 2. That in case there shall be a tie in the vote in any primary or election for any elective officers of the City of Washington, the tie shall be broken by the Beaufort County Board of Elections, after two days notice in writing to the persons whose interests are affected. In case of dispute arising with respect to the nomination or election of any officer, or matter pertaining to the holding of a primary or election, the same shall be heard and determined by the Beaufort County Board of Elections, under such rules and regulations as may be adopted and established by said board not inconsistent with any rules or regulations adopted by the State Board of Elections. The Beaufort County Board of Elections is hereby given the power to administer oaths, to subpoena witnesses and to do and perform any other thing which shall be necessary for the purpose of hearing and determining any matter which may come before it by reason of the provisions of this Section.

Sec. 3. That the registration books for the registration of voters in primary elections shall be open for a period of 10 days, which period of time shall include and end with the second Saturday preceding the day for the holding of the primary. The registration books shall be open until 6:30 o'clock P. M. on the last day during said registration period.

Sec. 4. Any person seeking to register must show that he has resided in the State for one year, in the City of Washington for four months, and in the ward in which he offers to register for 30 days preceding the pri-
mary, and shall otherwise be qualified to vote for members of the General Assembly. Registration for the right to vote in the primary shall be sufficient to entitle an elector to vote in the municipal election, and the registration books shall not be kept open separately for municipal elections. No registration shall be allowed on the day of the primary or election, but if any person shall give satisfactory evidence to the registrar and the poll holders that he has become qualified to register and vote after the time for registration has expired, he shall be allowed to vote on that date.

Sec. 5. That the municipal election for the election of the elective officials of the City of Washington shall be held on Tuesday after the first Monday in May of the year 1951 and biennially thereafter. The primary shall be held on the third Monday preceding the municipal election. The polls shall be kept open on the days of the municipal elections and primaries from 6:30 o'clock A. M. to 6:30 o'clock P. M.

Sec. 6. That the Beaufort County Board of Elections, during the first week in March preceding a primary shall appoint a registrar and two poll holders from each ward. The election officials appointed to serve in the primary shall, in so far as practicable, also serve in the ensuing municipal election. Any vacancy occurring among the election officials after they have been initially named by the Beaufort County Board of Elections may be filled either by the board of aldermen or by the mayor, provided further that if any vacancies shall occur on the day of the primary or election in the office of the registrar, the same shall be filled by the poll holders, and if any vacancies shall occur on that day in the office of poll holder the same shall be filled by the registrar.

Sec. 7. That there shall be no voting by absentee ballot in any primary or municipal election to be held for the nomination or election of the elective officials of the City of Washington.

Sec. 8. That the provisions hereof shall apply only to primaries and elections for the nomination and election of elective officials of the City of Washington, and shall have no application to special elections.

Sec. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

H. B. 175

CHAPTER 65

AN ACT TO REQUIRE BONDING COMPANIES AND PROFESSIONAL BONDSMEN TO MAKE A DEPOSIT OF FUNDS WITH THE CLERK OF THE SUPERIOR COURT OF SWAIN COUNTY TO GUARANTEE THE PERFORMANCE OF THEIR OBLIGATIONS.

The General Assembly of North Carolina do enact:

Section 1. All bonding companies or professional bondsmen who are engaged in the business of executing bail bonds or becoming sureties on the bonds or recognizances for the appearance of defendants in criminal actions or for the performance of any obligations required by the court on
the part of the defendants in criminal actions before doing any business in Swain County and before becoming surety upon any bonds or recognizances or assuming any obligations in any form whatsoever upon bail bonds requiring the appearance of defendants in criminal actions or requiring defendants in criminal actions to perform any obligations, shall deposit with the Clerk of the Superior Court of Swain County the sum of one thousand dollars ($1,000.00). The deposit of said sum of one thousand dollars ($1,000.00) with the Clerk of the Superior Court of Swain County shall constitute a condition precedent to the doing of any business in said county by said bonding companies or professional bondsmen and no bond, recognizance or obligation executed by said bonding company or companies or professional bondsmen shall be valid nor shall it be lawful for any charge to be made or compensation to be paid for any such bond or recognizance until said deposit of one thousand dollars ($1,000.00) is made with the Clerk of the Superior Court of Swain County. A professional bondsman or bonding company as used in this Act shall mean but shall not be limited to any person, corporation, or association who shall execute an appearance bond in consideration of the payment of a premium.

Sec. 2. The Clerk of the Superior Court of Swain County shall keep said deposit in a special account showing the name of the person, firm, or corporation who made the deposit, and the said funds shall be safeguarded and protected as any other funds paid into the office of the Clerk of the Superior Court by virtue of said office. The said sum of one thousand ($1,000.00) so deposited with the Clerk of the Superior Court of Swain County shall be liable for any obligations on the part of said bonding companies or professional bondsmen and upon execution being issued against said bonding companies or professional bondsmen and the same being returned unsatisfied, it shall be the duty of the Clerk of the Superior Court to apply said sum of one thousand dollars ($1,000.00) in payment of any judgment of record against said bonding companies or professional bondsmen to the extent of the payment of the principal, interest and costs thereon, and such application, when properly shown and receipted upon the judgment docket, shall constitute a discharge of liability on the part of said clerk for the handling of said funds. Said bonding companies or professional bondsmen shall, in addition to depositing the sum of one thousand dollars ($1,000.00) with the Clerk of the Superior Court of Swain County, maintain on deposit with said clerk the sum of one thousand dollars ($1,000.00).

Sec. 3. Any bonding company or professional bondsman making said deposit and wishing to withdraw same may do so by ceasing to do business in Swain County and upon satisfying the Clerk of the Superior Court that all of its obligations by reason of bail bonds or recognizances outstanding against said bonding company or professional bondsman in Swain County.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.
S. B. 119

CHAPTER 66
AN ACT TO AMEND G. S. 55-43 RELATING TO THE MANNER OF EXECUTION OF CONDITIONAL SALES CONTRACTS AND CHATTEL MORTGAGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-43 is hereby amended by inserting the words "vice president" immediately following the word "president" in line nine of said Section as the same appears in the 1949 Cumulative Supplement to the General Statutes.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

H. B. 57

CHAPTER 67
AN ACT TO AMEND CHAPTER 276 OF THE PUBLIC-LOCAL LAWS OF 1913, AND ALL SUBSEQUENT AMENDMENTS THERETO, RELATING TO COURT COSTS IN THE DAVIDSON COUNTY COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 276 of the Public-Local Laws of North Carolina, Session 1913; Chapter 107 of the Public-Local Laws of North Carolina, Extra Session of 1913; Chapter 643 of the Public-Local Laws of North Carolina, Session 1915; Chapter 96 of the Public-Local Laws of North Carolina, Session 1923; Chapter 364 of the Public-Local Laws of North Carolina, Session 1927, and Chapter 82 of the Public-Local Laws of North Carolina, Session 1933, be amended by striking out Section 14 of said Chapter 276, and all amendments thereto, and inserting in lieu thereof the following:

"For the purpose of providing salaries for the judge, solicitor and clerk of said court, and for the necessary expense of the clerk, and for necessary expense in issuing warrants, recording judgments, indexing, etc., a fee of nine dollars ($9.00) shall be taxed in each criminal case by the clerk and paid to the County Manager of Davidson County: Provided, in addition to the foregoing costs where applicable the defendant shall pay an arrest fee of one dollar and fifty cents ($1.50), jail fees, State tax, witness fees and such additional items of cost as the court may deem proper, including, but not limited to, the following:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal to Superior Court</td>
<td>$2.00</td>
</tr>
<tr>
<td>Issuing Capias</td>
<td>1.00</td>
</tr>
<tr>
<td>Judgment nisi or sci. fa.</td>
<td>.50</td>
</tr>
<tr>
<td>Serving sci. fa. or capias</td>
<td>1.50</td>
</tr>
</tbody>
</table>

Witnesses attending said court shall be entitled to fifty cents (50c) per day and mileage at five cents (05c) per mile each way, but only such witnesses shall be allowed to prove attendance and receive pay as are now allowed to prove in Superior Court.
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 14th day of February, 1951.

H. B. 106  
CHAPTER 68
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF FORSYTH TO LEVY A SPECIAL TAX FOR THE SUPPORT AND MAINTENANCE OF THE POOR, THE UPKEEP OF COUNTY BUILDINGS AND THE OPERATION OF THE FORSYTH COUNTY DEPARTMENT OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:
Section 1. That the Board of Commissioners for the County of Forsyth is hereby authorized and empowered to levy a special ad valorem tax on all taxable property situate in said county not to exceed twenty cents (20c) on the one hundred dollars ($100.00) valuation for the support and maintenance of the poor, the maintenance and upkeep of the county home for the aged and infirm, and other similar institutions, and for the operation of the Forsyth County Department of Public Welfare.
Sec. 2. The special tax authorized by this Act to be in addition to any taxes authorized by any other special or general Act, and in addition to the constitutional limit of taxes levied for general county purposes.
Sec. 3. This Act shall apply only to Forsyth County.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. 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, 1951.

S. B. 22  
CHAPTER 69
AN ACT RELATING TO THE OPERATION OF TAXICABS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:
Section 1. It shall be unlawful for any person to engage a taxicab in Moore County and, upon the completion of such engagement, to fail and refuse to pay the operator of such cab compensation for the use thereof with the intent to cheat and defraud: Provided, however, the same shall not be unlawful unless, at the time of the alleged violation, a schedule of the fares and rates currently charged by the person, firm, or corporation operating such taxicab is on file with the Board of County Commissioners of Moore County and the governing body of the municipality in which such person, firm, or corporation operates a taxicab business.
Sec. 2. Any person violating the provisions of Section 1 of this Act shall, upon conviction, be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or shall be fined not exceeding fifty dollars ($50.00).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1951.

S. B. 34

CHAPTER 70

AN ACT TO INCREASE THE MAXIMUM WEEKLY AND MAXIMUM AGGREGATE COMPENSATION UNDER THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-29, as the same appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by striking out in line seven the word “twenty-four” and inserting in lieu thereof the word “thirty,” and by striking out in lines 11 and 18 and 24 the words and figures “six thousand dollars ($6,000.00)” and inserting in lieu thereof the words, “eight thousand dollars ($8,000.00),” and by striking out in line four of the third paragraph the word “twenty-four” and inserting in lieu thereof the word, “thirty.”

Sec. 2. G. S. 97-30, as the same appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by striking out in line 10 the word, “twenty-four” and inserting in lieu thereof the word, “thirty.”

Sec. 3. G. S. 97-38 is hereby amended by striking out in lines 11 and 12 of the first sentence, as the same appears in the 1949 Cumulative Supplement to the General Statutes, the word, “twenty-four,” and inserting in lieu thereof the word, “thirty.”

Sec. 4. G. S. 97-41, as the same appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by striking out the figures, “$6,000,” in the second line of the Section title and inserting in lieu thereof the figures, “$8,000.00,” and by striking out in lines two and three of the Section the words and figures, “six thousand ($6,000) dollars” and inserting in lieu thereof the words and figures “eight thousand dollars ($8,000.00).”

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1951 and shall not apply to injuries occurring prior to said date.

In the General Assembly read three times and ratified, this the 16th day of February, 1951.
S. B. 138

CHAPTER 71

AN ACT TO AMEND GENERAL STATUTES 105-422 AS THE SAME APPEARS IN THE 1949 CUMULATIVE SUPPLEMENT, RELATING TO THE BARRING OF TAX LIENS SO AS TO MAKE THE SAME APPLICABLE TO NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 105-422, as the same appears in the 1949 Cumulative Supplement, is hereby amended by striking out the word "Northampton" in the list of counties at the end of said Section so as to make its provisions applicable to Northampton County: Provided, that as to tax foreclosure actions which, under existing laws, are not and will not be barred prior to July 1, 1952, said foreclosure actions may be instituted in Northampton County at any time prior to July 1, 1952.

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

Sec. 3. This Act shall become effective from and after its ratification. In the General Assembly read three times and ratified, this the 16th day of February, 1951.

H. B. 64

CHAPTER 72

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF TRANSYLVANIA COUNTY, WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY, TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE NORTH BREVARD ELEMENTARY SCHOOL BUILDING OR THE LAKE TOXAWAY ELEMENTARY SCHOOL BUILDING, PAYMENT FOR COST OF PART OF WHICH STATE CAPITAL OUTLAY FUNDS ARE AVAILABLE, AND TO AUTHORIZE THE PAYMENT OF THE BALANCE OF CONTRACT COSTS FROM COUNTY CAPITAL OUTLAY FUNDS.

WHEREAS, for the past four years Transylvania County has been engaged in a school building program financed from the proceeds of a county school bond issue, county tax levies and State capital outlay funds; and

WHEREAS, the proceeds from said sources and all other sources are not sufficient to complete all of the projects included in said school building program; and

WHEREAS, the North Brevard Elementary School building and the Lake Toxaway Elementary School building projects are two of those which were not constructed; and

WHEREAS, there is now available from State capital outlay funds the sum of one hundred fifteen thousand, one hundred thirty-eight and eighty-one one-hundredths dollars ($115,138.81) which has been appropriated for the construction of said buildings; and
WHEREAS, the lowest bid received for the construction of each of
said buildings, after duly advertising the same, is in an amount which
exceeds the amount available therefor by more than fifty thousand dol-

lars ($50,000.00); and

WHEREAS, the Board of Education of Transylvania County desires
to enter into a contract for the construction of one of said buildings, and
the Board of County Commissioners of Transylvania County desires to
approve such contract on the basis of the low bid received; and

WHEREAS, the Board of County Commissioners of Transylvania
County desires to levy for the fiscal year 1951-1952 a tax in an amount
sufficient to provide for the payment of the difference in the amount now
available and the amount of the low bid received for said construction
of the school building decided upon by the said board of education: Now,
therefore,

The General Assembly of North Carolina do enact:

Section 1. Upon the passage of a resolution by the Board of County
Commissioners of Transylvania County approving the execution of a con-
tract to construct either the North Brevard Elementary School building or
the Lake Toxaway Elementary School building, and agreeing in said reso-

lution to provide from capital outlay funds for the fiscal year 1951-52 an
amount equal to the difference between one hundred fifteen thousand, one
hundred thirty-eight and eighty-one one-hundredths dollars ($115,138.81)
and the amount of the lowest bid received for the construction of said
school building, the board of education of said county, notwithstanding
the provisions of G. S. 153-130, is authorized to enter into a contract for
the construction of said building in an amount not to exceed the sum of
the lowest bid received for the construction of said school building, after
due advertisement and notice, as required by law.

Sec. 2. All laws and clauses of laws in conflict with this Act are here-

by 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 16th
day of February, 1951.

H. B. 204

CHAPTER 73

AN ACT TO REPEAL G. S. 103-1, WHICH STATUTE IMPOSES A FOR- FEITURE UPON PERSONS WHO DO WORK OR LABOR ON SUN-

DAY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 103-1 is hereby repealed in its entirety.

Sec. 2. All laws and clauses of laws in conflict with this Act are here-

by repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th
day of February, 1951.
H. B. 224  CHAPTER 74

AN ACT TO CREATE THE CHARLES B. AYCOCK PUBLIC SCHOOL MEMORIAL FUND FOR THE PURPOSE OF PROMOTING AND ENHANCING THE EDUCATIONAL FACILITIES IN THE PUBLIC SCHOOLS OF THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. In order to perpetuate the fame of North Carolina’s great educational governor, and promote and encourage the cause of public education for useful citizens of the State, the benefit of the people of the State through the medium of the public schools, to better provide for the education of children in elementary and high schools, to aid them in their preparation, and to stimulate them to seek advanced educational advantages, there is hereby created a nonstock, nonprofit, charitable corporation under the name of the “Charles B. Aycock Public School Memorial Fund,” which said corporation shall have perpetual existence and shall be and remain under the control of the State.

Sec. 2. The governing body of the Charles B. Aycock Public School Memorial Fund shall be a board of directors consisting of 12 members to be appointed by the Governor, upon the recommendation of the State Superintendent of Public Instruction, and with the approval of the State Board of Education. Of the members so appointed, four shall be appointed for terms of two years each, four shall be appointed for terms of four years each, and four shall be appointed for terms of six years each, all beginning on the first day of May, 1951. Thereafter, as their terms expire, appointments shall be made as herein provided for terms of six years each. Vacancies occurring on said board by death, resignation, or otherwise, shall be filled for the unexpired terms.

Sec. 3. The location of the principal office of the corporation shall be in the City of Raleigh, Wake County, North Carolina, but it may have one or more branch offices or places of business at other places in the State.

Sec. 4. The officers of the corporation shall be elected by the board of directors and shall include a president, a vice president, and a secretary-treasurer who shall serve for one year, and until their successors are appointed and qualified. The treasurer of the corporation shall be responsible for the funds of the corporation and shall furnish good and sufficient surety in such amount as may be fixed from time to time by the board of directors.

Sec. 5. It shall be the duty of the State Auditor to make an annual audit of the accounts of the corporation and to make report thereof to the General Assembly at each of its regular sessions.

Sec. 6. The board of directors may appoint and employ such agents, employees, or representatives as it may deem necessary to carry out the purposes for which the corporation is created and fix their compensation. No director of the corporation shall receive any compensation whatever for or in connection with his services as such director or as an officer of the corporation.

Sec. 7. The objects and purposes for which the corporation is formed are to encourage and promote the cause of public education in the public

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schools of this State according to all such plans as may be adopted by the board of directors of the corporation.

Sec. 8. The corporation shall have the power and authority to purchase, lease and otherwise acquire such real and personal property as may be deemed useful to the prosecution of the objects for which it is created. It may sell and dispose of the same and may hold or may sell and convey such property as may be taken in whole or in partial satisfaction of any debt due to it. It may also accept gifts of money and property to be applied to its corporate purposes, provided, that all funds to be used for erection of school buildings, equipment for schools, for financial aid to teachers in individual hardship cases, scholarships for worthy students.

Sec. 9. The board of directors shall have authority to adopt such by-laws for the governing of the corporation as they may deem expedient.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. 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, 1951.

S. B. 158

CHAPTER 75

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN MOORE COUNTY IN THE THIRTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Moore County in the Thirteenth Judicial District is rewritten to read as follows:

“Moore County—Sixth Monday before the first Monday in March, for the trial of criminal cases only, to continue for one week; third Monday before the first Monday in March, for the trial of civil cases only, to continue for one week; third Monday after the first Monday in March, for the trial of civil cases only, to continue for one week; eleventh Monday after the first Monday in March, to continue for two weeks, the first week for the trial of criminal cases only and the second week for the trial of civil cases only; third Monday before the first Monday in September, to continue for one week, for the trial of criminal cases only; second Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only; the first Monday in November, for the trial of civil cases only, to continue for one week.”

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 20th day of February, 1951.
S. B. 195  CHAPTER 76
AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD
OF HEALTH TO GIVE THE NAME OF GEORGE MARION COOPER
MEMORIAL BUILDING TO ANY FUTURE OFFICE BUILDING
THAT MAY BE ERECTED FOR SAID BOARD.

WHEREAS, George Marion Cooper spent his entire active professional
life as a physician in the State of North Carolina and devoted his talents
and energy to the constructive upbuilding of the public health system of
the State and for the benefit of its citizens; and

WHEREAS, George Marion Cooper has lately died, and it is now con-
sidered fit and proper by his friends, colleagues and many citizens of the
State who are deeply conscious of his humanitarian efforts and work, that
any future central office building constructed for the use of the North Car-
olina State Board of Health should carry his name as a memorial to his con-
structive work in public health: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The North Carolina State Board of Health is hereby au-
thorized and empowered to name any central office building that may in
the future be constructed for said board in honor of and as a memorial to
George Marion Cooper.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th
day of February, 1951.

H. B. 68  CHAPTER 77
AN ACT PROVIDED FOR ASSIGNMENT OF SUPERIOR COURT
JUDGES TO HEAR NON-JURY MATTERS AT TIMES OTHER
THAN DURING TERMS OF COURT.

The General Assembly of North Carolina do enact:

Section 1. The Chief Justice of the Supreme Court, whenever he con-
siders that such course will expedite the disposition of pending cases or
otherwise aid in the administration of justice, may assign any Judge of
the Superior Court, regular, special or emergency, to hear and to determine
in any specified county or counties any controversy in civil actions or pro-
ceedings pending therein not requiring the intervention of a jury or in
which a jury trial has been waived and to conduct pre-trial conferences
in civil actions or proceedings pending therein, such assignment having
no relation to the existence or convening of any term of court, and such
judge, when so assigned and commissioned by the Chief Justice of the
Supreme Court shall have, during the period specified in the commission
and without relation to any term of court, in the specified county or coun-
ties the same jurisdiction as that of the resident judge and of the regu-
larly presiding judge of the judicial district in which such county or coun-
ties are located with reference to the hearing and determination of civil
matters in vacation.
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 20th day of February, 1951.

H. B. 69

CHAPTER 78

AN ACT RELATING TO THE JURISDICTION OF SPECIAL SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-58 is hereby amended by rewriting the Section to read as follows:

"Sec. 7-58. Jurisdiction of special judges. Special Superior Court Judges are hereby vested with the same power and authority in all matters whatsoever, in the courts in which they are assigned to hold, that regular judges holding the same courts would have. A special judge duly assigned to hold the courts of a county or judicial district shall have the same powers in the district in open court and in chambers as the resident judge or any judge regularly assigned to hold the courts of the district would have, which jurisdiction in chambers shall extend until the term is adjourned or the term expires by operation of law, whichever is later."

Sec. 2. (a) G. S. 7-65 is hereby amended by inserting in line seven immediately following the word "and" the words "any special Superior Court Judge residing in the district and".

(b) G. S. 7-65 is hereby further amended by inserting in line 14 after the word "district" and in line 16 after the word "judge" the words "and any special Superior Court Judge residing in the district."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of February, 1951.

H. B. 190

CHAPTER 79

AN ACT TO AMEND SECTION 105-345 OF THE GENERAL STATUTES WITH RESPECT TO PREPAYMENT DISCOUNTS ON TAXES COLLECTED BY ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 105-345 of the General Statutes, as amended, be and the same is hereby amended by adding a new paragraph at the end thereof to read as follows:

In Robeson County the only discounts allowed for the prepayment of taxes due Robeson County provided for in this Act shall be as follows:

(a) If paid during the month of September, a deduction of one per cent
 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 20th day of February, 1951.

S. B. 41

CHAPTER 80

AN ACT TO AMEND G. S. 9-19, RELATING TO EXEMPTIONS FROM JURY DUTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-19, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by striking out the following language which appears in lines 26 to 41, inclusive: "On the first day of January and July of each year, the commanding officer of each company, troop, battery, detachment, or division of the National Guard, Naval Militia, Officers Reserve Corps, Enlisted Reserve Corps, and the naval reserves, of North Carolina, shall file with the Clerk of the Superior Court of the county in which such 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 such statement shall not receive the benefit of the exemption provided for herein during the six months immediately following the filing of the statement."

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 21st day of February, 1951.

S. B. 76

CHAPTER 81

AN ACT TO AMEND G. S. 15-181, RELATING TO PAUPER APPEALS IN CRIMINAL CASES.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 15-181 is amended by adding a new sentence at the end thereof to read as follows:

"Where the Judge of the Superior Court has made an order allowing the appellant to appeal as a pauper and the appeal has been filed in the Supreme Court, and an error or omission has been made in the affidavit or certificate of counsel, and the error is called to the attention of the court before the hearing of the argument of the case, the court shall permit an amended affidavit or certificate to be filed correcting the error or omission."

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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 21st day of February, 1951.

S. B. 88

CHAPTER 82

AN ACT TO REWRITE G. S. 9-21 RELATING TO EXTRA OR ALTERNATE JURORS IN THE TRIAL OF CIVIL AND CRIMINAL CASES IN THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-21 is hereby rewritten so that the same shall hereafter read as follows:

"9-21. Extra or alternate juror or jurors; challenges; compensation and duties. In the trial in the Superior Court of any case, civil or criminal, when it appears to the judge presiding that the trial is likely to be protracted, in the discretion and upon the direction of the judge after the jury has been duly impaneled and sworn, one or more additional or alternate jurors shall be selected in the same manner as the regular jurors in said case were selected, but each party shall be entitled to two peremptory challenges as to each such alternate juror; such additional or alternate juror or jurors shall likewise be sworn and seated near the jury, with equal opportunity for seeing and hearing the proceedings and shall attend at all times upon the trial with the jury and shall obey all orders and admonitions of the court to the jury and, when the jurors are ordered kept together in any case, said alternate juror or jurors shall be kept with them. Such additional or alternate juror or jurors shall be liable to the same extent as a regular juror for failure to attend the trial or to obey any order or admonition of the court to the jury, shall receive the same compensation as other jurors, and except as hereinafter provided shall be discharged upon the final submission of the case to the jury. If before the final submission of the case to the jury a juror or jurors become incapacitated or disqualified, or by reason of illness or death in the family of such juror or jurors, or other sufficient reason in the opinion of the court, such juror or jurors may be discharged by the judge, in which case, or if a juror or jurors die, upon the order of the judge said additional or alternate juror or jurors shall become a part of the jury in the order in which said juror or jurors were selected and serve in all respects as those selected as an original juror."

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1951.
H. B. 131  CHAPTER 83

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF ORIENTAL, IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Oriental, in Pamlico County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1951.

H. B. 191  CHAPTER 84

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWN OF WALLACE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the Town of Wallace is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of said town except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharpshinned Hawks, Crows and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1951.

S. B. 10  CHAPTER 85

AN ACT TO AMEND G. S. 15-102 SO AS TO AUTHORIZE CLERKS OF THE SUPERIOR COURTS OF THIS STATE TO TAKE BAIL IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. Subsection 2 of G. S. 15-102 is rewritten to read as follows:

"2. Any Clerk of the Superior Court, any justice of the peace, or any chief magistrate of any incorporated city or town, in all cases of mis-
demeanor, and in all cases of felony not capital, provided, that this Act shall not apply to the counties of Guilford, Durham, Rowan, Lee and Alamance.”

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 22nd day of February, 1951.

S. B. 112

CHAPTER 86

AN ACT TO AMEND SECTION 39-24 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE THAT CHARITABLE, FRATERNAL, RELIGIOUS, OR PATRIOTIC VOLUNTARY ORGANIZATIONS AND ASSOCIATIONS MAY SUE AND BE SUED IN THEIR COMMON NAME CONCERNING REAL ESTATE HELD BY THEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 39-24 is hereby amended by inserting between the word “names” and the colon in line seven of said Section the following words: “and may sue and be sued in their common or corporate names concerning real estate so held.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1951.

S. B. 137

CHAPTER 87

AN ACT AMENDING CHAPTER 583 OF THE PUBLIC-LOCAL LAWS OF 1923, THE SAME BEING AN ACT TO CLARIFY THE POWERS OF CEMETERY TRUSTEES AND VALIDATING CONVEYANCES HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 583 of the Public-Local Laws of 1923 is hereby amended by adding thereto a Section to be designated as Section 14 and to read as follows:

“Sec. 14. The board of trustees of any cemetery, created pursuant to this Act, shall have the power to sell at public auction, as provided by G. S. 160-59, any real property, title to which is held by it, which it shall determine to be unfit or unnecessary for cemetery purposes, except when such sale would violate the terms of any deed, gift or trust pursuant to which the property proposed to be sold was acquired. Any such sales and conveyances heretofore made by any such board of trustees are hereby validated.”

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 22nd
day of February, 1951.

H. B. 70  CHAPTER 88
AN ACT RELATING TO THE JURISDICTION OF EMERGENCY
SUPERIOR COURT JUDGES.
The General Assembly of North Carolina do enact:
Section 1. G. S. 7-52 is hereby amended by rewriting the Section to
read as follows:
"Sec. 7-52. Jurisdiction of Emergency Judges. Emergency Superior
Court Judges are hereby vested with the same power and authority in all
matters whatsoever, in the courts in which they are assigned to hold, that
regular judges holding the same courts would have. An emergency judge
duly assigned to hold the courts of a county or judicial district shall have
the same powers in the district in open court and in chambers as the
resident judge or any judge regularly assigned to hold the courts of the
district would have, which jurisdiction in chambers shall extend until the
term is adjourned or the term expires by operation of law, whichever is
later."

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 3. This Act shall become effective from and after its ratification.
In the General Assembly read three times and ratified, this the 22nd
day of February, 1951.

S. B. 78  CHAPTER 89
AN ACT RELATING TO THE AUTHORITY OF POLICE OFFICERS OF
THE TOWN OF SMITHFIELD, JOHNSTON COUNTY.
The General Assembly of North Carolina do enact:
Section 1. Police Officers of the Town of Smithfield, in Johnston County,
in addition to all other authority granted by law, shall have the power
and authority to serve all criminal and civil processes issued by any court
and to exercise the power of arrest not only within the corporate limits
of the Town of Smithfield but at any point within one (1) mile of such
corporate limits as they now exist or may hereafter be extended.
The authority granted by this Act is in addition to and not a limita-
tion of any power and authority granted police officers by Chapter 219 of
the Private Laws of 1911, as amended, the same being the revised Charter
of the Town of Smithfield.
Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 23rd
day of February, 1951.
H. B. 146  CHAPTER 90

AN ACT TO AMEND CHAPTER 108 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ESTABLISH A STATE BOARDING FUND FOR THE AGED AND INFIRM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 108 of the General Statutes is hereby amended by adding thereto another Article which shall be designated as Article 4A, which shall precede Article 5 of the said Chapter, and which shall read as follows:

"Article 4A. State Boarding Fund for the Aged and Infirm.

"108-79.1. State Boarding Fund Established. The State Board of Public Welfare is hereby authorized, empowered, and directed to establish a fund to be known as the State Boarding Fund for the Aged and Infirm, and to adopt rules and regulations under which payments are to be made out of the fund in accordance with the provisions of this Article.

"108-79.2. Payments. From the fund herein established, the State Board of Public Welfare may pay all or part of the cost of maintaining in a duly licensed boarding home any aged or infirm adult person (a) when the State Board deems it essential to the health or welfare of such person that such boarding home care be provided; and (b) when such person is otherwise eligible to receive public assistance under the old age assistance program, aid to the permanently and totally disabled program, or the general assistance program; and (c) when the total resources of such person, including any public assistance grants, are not sufficient to provide care in a suitable licensed boarding home.

"108-79.3. Benefits may be in addition to other aid. Payments may be made from the fund to or for the benefit of a person whether or not such person receives assistance from the State or county, but no payment shall be made from the fund for any purpose except for necessary costs of domiciliary care in a licensed home.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.

H. B. 187  CHAPTER 91

AN ACT AUTHORIZING THE TOWN OF BREVARD TO USE THE UNEXPENDED PART OF THE PROCEEDS OF A $500,000.00 SEWER AND WATER BOND ISSUE TO COMPLETE ITS WATER IMPROVEMENT AND EXPANSION PROGRAM.

WHEREAS, the Town of Brevard did on April 25, 1950, vote a $500,000.00 Sewer and Water Bond issue for the purpose of improving and expanding its water and sewer systems, and

WHEREAS, said bonds were issued as "Water and Sewer Bonds of the Town of Brevard," and

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WHEREAS, in the proceedings authorizing the issuance of said bonds it was estimated and recited that $200,000.00 would be used for improvement and expansion of the water system and $300,000.00 for sewer system improvement and expansion based upon estimates as to probable cost of the proposed improvement and expansion program, and

WHEREAS, after said estimates were made and before plans could be completed and contracts let for said water and sewer improvements and expansions, the cost of materials rose considerably, and

WHEREAS, the cost of materials to be used in the water improvement and expansion program rose disproportionately to those to be used in the sewer improvement and expansion program, and the $200,000.00 estimated for water improvement and expansion is insufficient to complete the necessary projects included in said improvement and expansion program, and

WHEREAS, less than $300,000.00 is needed for the sewer improvement and expansion and this difference the town desires and finds it necessary to use in completing the water improvement and expansion projects: Now therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Brevard is hereby authorized to appropriate and use the unexpended part of the proceeds of the $500,000.00 Water and Sewer Bond Issue in completing its water improvement and expansion projects. Such expenditure shall not in any wise be deemed in conflict with G. S. 160-395 or G. S. 159-36.

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 23rd day of February, 1951.

H. B. 205

CHAPTER 92

AN ACT AMENDING G. S. 130-18 IN RESPECT TO THE APPOINTMENT OF MEMBERS OF COUNTY BOARDS OF HEALTH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-18, as the same appears in the 1949 Cumulative Supplement, is hereby amended by adding at the end of subsection 1 a proviso to read as follows:

“Provided that in the several counties of North Carolina wherein the public members of their respective county boards of health have not, prior to the effective date of this proviso, been appointed or elected for staggered terms as hereinbefore provided by this Section, the ex-officio members of all such county boards of health shall at a meeting to be called and held by the chairman of the board of county commissioners in each such county for such purpose, within 30 days from the effective date of this proviso, elect the public members of such county boards of health as follows: One of the public members of such board or boards of health shall be elected or appointed for a term of four years, one for a term of
three years, one for a term of two years, and one for a term of one year; thereafter, one public member shall be elected during the month of January of each succeeding year for a term of four years, and the public members elected, appointed, or re-elected, or re-appointed pursuant to this proviso shall in all other respects be subject to all of the other provisions of Article 3 of Chapter 130 of the General Statutes. The present public members of any and all such county boards of health shall be eligible for re-election or re-appointment as members of such county board or boards of health for the terms provided herein.”

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

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.

H. B. 218

CHAPTER 93

AN ACT TO AMEND CHAPTER 514 OF THE PUBLIC LAWS OF 1943 SO AS TO PROVIDE FOR THE APPOINTMENT OF THREE ASSISTANT CLERKS OF SUPERIOR COURT OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section I of Chapter 514 of the Public Laws of 1943 be, and the same is hereby amended by striking out the word “two” in line nine of said Section and the word “two” in line 11 of said Section, and inserting in lieu thereof the word “three” in each line.

Sec. 2. That this Act shall apply only to New Hanover County.

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

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

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.

H. B. 220

CHAPTER 94

AN ACT TO AUTHORIZE GUILFORD COUNTY TO PARTICIPATE IN PAYING THE PREMIUM ON GROUP LIFE INSURANCE FOR ITS EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is hereby authorized to join such of its employees as desire to participate in procuring group life insurance upon their lives, and to pay one-half of the premiums on such life insurance up to but not exceeding $1,000.00 of insurance on the life of each employee; provided that this Section shall not be construed to prevent the insurance policy issued from providing insurance in an amount either larger or smaller than $1,000.00.
Sec. 2. Section 1 of this Act shall be effective when and only when seventy-five per cent (75%), or more, of the employees of Guilford County seek to obtain group insurance on their lives and agree to pay that portion of the premium of the policy of insurance, not provided by Guilford County under the provisions of this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 23rd day of February, 1951.

H. B. 223

CHAPTER 95

AN ACT AUTHORIZING COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ASSIST IN FURNISHING FIRE PROTECTION TO COMMUNITIES OUTSIDE OF CITIES AND TOWNS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 405 of Session Laws of 1945 and amendments thereto are hereby repealed; but said repeal shall not invalidate any action heretofore taken by the Commissioners of Guilford County by virtue of said Act.

Sec. 2. The Board of County Commissioners of Guilford County is hereby authorized in its discretion to expend such sums as may be necessary, but within the limits hereinafter imposed, in assisting voluntary fire fighting organizations located outside of the cities and towns of said county.

Sec. 3. The board of county commissioners in carrying out the purposes of this Act may purchase fire fighting equipment and sell or loan the same to voluntary fire fighting organizations, upon such terms as it deems wise, outside of its cities and/or towns, or said board may loan with or without interest funds to said voluntary fire fighting organizations to purchase necessary equipment; but all purchases, sales or loans as herein provided shall be in accordance with rules and regulations made by said board.

Sec. 4. The board of county commissioners in carrying out the provisions of this Act shall not appropriate more than $25,000.00 derived from ad valorem taxes; but any sum derived from the sale of the fire fighting equipment may be used over and over again for said purposes.

Sec. 5. This Act shall not be construed to be a limitation upon the powers of the County Commissioners of Guilford County, but shall be in addition to any powers they may now have either by general law or un-repealed local Act.

Sec. 6. All laws or clauses of laws in conflict herewith are hereby repealed.

Sec. 7. This Act shall be in force from and after is ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.
H. B. 230  

CHAPTER 96

AN ACT TO AMEND G. S. 41-11 SO AS TO MAKE IT CLEAR THAT THE PROCEEDING THEREIN PROVIDED FOR IS A SPECIAL PROCEEDING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 41-11 is hereby amended by adding at the end of line six the word "special," and by striking out in line 15 the words "civil actions" and inserting in lieu thereof the words "special proceedings."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.

H. B. 232  

CHAPTER 97

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO APPOINT ADDITIONAL SPECIAL CONSTABLES IN EACH TOWNSHIP IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Onslow County is authorized and empowered to appoint one additional constable in each township in said county who shall serve at the pleasure of the board.

Sec. 2. Whenever in the discretion of the Board of County Commissioners of Onslow County the exigencies of the occasion no longer require the services of such additional constables, the board may revoke any or all of the appointments provided for in Section 1 of this Act.

Sec. 3. Constables appointed under authority of this Act shall take the same oath, give the same bond, and shall have the same power and authority prescribed by law for township constables.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 23rd day of February, 1951.

H. B. 239  

CHAPTER 98

AN ACT TO AMEND G. S. 9-5 SO AS TO INCREASE FROM $6.00 TO $8.00 THE MAXIMUM FEES WHICH BOARDS OF COUNTY COMMISSIONERS MAY ALLOW JURORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5 is hereby amended by striking out the words and figures "($6.00) six dollars" in lines five and six of said Section, as the same appears in the 1949 Supplement to the General Statutes, and inserting in lieu thereof the words and figures "($8.00) eight dollars."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.

H. B. 253  

CHAPTER 99

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY TO TURN INTO THE GENERAL FUND CERTAIN DELINQUENT TAXES UPON COLLECTION OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Washington County is hereby authorized and empowered, in its discretion, to turn into the general fund of the county the proceeds of all uncollected taxes which may be hereafter collected for the year 1949 and all prior years.

Sec. 2. All delinquent taxes for the year 1950 and for each subsequent year, after having been delinquent for a period of one year from and after their due date, shall, when collected, be turned into the general fund of Washington County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1951.

H. B. 269  

CHAPTER 100

AN ACT TO PROVIDE FOR THE ELECTION OF A TAX COLLECTOR IN MADISON COUNTY AND TO PRESCRIBE HIS SALARY AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. There shall be elected in Madison County in the general elections of 1952 and biennially thereafter a county tax collector who shall take office at the same time as other elective county officers and who shall serve for a term of two (2) years and until his successor is duly elected and qualified. The tax collector shall be nominated and elected in the same manner as other elective county officers. The present tax collector or, in the event of a vacancy for any cause, his successor to be appointed by the board of county commissioners, shall continue to serve until the tax collector elected in the general elections of 1952 shall qualify. In the event of a vacancy in the office of tax collector elected under this Act, the vacancy shall be filled for the unexpired term in the same manner as vacancies in other county offices are filled.

Sec. 2. The tax collector elected under this Act shall qualify by depositing with the county sinking fund commission a bond for his term of office in such amount and with such sureties as said commission shall
approve, conditioned upon his faithful performance of his duties and the faithful accounting for all taxes placed in his hands for collection, and by taking and subscribing an oath, which shall be deposited in the office of the register of deeds, substantially as follows:

"I, ........................................, do solemnly swear that I will well and truly execute the duties of my office of Tax Collector of Madison County to the best of my ability, without personal or political consideration and without fear or favor, and that I will well and truly account for all taxes placed in my hands for collection.

"So help me, God.

................................................

Sec. 3. The tax collector elected under this Act shall receive as compensation for his services, in lieu of all fees and commissions, an annual salary of two thousand one hundred dollars ($2,100.00) to be paid in twelve (12) equal monthly installments. All commissions and fees as provided in Article 27, Subchapter II, Chapter 105 of the General Statutes and in Section 105-424 of the General Statutes shall be paid into the general fund of the county.

Sec. 4. The tax collector elected under this Act shall collect all ad valorem, poll and dog taxes, delinquent as well as current, and all privilege license taxes levied by the county, and shall perform such other duties as may be prescribed by the board of county commissioners. The tax collector shall have all of the powers, authority and duties of tax collectors as set out in Article 27, Subchapter II of Chapter 105 of the General Statutes and in the discharge of his duties, and in reporting and accounting and in making settlements with the board of county commissioners, he shall be governed by the provisions of said Article.

Sec. 5. This Act shall apply only to Madison County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 23rd day of February, 1951.

S. B. 3

CHAPTER 101

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA, AS THE SAME APPEARS IN THE 1949 SUPPLEMENT THERETO, FIXING THE TERMS OF THE SUPERIOR COURT FOR LINCOLN AND CATAWBA COUNTIES IN THE SIXTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes, fixing the terms of the Superior Court of Lincoln County in the Sixteenth Judicial District is hereby rewritten to read as follows:

"Lincoln—Sixth Monday before the first Monday in March to continue for two weeks, the second week for civil cases only; eighth Monday after
the first Monday in March, to continue for one week; for the trial of both criminal and civil cases; sixth Monday after the first Monday in September, to continue for two weeks, the second week for the trial of civil cases only."

Sec. 2. That portion of Section 7-70 of the General Statutes, as the same appears in the 1949 Supplement thereto, fixing the terms of the Superior Court of Catawba County in the Sixteenth Judicial District, is hereby rewritten to read as follows:

"Catawba—That the regular term of Superior Court as now provided by Section 7-70 of the General Statutes as appears in the 1949 Supplement thereto be amended to read as follows: That the regular April term of the Superior Court of Catawba County, consisting of two weeks shall be for the trial of civil cases exclusively during the first week and shall be for the trial of both civil and criminal cases during the second week. Fifth Monday after the first Monday in March, to continue for two weeks, for the trial of both civil and criminal cases: Provided, that the board of county commissioners may by resolution, adopted not less than 30 days prior to the convening of either of the last two courts, determine that the holding of such court is not necessary and cancel the same, in which case notice of such action shall immediately be given to the Chief Justice of the Supreme Court of North Carolina to the end that the judge assigned to said court may be relieved from such assignment."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 February, 1951.

S. B. 39

CHAPTER 102

AN ACT TO AMEND SECTION 20-63 OF THE GENERAL STATUTES TO PROVIDE FOR THE ISSUANCE OF ONLY ONE REGISTRATION PLATE FOR MOTOR VEHICLES DURING EMERGENCIES AND TO PROVIDE FOR THE REPLACEMENT OF ILLEGIBLE REGISTRATION PLATES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 20-63 is hereby amended by striking out the period after the word "vehicle" at the end of the first sentence of said subsection, inserting a colon in lieu thereof, and by adding thereto the following:

"Provided, that whenever the Commissioner determines that there is an actual or threatened shortage of metal, he may provide for the issuance of only one registration plate for each motor vehicle."

Sec. 2. Subsection (a) of G. S. 20-63 is hereby further amended by adding at the end thereof the following:

"Whenever the Commissioner finds that any registration plate issued for any vehicle pursuant to the provisions of this Article has become
illegible or is in such a condition that the numbers thereon may not be readily distinguished, he may require that such registration plate, and its companion when there are two registration plates, be surrendered to the department. When said registration plate or plates are so surrendered to the department, a new registration plate or plates shall be issued in lieu thereof without charge. The owner of any vehicle who receives notice to surrender illegible plates or plates on which the numbers are not readily distinguishable and who wilfully refuses to surrender said plates to the department shall be guilty of a misdemeanor."

Sec. 3. Subsection (d) of G. S. 20-63 is hereby amended by striking out the word "rear" at the end of the first sentence of said subsection, inserting a colon in lieu thereof and by adding thereto the following:

"Provided, that when only one registration plate is issued for a motor vehicle other than a motorcycle, trailer or semi-trailer, said registration plate shall be attached to the rear of the motor vehicle."

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. 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 February, 1951.

S. B. 43

CHAPTER 103

AN ACT TO AMEND SUBSECTION 8 OF SECTION 108-3 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO FURTHER CLARIFY THE PROCEDURE FOR EMPLOYMENT OF COMMISSIONERS OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. Subsection 8 of Section 108-3 of the General Statutes is hereby amended by adding after the word "employ" and before the comma in line one of said subsection the following:

"and fix the salary of."

Sec. 2. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

S. B. 150

CHAPTER 104

AN ACT TO AUTHORIZE THE COUNTY OF RICHMOND, THE TOWN OF ROCKINGHAM, THE ROCKINGHAM LIBRARY ASSOCIATION, AND THE ROCKINGHAM-RICHMOND COUNTY PUBLIC LIBRARY TO SELL AND CONVEY CERTAIN REAL ESTATE LOCATED IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. The Town of Rockingham, the Trustees of the Rockingham Library Association, the Board of Commissioners of Richmond County, and the Trustees of the Rockingham-Richmond County Public Library are
authorized to sell and convey to the Trustees of the Rockingham Presbyterian Church the lot or parcel of land described in the deed from H. C. Wall and wife, Elizabeth N. Wall, to the Rockingham Library Association, which deed is dated December 10, 1919, and recorded in the office of the Register of Deeds for Richmond County, in book 118, at page 23, etc., which said lot is no longer needed or used for public purposes.

Sec. 2. All right, title and interest which the Town of Rockingham has in the property described in Section 1 of this Act may be conveyed by said town without the necessity of advertising and selling the same at public auction.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

S. B. 154

CHAPTER 105

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT RELATES TO INSURANCE ADJUSTERS AND AGENTS AND TO AMEND SECTION 228.7 OF CHAPTER 105 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT RELATES TO INSURANCE ADJUSTERS AND NON-RESIDENT BROKERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina, as amended by Chapter 958 of the Session Laws of 1949, be and the same is hereby amended as follows:

1. Strike out paragraphs 5 and 6 of Section 58-39.4 and insert in lieu thereof the following:

"5. An ‘insurance adjuster’ is hereby defined to be any individual, who for salary, fee, commission, or other compensation of any nature, as an independent contractor or as an employee of an independent contractor or as an employee of an insurer or as an adjuster for any insured, investigates or reports to his principal relative to claims arising under insurance contracts other than life or annuity."

2. Change the designation of paragraph 7 of Section 58-39.4 to paragraph 6 and strike out the last sentence from said paragraph reading as follows:

"The person who investigates and reports on claims arising under the terms of a hail insurance policy shall be deemed to be an employee of an insurance company for the purposes of this Section."


5. Strike out Section 58-40 and insert in lieu thereof the following:

"a. Every agent of any insurance company authorized to do business in this State shall be required to obtain annually from the Commissioner of Insurance a license under the seal of his office, showing that the com-
pany for which he is agent is licensed to do business in this State and that he is an agent of such company and duly authorized to do business for it."

"b. Every insurance adjuster shall be required to obtain annually from the Commissioner of Insurance a license under the seal of his office showing that he is duly authorized to act as an adjuster."

"c. Every such agent or adjuster, on demand, shall exhibit his license to any officer or to any person from whom he shall solicit insurance or with whom he deals as an adjuster."

6. Amend Section 58-41 of the General Statutes as follows:

(1) Strike out all of that portion of the first paragraph of said Section preceding the colon and the tabulation beginning "a", and being that portion of the first paragraph of said Section inserted by virtue of subsection 4 of Section 1 of Chapter 958, Session Laws of 1949, and insert in lieu thereof the following:

"Before a license is issued to an insurance agent, general agent, or insurance adjuster in this State, the agent, general agent, or adjuster shall apply for license on forms to be prescribed by the Commissioner. In all cases where application is made for the license mentioned herein by an insurance agent or general agent, the company for which the agent or general agent desires to act shall also apply for the license on forms to be prescribed by the Commissioner. Upon the filing of an application of an insurance adjuster there shall also be an application, as above prescribed, by the insurance company for which that adjuster proposes to adjust in the event that the adjuster is to be an employee of that company. Upon the filing of an application of an adjuster who is to work as an employee of any person, firm, or corporation other than an insurance company, then the employer shall make an application on form prescribed by the Commissioner. Before he issues a license to such agent, general agent, or insurance adjuster, the Commissioner shall satisfy himself that such license, if issued, shall serve the public interest and that the person applying for the license as an agent, general agent, or insurance adjuster:"

(2) At the end of paragraph 1 and immediately after the word "adjuster" and before the second paragraph beginning "no license", strike out the period ending paragraph 1, insert a colon and then insert the following:

"Provided, that upon the expiration of any license of an agent, general agent, or insurance adjuster, the Commissioner of Insurance may grant a license to such agent, general agent, or insurance adjuster for a period not exceeding twelve months, upon an application of the company desiring to license such agent, or general agent, or upon the application of the employer of such insurance adjuster, and without any application from the agent, general agent, or insurance adjuster, upon such forms and in accordance with such rules as may be determined by the Commissioner of Insurance and upon the payment by either the insurance company or the agent, general agent, or insurance adjuster of the proper fees."

7. Amend Section 58-41 of the General Statutes as follows:

a. By striking from line 5 of paragraph (f) the words "independent adjuster" occurring between the word "agent" and the word "or".

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8. Amend Section 58-41.1 of the General Statutes as follows:
   a. In line 2 of paragraph 1, strike out the words "independent adjuster" occurring between the word "agent" and the word "or".
   b. In line 1 of subparagraph c strike out the words "independent adjuster" occurring after the words "general agents".
   c. In line 2 of paragraph 2 strike out the words "independent adjuster" occurring after the words "general agent".
9. Amend Section 58-41.1 of the General Statutes by adding a subparagraph 6 reading as follows:
   "6. Upon the filing of the application for the license as insurance adjuster and the advance payment of the examination fee referred to above and upon the filing with the Commissioner of a certificate signed by the employer of the applicant certifying that the applicant is a person of good character and is employed by the signer of the certificate and will operate as a student or learner under the instruction and general supervision of a licensed insurance adjuster, and that the employer will be responsible for the adjustment acts of the learner during the learning period, the Commissioner may issue to the applicant a learner's permit applicant to act as an insurance adjuster for a learning period of 90 days without a requirement of any other or additional license; provided that not more than one learner permit shall ever be issued to one individual."
10. Amend Section 58-42 of the General Statutes by striking from lines 3, 28 and 31, the words "independent adjuster" occurring after the words "special agent" in each of said lines.
11. Amend Section 58-51 of the General Statutes by striking from line 1 the words "independent adjuster" between the word "as" and the word "adjuster."
12. Amend Section 58-51.2 of the General Statutes by adding at the end of said Section a sentence reading as follows:
   "The Commissioner of Insurance may permit an experienced adjuster, who regularly adjusts in another state and who is licensed in such other state (if such state requires a license), to act as adjuster in this State without a North Carolina license, for emergency insurance adjustment work, for a period of not exceeding thirty days, done for an employer who is an insurance adjuster licensed by the State of North Carolina or who is a regular employer of one or more insurance adjusters licensed by the State of North Carolina; provided that the employer shall furnish to the Commissioner a notice in writing immediately upon the beginning of any such 'emergency insurance adjustment work.'"
13. Amend Section 58-52 of the General Statutes by striking from lines 2 and 4 the words "independent adjuster" between the word "broker" and the word "or" in each instance.

Sec. 2. Chapter 105 of the General Statutes of North Carolina, as amended by Chapter 958 of the Session Laws of 1949, be and the same is hereby amended as follows:
1. In line 1 of Section 105-228.7 after the comma following the word "organizer" strike out the words "independent adjuster".
2. From Section 105-228.7 strike out all of the words inserted in lieu of lines 12, 13, 14, 15, 16 and 17 of Chapter 958, Session Laws of 1949, Section 2 (3) and insert in lieu of lines 12, 13, 14, 15, 16 and 17 of said Section 105-228.7 the following:

Insurance agent (local for each company represented) ........................................ $ 2.50
General agent or manager, for each company represented ........................................ 6.00
Special agent or organizer, for each company represented ........................................ 5.00
Insurance broker ........................................................................................................ 2.50
Non-resident broker ...................................................................................................... 25.00
Insurance adjuster (other than adjuster for hail damage to crops) ...................................... 25.00
Insurance adjuster for hail damage to crops .................................................................. 5.00

The above fees shall be in lieu of any and all other license fees.
Sec. 3. If any of the provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.
Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 5. This Act shall become effective from and after its ratification.
In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 15

CHAPTER 106

AN ACT TO AMEND G. S. 162-7, RELATING TO LOCAL MODIFICATIONS AS TO FEES FOR SHERIFFS, AS IT APPLIES TO RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-7, entitled "Local Modifications as to Fees of Sheriffs," is hereby amended by adding at the end thereof the following:

"The Sheriff of Richmond County shall receive for the imprisonment of any person in a civil or criminal action, fifty cents (50c), and for release from prison, fifty cents (50c).
The Sheriff of Richmond County, shall receive for feeding each prisoner in jail the sum of one dollar and fifty cents ($1.50) per day to be paid by the Board of Commissioners of Richmond County. Each person imprisoned in the jail of Richmond County shall be charged one dollar and fifty cents ($1.50) per day for board and lodging which shall be taxed in the bill of cost and paid to Richmond County."

Sec. 2. Paragraph (a) of Section 5 of the Session Laws of 1947 and all other 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 28th day of February 1951.
CHAPTER 107

AN ACT TO AMEND CHAPTER SEVENTY-EIGHT AND CHAPTER ONE HUNDRED AND THREE OF THE PRIVATE LAWS OF NINETEEN HUNDRED THIRTY-ONE AMENDING THE CHARTER OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

Section 1. That Section 11 of Chapter 78 of the Private Laws of 1931 be and the same is hereby amended by striking out that part of said Section beginning with the word “hereafter” appearing in line four thereof and ending with the word “day” appearing in line eight thereof, and inserting in lieu thereof the following:

“Hereafter the term of office of the members of the City Council shall begin on June first following the date of their election. If June first comes on Sunday, then the term of office of such city councilmen shall begin on the following day.”

Sec. 2. That Section 1 of Chapter 103 of the Private Laws of 1931 be and the same is hereby amended by adding thereto and at the end thereof, the following:

“The term of office of the presently elected city councilmen shall expire on May 31, 1951. The term of office of all city councilmen hereafter elected shall begin on June first following the date of their election and shall expire on May thirty-first, two years thereafter, or until their successors are duly elected and qualified.”

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 from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

CHAPTER 108

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PRIVATE LAWS OF 1915, BEING THE CHARTER OF THE TOWN OF WARRENTON, BY REMOVING THE TAX LIMITATION IN RESPECT TO CERTAIN BOND ISSUES, AND SPECIFICALLY REPEALING THE CONFLICTING PROVISIONS OF G. S. 160-402 AS THE SAME APPLIES TO WARRENTON.

The General Assembly of North Carolina do enact:

Section 1. Section 14 of Chapter 201 of the Private Laws of 1915, the same being the Charter of the Town of Warrenton, is hereby amended by inserting immediately following the word “observed” and immediately preceding the word “and” in line 28 of said Section 14 the following:

“Provided, that the limitations imposed in this Section shall not apply to tax levies for the payment of debts or obligations incurred for the construction, reconstruction, extension, enlargement, or improvement of any water, sewer, or electric light, power, or transmission lines or systems
in pursuance of any bond issue duly approved by the voters of the Town of Warrenton as required by law, in any regular or special election of said town.”

Sec. 2. General Statutes 160-402 and all other laws or clauses of laws are hereby expressly repealed in so far and to such extent as they are in conflict with the provisions of this Act.

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 28th day of February, 1951.

H. B. 161

CHAPTER 109

AN ACT TO FIX THE COMPENSATION OF THE SHERIFF AND CHIEF DEPUTY SHERIFF OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Sheriff of Yancey County, in addition to all fees for service of process now received by him as provided by law, shall receive the sum of three hundred dollars ($300.00) per month payable monthly out of the General Fund of Yancey County.

Sec. 2. That from and after July first, 1951, the Chief Deputy Sheriff of Yancey County shall receive a salary of one hundred and fifty dollars ($150.00) per month, which shall be paid out of the general fund of the county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July first, 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 169

CHAPTER 110

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Holly Springs, North Carolina, within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Holly Springs and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town
of Holly Springs shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Holly Springs by this Section:

1. To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

2. To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

3. To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

4. To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

5. To organize and administer public libraries.

6. To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Holly Springs shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 3. Corporate Limits. The corporate limits of the Town of Holly Springs shall be as follows:

Beginning at a concrete corner in S. W. Holleman's field runs thence North 86 degrees West 5280 feet to a concrete corner, Ernest Becker's field; thence North 4 degrees East 5280 feet to a concrete corner, Willie A. Jones's field; thence South 86 degrees West 5280 feet to a concrete corner, W. W. Aiken's field; thence South 4 degrees West 5280 feet to the point of beginning, containing one (1) square mile, according to survey of E. C. Smith, C. E., May 1, 1949. See map of survey of Town of Holly Springs recorded in Book of Maps, Office of the Register of Deeds of Wake County.
BOARD OF COMMISSIONERS

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and until their successors are elected and qualified, and shall begin on the day of the first meeting of the board in June next following their election. If a vacancy occurs in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. Provided, however that the present mayor and members of the board of commissioners shall continue to receive the same salary until the same is changed as herein outlined. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of the members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Commissioners. On the first Monday in June next following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or a committee thereof may by a three-fifths vote of all the members authorize an executive meeting.

Sec. 6. Mayor and Mayor Pro Tem. At the first meeting in the month of June following a regular municipal election the new board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger
or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Holly Springs".

Sec. 10. When Ordinances and Resolutions Take Effect. Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein, but not less than 20 days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereunto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an
emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of commissioners except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within 10 days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Filing Fee. The full names of candidates nominated for mayor and board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be following by the name that begins with the first letter represented in the list of names and by the others in regular order. Each candidate shall pay to the town clerk a filing fee of one dollar ($1.00) before his name shall be placed on the ballot.

Sec. 15. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 16. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other
officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 17. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Sec. 18. Duties of Town Attorney. The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal advisor of and attorney for the town and all departments and officer thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners; to give advice in writing, when so requested, to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of commissioners he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 19. Duties of Town Accountant. The town accountant shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required by ordinances or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, pay rolls, and other evidences of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and board of commissioners and to take monthly reports on
funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

Sec. 20. Duties of Town Tax Collector. Tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 21. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Sec. 22. Custody of Town Money. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners, in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 23. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 24. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars, ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 25. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of
commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of aldermen.

Sec. 26. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than 10 years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least 10 days before its passage by the board of commissioners; provided that the provisions of this sentence shall not apply to contracts for the supply of light, power, water, or other public commodity.

Sec. 27. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.

MISCELLANEOUS PROVISIONS

Sec. 28. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 29. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 30. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter
and ordinances of the Town of Holly Springs and will faithfully discharge the duties of the office of ...................................

Sec. 31. Continuance of Contracts. All contracts entered into and franchises granted by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 32. The mayor and the member of the board of commissioners holding office at the time of the ratification of this Act shall continue to hold office until their successors are elected and qualified.

Sec. 33. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Holly Springs is affected thereby.

Sec. 34. Repealing Clause. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 35. 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 February, 1951.

H. B. 208

CHAPTER 111

AN ACT TO PROVIDE BETTER LIBRARIES AND FACILITIES IN THE SUPERIOR AND RECORDERS' COURTS OF ROBESON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sec. 1. That the Clerk of the Superior Court, the President of the Bar Association of Robeson County, and the County Manager of Robeson County, together with a Library and Court Facilities Committee, appointed by the Robeson County Bar Association, composed of six members, one to be appointed from each Recorders' Court District, be and they are hereby constituted custodians of all books, supplies, equipment and furniture of the Robeson County Law Library, which shall be kept in the courthouse, and the Recorders' Court rooms, and maintained by the County of Robeson, for the use of the officials of said county, and the courts held therein.

Sec. 2. All books, equipment, supplies and furniture for the Superior and Recorders' Court rooms, shall be and remain the property of the County of Robeson, and the said county is authorized and empowered to hold said property and to add thereto from time to time, by gift, donations, purchase, or otherwise, such books, records, equipment, and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Sec. 3. The aforesaid custodians of said library shall have the power and the duty to provide for the several Recorders' Courts in Robeson County, such books, supplies and records as said committee may, in their
discretion, determine to be useful and necessary therefor, and the judges and solicitors of said recorders' courts shall be responsible for the keeping and the preservation of said books, furniture and supplies in said recorders' courts.

Sec. 4. The Clerk of the Superior Court of Robeson County shall be, and he is hereby constituted, librarian of said law library, books, supplies, equipment and furniture, without compensation.

Sec. 5. It shall be the duty of the said librarian to keep said library room, in the courthouse, in Lumberton, North Carolina, open during such hours as may be fixed by the said custodians, and the librarian shall obey all rules and regulations which may be prescribed for the government and management of said library, and said rules and regulations shall not permit individuals to remove any of said books, supplies, equipment and furniture of the said law library from the courthouse, in Lumberton, North Carolina, and the said rules and regulations shall provide that the said judges and solicitors of the several Recorders' Courts in Robeson County shall be the custodians of the books, supplies, equipment and furniture that may be provided for them hereunder and shall be responsible to the said custodians for the use and preservation of the same.

Sec. 6. In order to provide for the extension, maintenance and support of the said library and court room fund, including so much thereof as may be allotted to the several Recorders' Courts in Robeson County, the sum of fifty cents (50c) shall be taxed as costs and collected by the Clerk of the Superior Court of Robeson County in each and every case tried or disposed of in the Superior Courts of Robeson County, except in cases in which Robeson County is adjudged to pay all costs. The said fund so provided shall be set apart as a fund designated as the Robeson County Law Library and Court Room Fund and the said fund shall be deposited by the Clerk of the Superior Court of Robeson County in a bank designated for that purpose by the said custodians and the same shall be used solely for the purposes of extension, maintenance and operation of the said library. That the term "Law Library" herein shall be held and construed to include equipment, furniture and books for the several court rooms of the Superior Court and Recorders' Courts of Robeson County, and the said fifty cents (50c) costs shall be taxed in all cases tried and disposed of in the said recorders' courts in the same manner and to the same extent as herein provided for cases tried and disposed of in the several Superior Courts of said county, and the said costs, when so collected, shall be transmitted to the Clerk of said Superior Court and by him deposited as herein provided.

Sec. 7. From the funds so collected, from time to time, as herein provided, it shall be the duty of the Clerk of the Superior Court of Robeson County, by and with the approval of the Manager of Robeson County, and the President of the Robeson County Bar Association, to purchase and pay for such volumes and sets of books, court room furniture and fixtures, as shall be recommended and agreed upon from time to time by the said Clerk and President of the Robeson County Bar Association and the Manager of Robeson County, and the Library Committee of the Robeson County Bar Association. All checks on said account shall be drawn
and signed by the Clerk of the Superior Court of Robeson County and
countersigned by the County Manager of Robeson County, and it shall
be the duty of the said clerk to keep a correct account of all receipts
and disbursements in connection with said funds.

Sec. 8. All laws and clauses of laws in conflict herewith in any manner
whatsoever are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its
ratification.

In the General Assembly read three times and ratified, this the 28th
day of February, 1951.

H. B. 257

CHAPTER 112

AN ACT TO AMEND G. S. 153-13, RELATING TO THE COMPENSA-
TION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISS-
SIONERS AF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-13 is hereby amended by adding a proviso at the
end of said Section, which proviso shall read as follows:

“Provided that each member of the Board of County Commissioners
of Alamance County, except the Chairman of the Board of County Com-
missoners of Alamance County whose compensation shall continue to be
fixed as provided by law, shall receive for his services and expenses in
attending the regular and recessed and special meetings of the board of
commissioners ten dollars ($10.00) per meeting, and each member of said
board of county commissioners shall be allowed mileage to and from the
place of meeting of said board at the rate of seven cents (7c) per mile.”

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by 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 28th
day of February, 1951.

H. B. 258

CHAPTER 113

AN ACT FIXING THE SALARIES OF CERTAIN PUBLIC OFFICIALS
OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after January 1, 1951, the Clerk of the Superior
Court of Alamance County shall receive an annual salary of five thousand
two hundred dollars ($5,200.00), payable in monthly installments from the
Treasury of Alamance County, and said Clerk of the Superior Court of
Alamance County shall receive an additional salary of eight hundred dol-
ars ($800.00) a year, payable in monthly installments from the Treasury
of Alamance County, for his services as juvenile judge.

Sec. 2. On and after January 1, 1951, the Sheriff of Alamance County
shall receive an annual salary of four thousand two hundred dollars ($4,-
200.00), and also an extra allowance of one thousand two hundred dollars
($1,200.00), as a travel allowance, payable in monthly installments from the Treasury of Alamance County.

Sec. 3. On and after January 1, 1951, the Register of Deeds of Alamance County shall receive an annual salary of four thousand five hundred dollars ($4,500.00), payable in monthly installments from the Treasury of Alamance County.

Sec. 4. The Board of Commissioners of Alamance County is hereby authorized and empowered to amend its budget heretofore adopted for the fiscal year 1950-1951, so as to provide for the payments specified in this Chapter.

Sec. 5. Any increase in compensation herein authorized is retroactive to January 1, 1951.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 February, 1951.

H. B. 246

CHAPTER 114

AN ACT TO PROVIDE FOR THE SALARIES OF THE COUNTY OFFICIALS OF DUPLIN COUNTY AND TO PROVIDE FOR CERTAIN OTHER PURPOSES PERTAINING TO DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the salary of the Chairman of the Board of County Commissioners of Duplin County shall be seventy-five dollars ($75.00) per month; and the salaries of the other four members of the Board of County Commissioners of Duplin County shall be fifty dollars ($50.00) per month.

Sec. 2. That the County Attorney of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall not exceed seventy-five dollars ($75.00) per month. This salary shall be the complete salary for the performance of all duties as county attorney except the duties in connection with tax suits. This salary shall be paid from the General Fund of Duplin County.

Sec. 3. That all fees, commissions, profits and emoluments of every kind belonging to or appertaining to the office of county tax collector by virtue of his office shall be faithfully collected by him and turned over to the Treasurer of Duplin County, as other funds are required to be deposited by law, for credit of the general county fund.

Sec. 4. That the County Tax Collector of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than three hundred forty dollars and forty-one cents ($340.41) per month. The county tax collector shall receive for the use of his car in the performance of his duties not more than fifty dollars ($50.00) per month as the board of county commissioners may determine. This salary and travel allowance shall be paid from the general fund of the county.
Sec. 5. That the Deputy County Tax Collector of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than two hundred dollars ($200.00) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 6. All fees, commissions, profits, and emoluments of every kind belonging to or appertaining to the office of sheriff, or his deputies, by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county on the first day of each calendar month, or within ten days thereafter, for credit of the general county fund.

Sec. 7. That the Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall not be less than three hundred fifty dollars ($350.00) per month. The sheriff shall receive also the sum of one hundred seventy-five dollars ($175.00) per month for the use of his car in the performance of his duties. This salary and travel allowance shall be paid from the General Fund of Duplin County.

Sec. 8. That the office Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than two hundred dollars ($200.00) per month, with such mileage for the use of his car as the board of commissioners may allow. This salary and mileage shall be paid from the General Fund of Duplin County.

Sec. 9. That the first Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than three hundred dollars ($300.00) per month. The first deputy sheriff shall receive also the sum of one hundred seventy-five dollars ($175.00) per month for the use of his car in the performance of his duties. This salary and travel allowance shall be paid from the General Fund of Duplin County.

Sec. 10. That the second Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than two hundred fifty dollars ($250.00) per month. The second deputy sheriff shall receive also the sum of one hundred twenty-five dollars ($125.00) per month for the use of his car in the performance of his duties. This salary and travel allowance shall be paid from the General Fund of Duplin County.

Sec. 11. That the Jailer-Deputy Sheriff of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than two hundred fifty dollars ($250.00) per month. The jailer-deputy sheriff shall receive also the sum of one hundred twenty-five dollars ($125.00) per month for the use of his car in the performance of his duties. This salary and travel allowance shall be paid from the General Fund of Duplin County.

Sec. 12. That the sheriff's fee for feeding each prisoner shall be not less than one dollar ($1.00) per day, nor more than one dollar and twenty-five cents ($1.25) per day, as the board of county commissioners may deem
just and proper. Such fee shall be paid to the sheriff from the general fund of the county and taxed to the prisoner in the bill of cost.

Sec. 13. That all fees and salaries heretofore paid the sheriff and/or his deputies are hereby validated and, further, that all such fees and salaries which have been earned and due said officers, but which have not been paid, shall be paid to them.

Sec. 14. That no other salaried deputy shall be employed by the sheriff, but nothing herein contained shall prevent the sheriff from appointing such special deputy sheriffs as he may deem necessary, in connection with industrial plants in the county, under special arrangement with such plants, provided said appointments do not involve any cost or liability on the part of the county. The sheriff shall not appoint more than four deputy sheriffs who shall serve on a fee basis. Such fee deputies shall not be paid any fees or half fees by the county in any case. Nothing herein contained shall prevent the sheriff from deputizing any special deputies to aid in the making of any arrests, or to quell riots and breaches of the peace, or to protect prisoners. Provided further, that in the discretion of the board of county commissioners, an office clerk, for the sheriff's office, may be employed.

Sec. 15. That in addition to the salary and travel allowance allowed hereunder, the sheriff, or any deputy sheriff, constable, and any other law enforcement officers of Duplin County shall be entitled to and shall receive a fee of twenty-five dollars ($25.00) for seizing and destroying a whiskey still when such still is seized and destroyed and the arrest is made in connection therewith and conviction had.

Sec. 16. That the County Accountant of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall not be less than three hundred forty dollars and forty-one cents ($340.41) per month. This salary shall be paid from any funds of Duplin County, and/or funds levied for this purpose.

Sec. 17. That the chief Stenographer-bookkeeper of the County Accountant of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall not be less than one hundred ninety-one dollars and forty cents ($191.40) per month. This salary shall be paid from any funds of Duplin County and/or funds levied for this purpose.

Sec. 18. That the Board of Commissioners of Duplin County may designate the county accountant as tax supervisor under Sections 400 and 401 of the Machinery Act.

Sec. 19. That all fees, commissions, profits, and emoluments of every kind belonging to or appertaining to the office of Register of Deeds of Duplin County by virtue of his office, shall be faithfully collected by him and turned over to the treasurer of the county on the first day of each calendar month, or within ten days thereafter, for credit of the general county fund.

Sec. 20. That the Register of Deeds of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; Provided, that such salary shall be not less than three hun-
dred forty dollars and forty-one cents ($340.41) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 21. That the first Deputy Register of Deeds of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than one hundred sixty-one dollars and twenty cents ($161.20) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 22. That the second Deputy Register of Deeds of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than one hundred forty-six dollars and thirty cents ($146.30) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 23. That the third Deputy Register of Deeds of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than one hundred thirty-nine dollars and eighty cents ($139.80) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 24. That the fourth Deputy Register of Deeds of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than one hundred thirty-nine dollars and eighty cents ($139.80) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 25. That fees to be paid and collected by the Register of Deeds of Duplin County shall be fixed from time to time by the board of county commissioners, but such fees shall not be increased more than twenty per cent (20%) of the fees now fixed by law.

Sec. 26. That the County Farm and Home Agents of Duplin County and their assistants shall be paid such monthly salaries as the board of county commissioners may deem just and proper, taking into consideration the amount paid on each of their salaries by the State and Federal Governments. These salaries shall be paid from the General Fund of Duplin County and/or funds levied for this purpose.

Sec. 27. That the County Veterans Service Officer of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall be not less than two hundred seventy-five dollars ($275.00) per month. The County Veterans Service Officer of Duplin County shall receive for the use of his car in the performance of his duties such mileage allowance as the board of county commissioners may determine. This salary shall be paid from the general fund of the county.

Sec. 28. That the Judge of the General County Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; provided, that such salary shall not be less than two hundred fifty dollars ($250.00) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 29. That the Solicitor of the General County Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper; Provided, that such salary shall not be less than two hundred dollars ($200.00) per month. This salary shall
be paid from the General Fund of Duplin County. The fee to be taxed in the bill of costs in any misdemeanor case, for the solicitor of the said court, shall be four dollars ($4.00).

Sec. 30. That from and after June 1, 1951, no jury fees or stenographer fees shall be charged against any defendant upon conviction in any criminal action in the General County Court of Duplin County except in those cases in which a jury is present in court, also jurors serving in divorce cases, called as talismen; and in cases which are actually reported by the court stenographer. The fee to be charged by the court stenographer shall not exceed ten dollars ($10.00) in any one case.

Sec. 31. That all fees, commissions, profits, and emoluments of every kind belonging to or appertaining to the office of Clerk of Superior Court of Duplin County by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county on the first day of each calendar month, or within ten days thereafter, for credit of the general county fund.

Sec. 32. That the Clerk of Superior Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than three hundred sixty-seven dollars and ninety-one cents ($367.91) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 33. That the Deputy Clerk of Superior Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than one hundred fifty dollars ($150.00) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 34. That the Bookkeeper of the Clerk of Superior Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than two hundred dollars ($200.00) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 35. That the first Stenographer of the Clerk of Superior Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than one hundred thirty-seven dollars and fifty cents ($137.50) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 36. That the second Stenographer of the Clerk of Superior Court of Duplin County shall be paid such monthly salary as the board of county commissioners may deem just and proper: Provided, that such salary shall be not less than one hundred twenty-five dollars ($125.00) per month. This salary shall be paid from the General Fund of Duplin County.

Sec. 37. That the Clerk of Superior Court of Duplin County shall on or before December 31, 1951, disburse all funds in hand that were tied up in the old Bank of Duplin to the persons or funds to which they rightfully belong.

Sec. 38. That all funds realized from assets of the old Bank of Duplin from every source when prorated and disbursed to the proper persons or funds in accordance with the above Section shall be full and final settle-
ment for funds in the hands of the Clerk of Superior Court that were tied up in the old Bank of Duplin.

Sec. 39. That the Board of County Commissioners of Duplin County is authorized and directed to deposit in or transfer to the general county fund all collections of taxes which are delinquent for three years or more.

Sec. 40. That the Board of Commissioners of Duplin County may, in their discretion, defer or postpone revaluation and reassessment of real property for the years 1951, and 1952. Whenever revaluation is had, the same may be by horizontal increase or reduction or by actual appraisal thereof, or both.

Sec. 41. That Chapter 71 of the Public-Local Laws of 1935 is hereby repealed in its entirety and, further, that all laws and clauses of laws in conflict with any of the provisions of this Act are hereby repealed.

Sec. 42. That this Act shall be in full force and effect from and after the first day of March 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 267

CHAPTER 115

AN ACT TO AMEND SECTION 153-13 OF THE GENERAL STATUTES OF NORTH CAROLINA IN SO FAR AS THE SAME PERTAINS TO THE COMPENSATION OF THE COUNTY COMMISSIONERS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-13 is hereby amended by adding thereto a proviso which shall read as follows:

"Provided, that in Gaston County the chairman and/or vice chairman of the board of county commissioners shall be paid for his services the sum of six hundred dollars ($600.00) per annum, to be paid in twelve equal monthly installments. Every other member of the board of county commissioners shall be paid for his services the sum of three hundred dollars ($300.00) per annum, to be paid in twelve equal monthly installments, plus the sum of ten dollars ($10.00) for each special or called meeting of the board attended; provided, no member of the board shall receive a total amount in excess of six hundred dollars ($600.00) per annum. No mileage to and from the place of meeting may be paid to any commissioner."

Sec. 2. That so much of Chapter 236 of the Session Laws of 1945 as conflicts with the provisions of this Act, and so much of Chapter 333 of the Session Laws of 1943 as conflicts with the provisions of this Act, and so much of Chapter 44 of the Public Local Laws of 1933 as conflicts with the provisions of this Act, and so much of Chapter 152 of the Public Local Laws of 1911 as conflicts with the provisions of this Act, and so much of Chapter 304 of the Public Laws of 1907 as conflicts with the provisions of this Act, and all other 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 March 1, 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 272   CHAPTER 116

AN ACT REGULATING THE FEES IN THE OFFICE OF THE CLERK OF THE PASQUOTANK COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of Section 15 of Chapter 180 of the Public Laws of 1907, as amended and rewritten by Section 3 of Chapter 139 of the Public Laws of 1939, is amended by striking out in line one of said subsection the words and figures "one dollar ($1.00)" and inserting in lieu thereof the words and figures "two dollars and fifty cents ($2.50)".

Sec. 2. Subsection (d) of Section 15 of Chapter 180 of the Public Laws of 1907, as amended and rewritten by Section 3 of Chapter 139 of the Public Laws of 1939, is amended by striking out the words and figures "fifty dollars ($50.00)" wherever they appear in lines four and five and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 282   CHAPTER 117


The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Craven County shall receive for his own use all fees allowed by law to the sheriff and said county shall pay him necessary traveling expenses when official duty requires him or his deputy to go beyond said county, and in addition thereto a salary of not more than three hundred and seventy-five dollars ($375.00) per month, and there shall be paid salaries of not more than two hundred and fifty dollars ($250.00) per month to a first deputy, and not more than two hundred and twenty-five dollars ($225.00) per month to a second deputy, and not more than one hundred and twenty-five dollars ($125.00) per month to a clerk for the sheriff's office, respectively. Said salaries shall be paid to said sheriff, first deputy, and clerk, for the month of October, 1950, and
for each month thereafter, and the second deputy shall be paid for each month from the time of his employment, and said fees and salary shall be full compensation for all duties performed and services rendered by said sheriff and deputies and clerk appointed by him except a jailer. Said sheriff may appoint a jailer whose salary shall be fixed by the board of commissioners for said county and paid by said county. It is the intent of this Act that only the increases authorized pursuant to this Section shall be paid retroactively to October 1, 1950.

In addition to the salaried deputy sheriffs hereinbefore provided for, the Board of County Commissioners of Craven County may, in its discretion, fix salaries for additional deputy sheriffs, to be paid out of the general fund of the county.

Sec. 2. Beginning the first day of February, 1951, the Clerk of the Superior Court of Craven County shall be paid a salary of not more than three hundred and seventy-five dollars ($375.00) per month for his services as such clerk and as judge of the juvenile court and clerk of the recorder's court; the assistant or deputy clerk, or assistant in lieu of either, of the Superior Court shall be paid a salary of not more than two hundred dollars ($200.00) per month, and the assistant clerk of the recorder's court shall be paid a salary of not more than one hundred and fifty dollars ($150.00) per month. The salaries of said officers shall be paid monthly and shall be full compensation for all duties performed and services rendered by them or by any deputy, assistant or clerk appointed or hired by either of them. All increases in salary pursuant to this Section shall be retroactive to February 1, 1951.

Sec. 3. Beginning the first day of January, 1951, the register of deeds of said county shall be paid a salary of not more than three hundred and seventy-five dollars ($375.00) per month; the first deputy register of deeds shall be paid not more than two hundred dollars ($200.00) per month, and the second deputy register of deeds shall be paid not more than one hundred and fifty dollars ($150.00) per month. Said salaries shall be paid monthly and shall be full compensation for all duties performed and services rendered by said officers or by any deputy, assistant or clerk appointed or hired by said register of deeds. All increases in salary pursuant to this Section shall be retroactive to January 1, 1951.

Sec. 4. All fees, commissions or other compensation of every nature and kind whatsoever received by any officer of said county whose salary is fixed by this Act, or by any such officer's deputy, assistant or clerk by color of such office, and all fees allowed by law and which shall be collected by such officer, his deputy, assistant or clerk, shall be daily deposited to the credit of Craven County in a depository designated by the board of county commissioners and become a part of the general fund of said county: Provided, this Section shall not apply to the sheriff of said county.

Sec. 5. The salaries provided for in this Act shall be fixed by the Board of Commissioners of Craven County, subject to such maximum limits as are provided herein.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 7. 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 February, 1951.

H. B. 283

CHAPTER 118

AN ACT TO FIX CERTAIN FEES TO BE COLLECTED BY THE REGISTER OF DEEDS OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Register of Deeds of Washington County shall collect the fees listed below for performing the duties listed below, and such fees shall be turned in to the general fund of the county:

For recording a North Carolina standard mortgage form.... $ .50
For recording a right of way or easement, minimum fee .. 1.25
For recording a standard deed form 211½, minimum fee .. 2.00
For recording a standard deed of trust form 151%, minimum fee .. ................. 2.25
For recording any automobile sale contract or chattel mortgage, minimum fee ...................... 1.00
For recording other sale contract instrument or chattel mortgage, minimum fee ...................... 1.00

The fees for recording instruments in writing not covered by the above list shall be computed at the rate of $1.00 for the first 300 words and 20c for each 100 words over and above 300 words.

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

Sec. 3. This Act shall become effective April 1, 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 294

CHAPTER 119

AN ACT TO FIX FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF SURRY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The fees to be charged by the Register of Deeds of Surry County shall be as follows:

(a) For deeds, deeds of trust, conditional sales agreements, crop liens and any other instruments to be recorded, for which no other provision is made herein, and whether written, printed, or typewritten, the fee shall be one dollar ($1.00) for the first page, or fractional part thereof, plus fifty cents (50c) for each additional page, or fraction thereof, the minimum fee for recording any such instrument being one dollar ($1.00).

(b) Chattel mortgages, regular form, fifty cents (50c); otherwise the same fee as provided in subsection (a) above.

(c) Certified copies of birth, marriage and death certificates fifty cents (50c) each.
(d) Certified copies of any record except those named in the preceding Section, the same fees as that charged for recording the original instrument.

(e) Plats, filing and indexing one dollar ($1.00).

Sec. 2. Fees which are not provided for herein for services to be rendered by the register of deeds shall remain as now provided by law.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective as of April 1, 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 320

CHAPTER 120


The General Assembly of North Carolina do enact:

Section 1. The Judge of the Chowan County Recorder's Court shall receive a monthly salary of $175.00, the first such payment to be made on July 1, 1951, for the preceding month, by the board of county commissioners out of the general county fund. Payment in a similar amount shall be made on the first of each succeeding month.

Sec. 2. The Solicitor of the Chowan County Recorder's Court shall receive a monthly salary of $150.00, the first such monthly payment to be made on July 1, 1951, for the preceding month, by the board of county commissioners out of the general county fund. Payment in a similar amount shall be made on the first of each succeeding month.

Sec. 3. The Clerk of the Chowan County Recorder's Court shall receive a monthly salary of $150.00, the first of such payments to be made on July 1, 1951, for the preceding month, by the board of county commissioners out of the general county fund. Payment in a similar amount shall be made on the first of each succeeding month.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 321

CHAPTER 121

AN ACT FIXING THE SALARY OF THE SHERIFF OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Chowan County shall receive a monthly salary of $350.00, payable by the board of county commissioners out of the general county fund, the first such monthly payment of $350.00 to be made on July 1, 1951, for the preceding month, and payment in a similar amount to be made on the first of each succeeding month.
Sec. 2. In addition to the salary provided in Section 1 of this Act, the Sheriff of Chowan County shall be paid by the board of county commissioners out of the general county funds the sum of $1,000.00 annually, payable on the first day of July of each year, beginning July 1, 1951, such payments to be applied to the expenses of travel and maintenance of an automobile to be furnished by the Sheriff for use in the discharge of the duties of his office.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

S. B. 92  
CHAPTER 122

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF BURKE COUNTY TO CONVEY TO THE SOUTH MOUNTAIN INDUSTRIAL INSTITUTE, INCORPORATED, THE TITLE IN FEE SIMPLE TO A TRACT OF LAND IN LINVILLE TOWNSHIP, BURKE COUNTY, NOW LEASED TO SAID INSTITUTE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Burke County is hereby authorized and empowered to convey in fee simple to the South Mountain Industrial Institute, Incorporated, all of that tract of land and the buildings thereon situated, described in a deed dated July 5, 1920 and recorded in book 15, page 257, in the Register's office in Burke County from Rachel Dellinger, Commodore Shook and C. H. Mosteller to the County Board of Education of Burke County, this being the same property which is now used and occupied by the South Mountain Industrial Institute, Incorporated, under lease from the County Board of Education of Burke County, the said conveyance shall be made without any monetary consideration therefor on account of the benefits to the people of Burke County to be derived from the operation of said South Mountain Industrial Institute, Incorporated.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

S. B. 129  
CHAPTER 123

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

Section 1. In the next city election (1951) the Mayor of the Town of Dunn shall be elected for a term of two years. The mayor elected at the next election shall serve for a period of two years and until his successor
is elected and qualified, and each mayor elected biennially thereafter shall serve for a term of two years.

Sec. 2. At the regular municipal election to be held for the year of 1951 there shall be elected four commissioners to succeed those whose term expires at that time. The commissioners from ward number one and ward number three shall serve for a term of two years and the commissioners from ward number two and ward number four shall serve for a term of four years.

Sec. 3. At the regular municipal election to be held for the year of 1951 and biennially thereafter there shall be elected two commissioners who shall serve for a term of four years and until their successors are elected and qualified.

Sec. 4. All of said officers shall serve during their respective terms and until their successors have been duly elected and qualified, and the mayor and board of commissioners as herein constituted shall constitute the governing board of the Town of Dunn.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 February, 1951.

S. B. 131

CHAPTER 124

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF DUNN TO CALL FOR A NEW REGISTRATION OF QUALIFIED VOTERS WITHIN THE CITY LIMITS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Dunn are hereby authorized to call for a new registration for all qualified voters residing within the corporate limits of the Town of Dunn who participate in city elections.

Sec. 2. That there shall be one polling place in the Town of Dunn for city elections and that to be at the fire station.

Sec. 3. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 4. 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 February, 1951.

S. B. 139

CHAPTER 125

AN ACT TO PROVIDE FOR THE APPOINTMENT OF SALARIED DEPUTY SHERIFFS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Northampton County is hereby authorized to appoint one full time salaried deputy sheriff, who shall be paid a salary
of not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00) per month, to be fixed by the board of county commissioners. The said deputy sheriff so appointed shall also be reimbursed for mileage and other expenses incurred in the discharge of his official duties in an amount not to exceed fifty dollars ($50.00) per month.

Sec. 2. The Sheriff of Northampton County is hereby further authorized to appoint, with the approval of the board of county commissioners, not more than four salaried deputies in addition to the full time salaried deputy sheriff hereinafter provided for. The compensation and mileage and expense allowances for such additional deputies so appointed shall be fixed by the board of county commissioners in its discretion.

Sec. 3. Each deputy sheriff appointed pursuant to the provisions of this Act shall execute a bond, payable to the State of North Carolina, for the due execution and return of process, payment of fees and moneys collected, and the faithful execution of his office as deputy sheriff. The said bond shall be executed in the form and manner as is now required by law for sheriff's bonds and shall be not more than five thousand dollars ($5,000.00), in the discretion of the board of county commissioners.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

S. B. 140

CHAPTER 126

AN ACT TO AMEND ARTICLE 12 OF CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA, KNOWN AS THE "RECREATION ENABLING LAW".

The General Assembly of North Carolina do enact:

Section 1. Section 160-161 of the General Statutes, as the same is set out in Chapter 1052, Session Laws 1945, and as the same was amended in Chapter 1204, Session Laws 1949, is hereby amended by rewriting said Section to read as follows:

"Section 160-161. Appointment of members to board. The board or commission shall be appointed by the governing body of the unit and shall consist of five or more members. After the governing body of the unit has determined the number of members to compose the recreation board or commission, a plan shall be worked out whereby at least one-third of the members shall serve for a term of one year; at least one-third for a term of two years and the remainder for a term of three years. Upon the expiration of their original terms of office, each succeeding term shall be for three years and until their successors qualify for office. Vacancies in the board or commission shall be filled for the unexpired term by appointment of the governing body of the unit. The members shall serve without compensation. Members, one of whom may represent the governing body of the unit, one the school system serving the unit, one the welfare department serving the unit, and one the health department serving the unit,
may serve as ex-officio members of the recreation boards or commissions and may vote and perform the same duties as other members of the boards or commissions. The recreation board or commission at its first meeting shall appoint a chairman and such other officers as may be deemed proper for the conduct of its business and shall adopt rules and regulations to govern its procedures, and may adopt rules and regulations from time to time for the purpose of governing the use of parks, playgrounds, recreation centers and facilities."

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

S. B. 145

CHAPTER 127

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES SO AS TO PROHIBIT THE USE OF PROFANE, VULGAR, OR INDECENT LANGUAGE TO FEMALES OVER THE TELEPHONE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-196, to be designated G. S. 14-196.1, and to read as follows:

"G. S. 14-196.1. It shall be unlawful for any person to use any lewd or profane language or words of any vulgarity or indecency over the telephone to any female person. Any person violating this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined or imprisoned in the discretion of the court."

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 28th day of February, 1951.

H. B. 33

CHAPTER 128

AN ACT TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO APPOINT DEPUTY TAX COLLECTORS AND TO AUTHORIZE LEVIES AND SALES OF PERSONAL PROPERTY FOR TAXES TO BE MADE BY PEACE OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of collecting either current and/or delinquent taxes, the Board of Commissioners of Anson County and the governing authorities of municipalities in said county are authorized and empowered, in their discretion, to employ one or more deputy tax collectors, who shall perform such duties and receive such compensation as the
Board of Commissioners of Anson County or the governing authorities of municipalities in said county may prescribe. Such deputy tax collectors shall work under the supervision and act in the name of the tax collector and shall enter into such bond in such amount and with such sureties as the Board of Commissioners of Anson County or the governing authorities of the respective municipalities in said county may prescribe. The Board of Commissioners of Anson County or the governing authorities of municipalities in said county appointing such deputy tax collectors may, in the discretion of such board or governing authorities, pay any premium upon the bonds given by such deputy tax collectors.

Sec. 2. Amend 105-385 of the General Statutes, as the same appears in the Cumulative Supplement of 1949, by rewriting the first sentence in the second paragraph of subsection (c) to read as follows:

"The levy and sale shall be governed by the laws regulating levy and sale under executions; provided, that it shall not be necessary for said levy to be made or said sale to be conducted by the sheriff, and the collector or any duly appointed deputy collector is hereby given the same authority as a sheriff to make said levy and conduct said sale; and provided further, that upon being thereto authorized by the board of county commissioners or by the governing board of the municipality, the tax collector may direct an execution against personal property for taxes to any peace officer, including township constables and municipal policemen, and in such event, the peace officer to whom such execution is directed may proceed to levy upon and sell the personal property of the taxpayer in the same manner and with the same powers and authority exercised by sheriffs in levying upon and selling personal property under execution; and provided further, that if such peace officer is a salaried employee of the county or municipality, the fee herein provided for making the levy and sale shall, if collected, be paid into the general fund of the county or municipality, otherwise such fees to be retained by the peace officer to whom the execution is directed."

Sec. 3. The provisions of this Act shall apply to Anson County only; provided, however, that the provisions of Section 2 of this Act shall apply to Anson County and to Wake County and the municipalities therein.

Sec. 4. All laws and clauses of laws in conflict with the provisions of the Act are hereby repealed.

Sec. 5. 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 February, 1951.

H. B. 194 CHAPTER 129
AN ACT TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the fees to be charged by the Register of Deeds of Forsyth County shall be as follows:

(a) For deeds, deeds of trust, and any other instruments to be re-
corded, for which no other provision is made herein, and whether written, printed, or typewritten, the fee shall be one dollar ($1.00) for the first page, plus fifty cents (50c) for each additional page or fraction thereof, minimum fee, one dollar ($1.00). This fee shall include the indexing of six names, whether grantors or grantees; but a fee of ten cents (10c) shall be charged for the indexing of each name over six in any one instrument.

(b) Chattel mortgages, conditional sales contracts or other contracts covering personal property, when such instrument does not exceed seven and one-half (7½) inches in length and nine (9) inches in width, fifty cents (50c); plus fifty cents (50c) for one additional page of the same dimensions or fraction thereof; minimum fee, fifty cents (50c). Provided, if any such instrument shall contain more than one full page, then there shall be charged the same fee as that provided for in subsection (a).

(c) Crop liens, minimum fee one dollar ($1.00), which may include two pages; plus fifty cents (50c) for each page in addition to two.

(d) Issuing marriage license, one dollar ($1.00); plus such tax as may be levied by the county commissioners.

(e) Certified copies of birth, marriage and death certificates, and discharges or separations from military service, fifty cents (50c) each. (This subsection (e) shall in no wise conflict with Section 34-15 of the General Statutes of North Carolina).

(f) Certified copies of any record except those named in subsection (e) the same fee as that charged for recording the original instrument.

(g) Plats, filing and indexing, fifty cents (50c) for each sheet.

Sec. 2. Fees which are not provided for herein for services to be rendered by the register of deeds shall remain as now provided by law.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, and in particular Chapter 197 of the 1949 Session Laws.

Sec. 4. This Act shall apply only to Forsyth County.

Sec. 5. This Act shall become effective as of April 1, 1951.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 197

CHAPTER 130

AN ACT TO AMEND SECTION 115-158 OF THE GENERAL STATUTES RELATING TO THE ASSUMPTION OF SCHOOL INDEBTEDNESS BY COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That the second paragraph of Section 115-158 of the General Statutes shall be, and the same is hereby amended to read as follows:

"The county board of education, with the approval of the board of commissioners, and when the assumption of such indebtedness is approved at an election as hereinafter provided if such election is required by the Constitution, may include in the debt service fund in the budget all outstanding indebtedness for school purposes of every city, town, school district, school taxing district, township or other political subdivision in the
county (hereinafter collectively called “local districts”), lawfully in-
curred in erecting and equipping school buildings necessary for the school
term. The election on the question of assuming such indebtedness shall
be called and held in accordance with the provisions of Article 9 of Chap-
ter 153 of the General Statutes, known as “The County Finance Act,” in
so far as the same may be made applicable, and the returns of such elec-
tion shall be canvassed and a statement of the result thereof prepared,
filed and published as provided in the County Finance Act. 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 com-
menced within 30 days after the publication of such statement of result.
When such indebtedness is taken over for payment by the county as a
whole and the local districts are relieved of their annual payments, the
county funds provided for such purpose shall be deducted from the debt
service fund prior to the division of this fund among the schools of the
county as provided in this Section.”

Sec. 2. The assumption by any county, at any time prior to the ratifi-
cation of this Act, of the indebtedness of local districts for school pur-
poses and all proceedings had in connection therewith are hereby in all
respects ratified, approved, confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions
of this Act are hereby repealed.

Sec. 4. 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 February, 1951.

H. B. 252

CHAPTEl 131

AN ACT TO PROVIDE FOR AN ELECTION TO BE HELD IN THE
CITY OF FAYETTEVILLE IN CUMBERLAND COUNTY TO DE-
TERMINE WHETHER CERTAIN SECTIONS OF THE GENERAL
STATUTES SHALL BE AMENDED IN SO FAR AS THEY PERTAIN
TO THE NUMBER AND ELECTION OF THE MEMBERS OF THE
CITY COUNCIL AND THE MAYOR OF THE CITY OF FAYETTE-
VILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 160-340 of the General Statutes of North Carolina
is hereby amended by adding at the end of said Section the following
proviso:

“Provided, that in the city of Fayetteville the city council shall con-
sist of eight members, one from each district of the city. Each councilman
shall be a resident of the district he represents, but he shall be nominated
and elected by the qualified voters of the entire city at large. For the
purposes of this Section the City of Fayetteville is hereby divided into
eight districts as follows:
“District No. 1. Beginning at the southern corner of the city boundary on the Cape Fear River; thence with the southern line of said boundary to the Old Wilmington Road; thence down the center of the Old Wilmington Road to Campbell Avenue; thence down the center of Campbell Avenue to Blount’s Creek; thence with the center of said creek to Lamon Street; thence down the center of Lamon Street to Ann Street; thence down the center of Ann Street to the northern city boundary, thence with said boundary to the Cape Fear River, thence with said river to the beginning; the same shall be and constitute District No. 1.

“District No. 2. Beginning at the halfway bridge on Person Street; thence with Blount’s Creek to the railroad on Russell Street; thence with the western line of District No. 1 South to the city boundary; thence with the city boundary to Gillespie Street; thence down the center of Gillespie Street to the Market House; thence down the center of Person Street to the half-way bridge, the beginning; the same shall be and constitute District No. 2.

“District No. 3. Beginning at the Market House; thence down the center of Gillespie Street to the city boundary; thence with the city boundary West to the Turnpike Road (extended); thence with the center of Turnpike Road to Branson Street; thence down the center of Branson Street to Bradford Avenue; thence down the center of Bradford Avenue to Hay Street; thence down the center of Hay Street to the Market House; the beginning; the same shall be and constitute District No. 3.

“District No. 4. Beginning at the Market House; thence down the center of Green Street to the center of Rowan Street; thence down the center of Rowan Street to Hillsboro Street; thence down the center of Hillsboro Street to Ramsey Street; thence down the center of Ramsey Street to the city boundary; thence with the city boundary to the Norfolk & Southern Railroad tracks; thence with said tracks and the city boundary to Ann Street; thence with the western line of District No. 1 to Person Street; thence down the center of Person Street to the Market House, the beginning; the same shall be and constitute District No. 4.

“District No. 5. Beginning at the Market House; thence down the center of Hay Street to Hinsdale Avenue; thence down the center of Hinsdale Avenue to West Rowan Street; thence down the center of West Rowan Street to Ames Street; thence down the center of Ames Street to the Filter Plant Drive; thence down the center of the Filter Plant Drive to the Murchison Road; thence down the center of the Murchison Road to the city boundary; thence with the city boundary to Ramsey Street; thence with the western line of District No. 4 to the Market House, the beginning; the same shall be and constitute District No. 5.

“District No. 6. Beginning at the corner of Hay Street and Hinsdale Avenue; thence down the center of Hay Street to the Morganton Road; thence down the center of Morganton Road to Sutton Street; thence down the center of Sutton Street to the Fort Bragg Road; thence down the center of said road to Pearl Street; thence down the center of Pearl Street to the center of Glenville Lake; thence from said point with Little Cross Creek to the city boundary; thence with the city boundary to the Murchi-
son Road; thence with the western line of District No. 5 to the beginning; the same shall be and constitute District No. 6.

"District No. 7. Beginning at the corner of Sutton Street and the Morganton Road; thence northerly with the western line of District No. 6 to the city boundary; thence with the city boundary to the Morganton Road; thence down the center of the Morganton Road to Sutton Street; the beginning; the same shall be and constitute District No. 7.

"District No. 8. Beginning at the center of Hay Street and Bradford Avenue; thence down the center of Bradford Avenue to Branson Street; down the center of Branson Street to the Turnpike Road; thence down the center of Turnpike Road (extended) to the city boundary; thence with the city boundary to the Morganton Road; thence down the center of the Morganton Road to Hay Street; thence down the center of Hay Street to Bradford Avenue; the beginning; the same shall be and constitute District No. 8.

\"The members of the city council shall be elected for a term of two years and until their successors are elected and qualified.\"

Sec. 2. Section 160-345 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

\"Provided, that in the City of Fayetteville the mayor shall be elected by the qualified voters of the entire city at large. He shall be elected for a term of two years and until his successor is elected and qualified. The election for mayor shall be held at the same time and in the same manner as the election of the councilmen for the City of Fayetteville.\"

Sec. 3. This Act shall apply only to the City of Fayetteville in Cumberland County and Sections 1 and 2 shall not take effect until they have been approved by a majority of the voters participating in the election to be held in said city on a Tuesday on or before the third day of April, 1951. In the event a majority of the votes cast by the qualified voters in the election herein provided for shall be for the approval of Sections 1 and 2 of this Act, the next succeeding municipal primary and election, and all subsequent primaries and elections, shall be conducted in accordance with the provisions of said Sections 1 and 2 in so far as the nomination and election of a mayor and members of the city council are concerned. The mayor and members of the city council so elected according to the provisions of said Section 1 and 2 shall assume their duties on the date now prescribed by law for the members of the city governing body to assume the duties of office in 1951.

Sec. 4. In the event a majority of the votes cast by the qualified voters in the election herein provided for shall be against the approval of Sections 1 and 2 of this Act, then the number and election of the members of the city council and the election of the Mayor of the City of Fayetteville shall be and remain as at present provided by law.

Sec. 5. The election herein provided for shall be called and conducted in the same manner as the primary elections are now conducted in the City of Fayetteville and the result shall be canvassed and certified as now provided by law.
Sec. 6. The qualified voters who favor the approval of Sections 1 and 2 of this Act shall vote a ballot on which shall be written or printed the words "For Mayor and eight City Council Members"; and those who oppose the approval of said Sections 1 and 2 shall vote a ballot on which shall be written or printed the words "Against Mayor and eight City Council Members".

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 264

CHAPTER 132

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PENDER COUNTY TO LEVY SPECIAL ANNUAL TAXES FOR FOREST FIRE PROTECTION AND TO PROVIDE FOR A VETERANS SERVICE OFFICER.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pender County is authorized and empowered in its discretion to levy a special annual tax not to exceed five cents (5c) on the one hundred dollars ($100.00) valuation of property, in addition to the fifteen cents (15c) levy authorized by the Constitution for general purposes, for the special purpose of forest fire protection in said county.

Sec. 2. The Board of County Commissioners of Pender County is authorized and empowered in its discretion to levy a special annual tax not to exceed one and one-half cents (1½c) on the one hundred dollars ($100.00) valuation of property, in addition to the fifteen cents (15c) levy authorized by the Constitution for general purposes, for the special purpose of maintaining a veterans service office in said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1951.

H. B. 311

CHAPTER 133

AN ACT REGULATING THE SALARIES AND FEES OF CERTAIN OFFICIALS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 561 of the Session Laws of 1947 is amended by striking out in lines three and four the words and figures "three thousand six hundred dollars ($3,600.00)" and inserting in lieu thereof the words and figures "four thousand two hundred dollars ($4,200.00)". Said Section is further amended by striking out in lines five and
six the words and figures “two thousand one hundred sixty dollars ($2,160.00)” and inserting in lieu thereof the words and figures “two thousand four hundred dollars ($2,400.00)”. The salary increases herein provided for shall become effective the first of July, 1951.

Sec. 2. Section 2 of Chapter 561 of the Session Laws of 1947 is amended by striking out in lines three and four the words and figures “three thousand six hundred dollars ($3,600.00)” and inserting in lieu thereof the words and figures “four thousand two hundred dollars ($4,200.00)”. Said Section is further amended by striking out in lines five and six the words and figures “two thousand one hundred sixty dollars ($2,160.00)” and inserting in lieu thereof the words and figures “two thousand four hundred dollars ($2,400.00)”. The salary increases herein provided for shall become effective the first of July, 1951.

Sec. 3. Section 3 of Chapter 561 of the Session Laws of 1947 is amended by striking out in line three the words and figures “three thousand nine hundred dollars ($3,900.00)” and inserting in lieu thereof the words and figures “four thousand eight hundred dollars ($4,800.00)”. Said Section is further amended by striking out in lines seven and eight the words and figures “two thousand two hundred eighty dollars ($2,280.00)” and inserting in lieu thereof the words and figures “two thousand seven hundred dollars ($2,700.00)”. The salary increases herein provided for shall become effective the first of July, 1951.

Sec. 4. Effective the first of March, 1951, the Chairman of the Board of Commissioners of Randolph County shall devote so much of his time as may be necessary to fulfill his duties as part time manager of Randolph County and shall be paid for such services an annual salary of two thousand four hundred dollars ($2,400.00) per annum, payable in twelve equal monthly installments. In addition thereto, the said chairman shall receive such necessary travel expense incurred in the performance of his duties as may be approved by the board of county commissioners of said county.

Sec. 5. G. S. 161-10.1 is amended by adding at the end thereof a new paragraph to read as follows:

“In Randolph County, the register of deeds shall be allowed the sum of eighty cents (80c) for registering chattel mortgages, statutory form.”

Sec. 6. G. S. 153-180 is amended by adding a new paragraph at the end thereof to read as follows:

“In Randolph County, the board of county commissioners is authorized to fix jailers’ fees at such sum as it may see fit, in an amount of not less than one dollar ($1.00) per day nor more than one dollar and fifty cents ($1.50) per day for each prisoner.”

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 February, 1951.
CHAPTER 134

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MEBANE.

The General Assembly of North Carolina do enact:

Section 1. For the purposes of this Act, the Town of Mebane shall be divided into four wards, as follows:

Ward 1. All of that area lying East of Fourth Street and North of the Southern Railroad tracks;

Ward 2. All of that area lying South of the Southern Railroad tracks and East of Fourth Street;

Ward 3. All of that area lying South of the Southern Railroad tracks and West of Fourth Street;

Ward 4. All of that area lying North of the Southern Railroad tracks and West of Fourth Street.

Sec. 2. The Board of Commissioners of the Town of Mebane shall consist of five members, elected as hereinafter provided.

Sec. 3. Candidates for the office of mayor, commissioners, and commissioner-at-large, shall file notice of their candidacy with the Clerk of the Town of Mebane at least 30 days prior to the date of the election for municipal officials and pay a filing fee of five dollars ($5.00).

Sec. 4. On the second Tuesday after the first Monday in May, 1951, and biennially thereafter, there shall be elected a mayor and one commissioner-at-large, who shall serve for terms of two years. The candidate for mayor and the candidate for commissioner-at-large receiving the highest number of votes cast by qualified voters from all four wards shall be elected mayor and commissioner-at-large, respectively.

Sec. 5. On the second Tuesday after the first Monday in May, 1951, and biennially thereafter, there shall be elected four additional commissioners in the following manner who shall serve for terms of two years:

Each of the four wards described above shall elect one commissioner who must be a resident of the ward from which he is elected. That is, one commissioner, who is a resident of Ward 1, who receives the highest number of votes cast therefor by the qualified voters of Ward 1 shall be declared the commissioner elected from Ward 1, and in like manner one commissioner shall be elected from Ward 2, from Ward 3 and from Ward 4. Registration books shall be so kept as to show in which ward each voter resides, and separate ballot boxes shall be provided for each ward for the purposes of this Section.

Sec. 6. The first five Sections of this Act shall not become effective unless they are approved at an election to be held in Mebane on the first Tuesday after the first Monday in April, 1951. The election shall be conducted in all respects as provided by this Act and as provided by the laws governing the holding of municipal elections in the Town of Mebane and the laws governing the holding of municipal elections in this State not inconsistent therewith.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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 February, 1951.

H. B. 351  CHAPTER 135
AN ACT IN RELATION TO THE APPOINTMENT OF THE CLERK OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION AND VALIDATING ACTS HERETOFORE DONE BY PERSONS APPOINTED TO SUCH OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding anything contained in any other law, the Board of Commissioners of the County of Union may, from time to time, appoint some qualified person other than the register of deeds of said county to be clerk of said board of commissioners and to serve in such capacity at the will of said board of commissioners. The person so appointed shall be the clerk of the board of commissioners and his compensation shall be fixed by such board.

Sec. 2. The acts heretofore done in the performance of duties of the office of clerk of such board of commissioners by any person heretofore appointed by the Board of Commissioners of Union County to be its clerk, and any such appointments heretofore made, are hereby legalized and validated notwithstanding that any such person so appointed may not have been the register of deeds of said county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 February, 1951.

S. B. 168  CHAPTER 136
AN ACT RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, RELATING TO THE TERMS OF OFFICE OF THE PRESIDENT OF THE UNITED STATES.

WHEREAS, the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), propose the following amendment to the Constitution of the United States of America, to become valid as part of the said Constitution when ratified by the Legislatures of the several states, in words as follows, to-wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following Article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several states:
ARTICLE

'Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President or acted as President for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

'Sec. 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.' Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said proposed amendment to the Constitution of the United States of America set out in the preamble to this Act be, and the same is, hereby ratified by the General Assembly of the State of North Carolina.

Sec. 2. That certified copies of this preamble and Act be forwarded by the Governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

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 28th day of February, 1951.

S. B. 189

CHAPTER 137

AN ACT TO AMEND G. S. 130-190 RELATING TO IMMUNIZATION OF CHILDREN AGAINST DIPHTHERIA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-190 is hereby amended by striking out the second paragraph.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

S. B. 194

CHAPTER 138

AN ACT TO AUTHORIZE AND EMPOWER THE CHIEF OF POLICE OF THE TOWN OF APEX TO ACCEPT AFFIDAVITS AND BONDS.

The General Assembly of North Carolina do enact:

Section 1. The Chief of Police of the Town of Apex is hereby authorized and empowered to take affidavits in connection with criminal
warrants sworn out in the Recorder's Court for White Oak, Buckhorn, Cedar Fork and Leesville Townships at Apex, and is further authorized and empowered to take and accept appearance and recognizance bonds from any person or persons who may comply with the laws of the State of North Carolina in such cases made and provided, for such person or persons appearance in any court in Wake County.

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 1st day of March, 1951.

S. B. 220  CHAPTER 139

AN ACT AMENDING CHAPTER 425 OF THE PRIVATE LAWS OF 1907 RELATING TO THE AUTHORITY OF POLICE OFFICERS UNDER THE CHARTER OF THE TOWN OF PINE LEVEL IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 425 of the Private Laws of 1907 as amended, the same being the Consolidated Charter of the Town of Pine Level, is hereby amended by inserting at the end of Section 28 thereof the following: "The authority of all police officers of the Town of Pine Level to make arrests, preserve the peace and serve all criminal and civil process shall extend to any point within one mile of the corporate limits of the Town of Pine Level.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

S. B. 225  .  CHAPTER 140

AN ACT TO PROVIDE FOR THE EXERCISE OF POWERS BY POLICE OFFICERS BEYOND THE CORPORATE LIMITS OF THE TOWN OF OXFORD, IN GRANVILLE COUNTY, AND TO AUTHORIZE CERTAIN POLICE OFFICERS TO ISSUE WARRANTS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The chief of police and other town policemen of the Town of Oxford, in Granville County, shall have in all that territory embraced within one mile in all directions of the present corporate limits of said town all the power and authority which they now exercise within the corporate limits of said town.

Sec. 2. The chief of police, the assistant chief of police, and such other police officers of the Town of Oxford as may be designated by the Board of Commissioners of the Town of Oxford as desk officers are here-
by authorized and empowered to issue search warrants and other warrants for the apprehension of persons charged with having committed any criminal offense within the jurisdictional limits of the Town of Oxford as fully and to the same extent as the Mayor of the Town of Oxford is now authorized and empowered to issue such warrants. Such warrants may be directed to and executed by any police officer or other lawful officer within the Town of Oxford or its jurisdictional limits.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

H. B. 168

CHAPTER 141

AN ACT TO PROVIDE FOR THE APPOINTMENT AND TERMS OF OFFICE OF DEPUTY SHERIFFS AND TAX COLLECTORS IN CRAWFORD AND MOYOCK TOWNSHIPS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the office of Deputy Sheriff and Tax Collector for Crawford Township, in Currituck County, whose term of office shall be for four years from and after the first Monday in December, 1950, and until his successor is appointed and qualified. Vacancies occurring in the office hereby created, either by death, resignation, expiration of term, or otherwise, shall be filled by the Board of County Commissioners of Currituck County. Upon the expiration of the term of office created by this Section, and quadrennially thereafter, the Board of County Commissioners of Currituck County shall appoint some suitable person to fill said office. Luther L. Sanderlin is appointed Deputy Sheriff and Tax Collector for Crawford Township and shall serve in such capacity for the term of office beginning the first Monday in December, 1950, and until his successor is appointed and qualified.

The deputy sheriff and tax collector appointed under this Section, and his successors in office, shall receive a salary of one hundred dollars ($100.00) per month to be paid by the Board of County Commissioners of Currituck County. Persons appointed to the office created by this Section shall be clothed with all the powers and duties of deputy sheriffs and shall be vested with the same powers and duties and be subject to the same liabilities, penalties, and conditions as are now applicable by the general laws of this State to sheriffs in the collection of taxes, licenses, fees, penalties, and other revenue.

Sec. 2. There is hereby created the office of Deputy Sheriff and Tax Collector for Moyock Township, in Currituck County, whose term of office shall be for four years from and after the first Monday in December, 1950, and until his successor is appointed and qualified. Vacancies occurring in the office hereby created, either by death, resignation, expiration
of term, or otherwise, shall be filled by the Board of County Commissioners of Currituck County. Upon the expiration of the term of office created by this Section, and quadrennially thereafter, the Board of County Commissioners of Currituck County shall appoint some suitable person to fill said office. Bernard A. Parrish is appointed Deputy Sheriff and Tax Collector for Moyock Township and shall serve in such capacity for the term of office beginning the first Monday in December, 1950, and until his successor is appointed and qualified.

The deputy sheriff and tax collector appointed under this Section, and his successors in office, shall receive an annual salary of one thousand dollars ($1,000.00), payable in 12 equal monthly installments, to be paid by the Board of County Commissioners of Currituck County. Persons appointed to the office created by this Section shall be clothed with all the powers and duties of deputy sheriffs and shall be vested with the same powers and duties and be subject to the same liabilities, penalties, and conditions as are now applicable by the general laws of this State to sheriffs in the collection of taxes, licenses, fees, penalties, and other revenue.

Sec. 3. Chapter 8 of the Session Laws of 1943, Chapter 330 of the Session Laws of 1945, Chapters 542 and 815 of the Session Laws of 1947, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

H. B. 174

CHAPTER 142

AN ACT TO AMEND SECTION 6 OF ARTICLE 5 OF THE CONSTITUTION TO LIMIT THE AMOUNT OF TOTAL STATE AND COUNTY TAX WHICH MAY BE LEVIED ON PROPERTY TO TWENTY CENTS ON THE ONE HUNDRED DOLLARS VALUATION.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Article 5 of the Constitution of North Carolina is rewritten to read as follows:

"Section 6. Taxes levied for counties. The total of the State and county tax on property shall not exceed twenty cents (20c) on the one hundred dollars ($100.00) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article 9, Section 3, of the Constitution: Provided, further, the State tax shall not exceed five cents (5c) on the one hundred dollars ($100.00) value of property."

Sec. 2. The electors favoring the adoption of the amendment shall vote a ballot on which shall be written or printed the words "For limiting the amount of total State and county tax which may be levied on property
to twenty cents (20c) on the one hundred dollars ($100.00) valuation", and those opposed shall vote a ballot on which shall be written or printed the words "Against limiting the amount of total State and county tax which may be levied on property to twenty cents (20c) on the one hundred dollars ($100.00) valuation."

Sec. 3. This amendment shall be submitted to the qualified voters in the State at the next general election, which shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if a majority of the votes be cast in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the same amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. 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, 1951.

H. B. 219

CHAPTER 143

AN ACT TO AMEND CHAPTER 138 SESSION LAWS 1945, RELATING TO PROPERTY DAMAGED BY STRAY DOGS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 138 Session Laws of 1945 be and it is hereby amended by adding a new subsection to said Section as follows:

"(h) That limits upon the amount of damage which may be paid in Guilford County under G. S. 67-13 are as follows:

1. No damage in excess of $500.00 shall be paid for loss or injury to any one animal.

2. No amount in excess of actual damage or expense shall be paid in any case.

3. In case of the death or serious injury to any animal the flesh of which is generally eaten by human beings, hereinafter called edible animals: Whichever sum is greater; the commercial market value of said animal for edible purposes, or its taxable value. The taxable value of an animal shall be the sum for which said animal is actually listed for taxation. If animal had no taxable situs in North Carolina at tax listing time, its taxable value shall be the average sum for which similar animals are listed for taxation in Guilford County. If an edible animal is destroyed or injured by a stray dog when too young to have a commercial value for edible purposes, its value shall be that fraction of its probable market value when of edible age obtained by dividing its age in weeks by the age in weeks when similar animals are generally edible."
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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

H. B. 227

CHAPTER 144

AN ACT TO REGULATE THE EXPENDITURE OF REVENUE FROM PARKING METERS IN THE TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Windsor be, and it is hereby, authorized to use funds derived from the use of parking meters in said town for the purpose of regulating traffic upon the streets of said town and expenses incurred in installing and maintaining the same, and any surplus may be used in the discretion of the said Board of Commissioners for use of better lighting of the streets of said town and to provide facilities and places in said town for children to use as play grounds.

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 1st day of March, 1951.

H. B. 285

CHAPTER 145

AN ACT TO FURTHER AMEND THE REVISED AND CONSOLIDATED CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. Sections 5 and 6 of Chapter 209 of the Private Laws of 1907 are stricken out and the following is inserted in lieu thereof:

"Sec. 5. That E. F. Duke shall be the mayor of the city and W. B. Harrison and W. C. Divine aldermen of the First Ward, Gordon Vestal and L. B. Hoggard aldermen of the Second Ward, C. L. Bonney and D. M. McIntyre aldermen of the Third Ward, R. Q. Ward and R. A. Eason aldermen of the Fourth Ward, J. E. Wilder, alderman of the Fifth Ward, M. S. Hayworth, alderman of the Sixth Ward, and one additional alderman from the Sixth Ward to be elected at the regular municipal election to be held on the first Monday in May, 1951, and G. B. Mangum and W. T. Nichols aldermen of the Seventh Ward, and the aforesaid aldermen shall constitute the Board of Aldermen of Rocky Mount until their successors shall have been duly elected and qualified.

"The successors of the said E. F. Duke, W. B. Harrison, Gordon Vestal, C. L. Bonney, R. Q. Ward and G. B. Mangum shall be elected at the regular municipal election to be held on the first Monday in May,
1951, and the successors of the said W. C. Divine, L. B. Hoggard, D. M. McIntyre, R. A. Eason, J. E. Wilder, M. S. Hayworth and W. T. Nichols shall be elected at the regular municipal election to be held on the first Monday in May, 1952."

"Sec. 6. That an election shall be held in the several wards and voting precincts of the city on the first Monday in May, 1951, and on the first Monday in May annually thereafter. At the election to be held on the first Monday in May, 1951, and biennially thereafter, there shall be elected by the qualified voters of the city a mayor and by the qualified voters of the respective wards one alderman from each of the several wards of the city, except the Fifth Ward and at an election to be held on the first Monday in May, 1952, and biennially thereafter, there shall be elected by the qualified voters of the respective wards one alderman from each of the several wards of the city. All of the said officers shall hold their said office for the term of two years from the date of their election and until their successors have been elected and qualified.

"Any person desiring to become a candidate for the office of Mayor or Alderman of the City of Rocky Mount shall, at least 15 days prior to the date of the election, file with the city clerk a written notice of such candidacy and no person shall be eligible as a candidate unless this provision is complied with."

Sec. 2. Section 19 of Chapter 209 of the Private Laws of 1907, as amended and rewritten by Chapter 43 of the Private Laws of 1927, is amended by inserting between the sentence ending with the words "board of aldermen" in line six and before the sentence beginning with the words "Each member" in line seven the following sentence:

"It shall not be required that the police officers so appointed be residents of the City of Rocky Mount."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

H. B. 315

CHAPTER 146

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF ALBEMARLE TO CALL AN ELECTION UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY OF ALBEMARLE.

The General Assembly of North Carolina do enact:

Section 1. After the ratification of this Act, the Board of Commissioners of the City of Albemarle may call an election at which there shall be submitted for determination by the qualified voters of the City of Albemarle voting in such election the question of the adoption of a form of government for the City of Albemarle known as "Plan D" as defined by part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, and as modified by this Act, which plan provides for a mayor,
board of commissioners and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said “Plan D” form of government, as modified by this Act, for the City of Albemarle, in lieu of its present form of government.

Sec. 2. The said election shall be called and conducted and the result thereof determined and declared by the Board of Commissioners of the City of Albemarle as is now provided by law for the election of the mayor and members of the board of commissioners, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and Board of Commissioners of the City of Albemarle. At such election ballots shall be provided for the voters containing the words “For City Manager Form of Government (Modified Plan D)” and “Against City Manager Form of Government (Modified Plan D)”. If a majority of the votes cast in said election shall be in favor of said modified “Plan D” form of government the same shall become effective and be operative in the City of Albemarle upon resolution of the Board of Commissioners of the City of Albemarle.

Sec. 3. If said modified “Plan D” is adopted the government of the City of Albemarle and the general management and control of all its affairs shall be vested in a mayor and board of commissioners, elected as provided by the Charter of the City of Albemarle, and any amendments thereto. Thereafter the mayor and board of commissioners shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the City of Albemarle, and any amendments thereto, the general ordinances of the City of Albemarle and the provisions of the general law with reference to the powers and privileges of municipalities not inconsistent therewith. The Mayor and Board of Commissioners of the City of Albemarle shall constitute its governing body and in the conduct of said modified “Plan D” government for the City of Albemarle, the mayor and board of commissioners shall have and exercise all such powers and duties, not inconsistent therewith, as are now conferred upon the mayor and board of commissioners by the Charter of the City of Albemarle and its general ordinances and any amendments thereto.

Sec. 4. In the event said “Plan D” form of government, as modified by this Act, shall be adopted, the mayor and board of commissioners shall appoint a city manager. He shall be appointed with regard to merit only and he need not be a resident of the City of Albemarle when appointed. He shall hold office at the pleasure of the mayor and board of commissioners and shall receive such compensation as the board shall fix.

Sec. 5. In the event said “Plan D” form of government, as modified by this Act, shall be adopted, the Mayor and Board of Commissioners of the City of Albemarle shall have the power and authority, in their discretion, to designate, prescribe and control the manner and methods for the operation of the government of the City of Albemarle including all departments of the city government now existent or hereafter constituted, and shall have the power and authority to place in control of any or all such departments a city manager, whose duties shall be prescribed by the mayor and board of commissioners.
Sec. 6. In the event said "Plan D" form of government, as modified, is adopted, none of the legislative powers of the City of Albemarle or its board of commissioners shall be abridged or impaired by this Act or by the adoption of said modified "Plan D" government for the City of Albemarle and all such legislative powers shall continue to be possessed and exercised by the Mayor and Board of Commissioners of the City of Albemarle. In addition, all ordinances, resolutions, orders, or other lawful regulations of the City of Albemarle or any authorized commission, committee, body or official thereof, existing at the time said modified "Plan D" is adopted shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 7. In the event said "Plan D", as modified by this Act, is adopted at such election, the board of commissioners shall continue to be the governing body of the City of Albemarle and the mayor and members of the board of commissioners shall be elected as now provided by the Charter of the City of Albemarle and any amendments thereto, and the meetings of the board and the business of the board shall be held and transacted in accordance with the Charter and General Ordinances of the City of Albemarle now in force or hereafter amended. Vacancies shall be filled as heretofore provided for by law.

Sec. 8. The Board of Commissioners of the City of Albemarle may call and hold said election on Tuesday, May 8, 1951, the date on which the general municipal election is to be held in the City of Albemarle, or at any time subsequent thereto.

Sec. 9. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

H. B. 319

CHAPTER 147

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO APPOINT A TOTAL OF 16 RURAL POLICEMEN, AND FIXING THEIR SALARIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Cumberland County are hereby authorized to appoint not more than 16 rural policemen, and to fix their salaries at not less than one hundred seventy-five ($175.00) nor more than two hundred fifty dollars ($250.00) per month each.

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.
CHAPTER 148

AN ACT TO CREATE BIRD SANCTUARIES WITHIN THE CITY OF LUMBERTON AND WITHIN THE TOWNS OF FAIRMONT, ST. PAUL'S, PARKTON, LUMBER BRIDGE, RED SPRINGS, MAXTON, ROWLAND, AND PEMBROKE.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the City of Lumberton and the territory within the corporate limits of the Towns of Fairmont, St. Paul's, Parkton, Lumber Bridge, Red Springs, Maxton, Rowland, and Pembroke are hereby declared to be bird sanctuaries.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of any one of said towns except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

CHAPTER 149

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE TOWN OF MANTEO TO MAKE APPROPRIATIONS FOR ADVERTISING AND PROMOTION FROM NON-TAX FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Manteo are hereby authorized and empowered, in their discretion, to annually appropriate from revenue not derived from ad valorem taxation such sums as they shall determine, not exceeding five hundred dollars ($500.00) for any one year, to be used in such manner as they shall provide for advertising and promoting the Town of Manteo.

Sec. 2. That all appropriations heretofore made by the Board of Commissioners of the Town of Manteo for the above purposes from sources of revenue other than ad valorem taxation are hereby ratified and approved.

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 1st day of March, 1951.
H. B. 339  

CHAPTER 150 

AN ACT TO EXEMPT CERTAIN VOLUNTEER FIREMEN IN BEAUFORT COUNTY FROM JURY DUTY.

The General Assembly of North Carolina do enact:

Section 1. All active volunteer firemen of the Towns of Washington, Belhaven and Aurora, in Beaufort County, who have performed all duties required of them as volunteer firemen, and who are in good standing with their respective fire departments and with the North Carolina State Firemen's Association, shall be exempt from service as jurors. On the first day of January and July of each year, beginning with the first day of July of the year 1951, the Fire Chief of each of the Towns of Washington, Belhaven and Aurora shall file with the Clerk of the Superior Court of Beaufort County a statement giving the name of each member of his organization who is in good standing with his fire department and with the North Carolina State Firemen's Association, and who has performed all duties required of him as a volunteer fireman during the preceding six months; and any member of any such fire department whose name does not appear upon such statement shall not receive the benefit of the exemption provided for herein during the six months immediately following the filing of the statement.

Sec. 2. The Clerk of the Superior Court of Beaufort County is hereby empowered to excuse from jury duty any person or persons exempt under the provisions of this Act prior to the convening of the term of court for which such person or persons are required to serve as jurors.

Sec. 3. This Act shall apply only to Beaufort County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

H. B. 353  

CHAPTER 151 

AN ACT TO CREATE THE OFFICE OF PRECINCT POLICEMAN IN PRECINCT NO. 17 IN WAKE COUNTY AND TO PRESCRIBE HIS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the office of precinct policeman in Precinct No. 17, Wake County, North Carolina.

Sec. 2. The board of county commissioners is authorized to appoint some suitable person as precinct policeman in Precinct No. 17 who shall hold office until the next regular election for county officers in Wake County and until his successor is elected and qualified.

Sec. 3. At the next primary and general election held in Wake County for county officers, and biennially thereafter, there shall be nominated and elected by the qualified voters of Precinct No. 17 in Wake County a precinct policeman who shall hold office for a term of two years and until
his successor is elected and qualified. The election for said officer shall be held in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of Wake County.

Sec. 4. The precinct policeman appointed and elected under the provisions of this Act shall have the same authority to make arrests and to execute criminal and civil process within Wake County as is vested by law in the Sheriff of Wake County. As compensation for his services, the person so appointed or elected shall receive all arrest fees and other fees allowed by law for the execution of criminal and civil process.

Sec. 5. The officer elected under the provisions of this Act shall qualify and take office on the first Monday in December following his election. Vacancies occurring in said office shall be filled by the board of county commissioners for the unexpired term.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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, 1951.

H. B. 363 CHAPTER 152

AN ACT TO PLACE THE COMMISSIONER OF PUBLIC INSTITUTIONS OF BUNCOMBE COUNTY ON A TEMPORARY FULL-TIME BASIS AND TO FIX HIS SALARY.

WHEREAS, Buncombe County is now in the process of expending approximately six million five hundred thousand dollars ($6,500,000.00) in a school building construction program; and

WHEREAS, the county commissioners have certain responsibilities in connection with said building program so that the full-time services of the commissioner of public institutions are needed during the next four years: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Commissioner of Public Institutions of Buncombe County shall devote his full time to the duties of his office until the expiration of the term ending in 1954. As compensation for his services in such capacity, the commissioner of public institutions of said county shall receive an annual salary of five thousand dollars ($5,000.00).

Sec. 2. At the expiration of the term of office of the Commissioner of Public Institutions of Buncombe County in 1954, said commissioner of public institutions shall receive the per diem compensation provided for in Chapter 14 of the Session Laws of 1947.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after the first of March, 1951.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.
CHAPTER 153
AN ACT TO AMEND SECTION 160-346 AND SECTION 160-347 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 160-346 of the General Statutes of North Carolina by striking out the word "seven" in line four and inserting in lieu thereof the word "eighteen", and by striking out the word "two" in line eleven and inserting in lieu thereof the word "six".

Sec. 2. Amend Section 160-347 of the General Statutes of North Carolina by striking out the word "three" in line six and inserting in lieu thereof the word "nine".

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. 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, 1951.

CHAPTER 154
AN ACT TO AMEND ARTICLE 1 OF CHAPTER 49 OF THE GENERAL STATUTES RELATING TO SUPPORT OF ILLEGITIMATE CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Section 49-2 is hereby amended by striking out the word "fourteen" appearing in lines six and seven of the said Section and inserting in lieu thereof the word "eighteen".

Sec. 2. Section 49-4 as the same appears in the 1949 Cumulative Supplement to the General Statutes is hereby amended by striking out the word "fourteen" wherever it appears in the said Section and by inserting in lieu thereof in each instance the word "eighteen".

Sec. 3. This Act shall not apply to pending prosecutions or to convictions, judgments, or orders entered thereunder prior to the effective date of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1951.
S. B. 77

CHAPTER 155

AN ACT TO AUTHORIZE THE NORTH CAROLINA RURAL REHABILITATION CORPORATION TO ENTER INTO CERTAIN AGREEMENTS WITH THE UNITED STATES OF AMERICA.

WHEREAS, by Chapter 314 of the Public Laws of North Carolina of 1935 (G. S. 137-31 et seq.), the North Carolina Rural Rehabilitation Corporation was recognized and designated as an agency of the State of North Carolina and was authorized to accept and receive grants from the United States Government for relief and rehabilitation purposes; and

WHEREAS, certain funds which originated as Federal grants to the State of North Carolina pursuant to the Federal Emergency Relief Act of 1933 were paid over to the North Carolina Rural Rehabilitation Corporation for rural rehabilitation purposes; and

WHEREAS, the North Carolina Rural Rehabilitation Corporation transferred certain of said funds to the Secretary of Agriculture of the United States of America in trust pursuant to an Agreement of Transfer between the North Carolina Rural Rehabilitation Corporation and the United States of America, bearing date of May 20, 1938, said transfer having been ratified by Section 8 of Chapter 241 of the Public Laws of North Carolina of 1939 (G. S. 137-41); and

WHEREAS, the term of said Agreement of Transfer expired May 20, 1950, and under the provisions of said Agreement of Transfer the United States of America is now obligated to retransfer to the North Carolina Rural Rehabilitation Corporation the funds and assets now in said trust fund, but has failed to do so; and

WHEREAS, the Congress of the United States has adopted Public Laws 499, 81st Congress, approved May 3, 1950, under the terms of which the North Carolina Rural Rehabilitation Corporation, in order to regain the funds held by the United States of America under said Agreement of Transfer, is required to enter into certain covenants and agreements as to the use of said funds, all as set out and contained in said Public Law 499, 81st Congress, approved May 3, 1950; Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. The North Carolina Rural Rehabilitation Corporation is hereby authorized and empowered to enter into all such contracts and agreements with the United States of America, acting by and through the Secretary of Agriculture or other appropriate officials of the United States Government, as may be necessary or appropriate to accomplish the retransfer to the North Carolina Rural Rehabilitation Corporation of the funds and assets of said corporation now held by the Secretary of Agriculture pursuant to the Agreement of Transfer between the North Carolina Rural Rehabilitation Corporation and the United States of America, bearing date of May 20, 1938. Said corporation is further authorized and empowered to enter into such covenants and agreements with the Secretary of Agriculture or other appropriate officials of the United States Government in regard to the future use of said returned assets or in any
other regard as may be required by Public Law 499, 81st Congress, approved May 3, 1950, or by the Secretary of Agriculture acting pursuant thereto.

Sec. 2. The North Carolina Rural Rehabilitation Corporation is further authorized and empowered to enter into such agreements with the Secretary of Agriculture or other appropriate officials of the United States Government, and upon such terms and conditions and for such periods of time as may be mutually agreeable, for the transfer by the Corporation to the Secretary of Agriculture of all or any part of its assets for use in the State of North Carolina in carrying out the purposes of titles I and II of the Bankhead-Jones Farm Tenant Act as now or hereafter amended by the Congress of the United States and for such other rural rehabilitation purposes within the State of North Carolina as said corporation may deem advisable.

Sec. 3. Section 137-40 of the General Statutes is hereby repealed.

Sec. 4. 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 2nd day of March, 1951.

S. B. 156

CHAPTER 156

AN ACT TO AUTHORIZE THE TOWN OF HIGHLANDS IN MACON COUNTY TO CONVEY CERTAIN TOWN PROPERTY TO THE HIGHLANDS MUSEUM AND BIOLOGICAL STATION, INCORPORATED.

WHEREAS, by deed dated 22nd November, 1938, and recorded in Deed Book D-5, page 38, Records of Macon County, North Carolina, Highlands Museum and Biological Laboratory, Inc. (now Highlands Biological Station, Inc.) conveyed to the Town of Highlands certain lots therein described, on which certain buildings have been erected; that said corporation has used said land and the buildings thereon for the operation of a museum of natural history since said date, under an agreement with said town; that said corporation has recently requested the town to reconvey said property to the corporation under the provision of G. S. 153-3; and

WHEREAS, the town is of the opinion that, due to the fact that said deed did not specify any specific purpose for which the property was, to be used, it has no authority to reconvey the same without consideration to the corporation, and that under the present law the only way that the town may dispose of said property is in accordance with G. S. 160-59; that the present governing body of said town is of the opinion that said property should be reconveyed to the corporation on condition that the same be used for the operation of a museum in the Town of Highlands for the use and benefit of the public, without charge, and the present governing body is agreeable to requesting the Legislature of North Carolina at its next session to enact a special act authorizing the town to reconvey said property to said corporation: Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. The Mayor and governing authority of the Town of Highlands may, in their discretion, sell and convey to the Highlands Biological Station, Incorporated, for such consideration as said Mayor and governing authority of the Town of Highlands, in their discretion, deem adequate, whether nominal or otherwise, the following lots of land owned by the Town of Highlands and described as follows:

"Adjoining the lands of J. C. Blanchard, J. Harvey Trice and others, and more particularly described as follows, to wit:

"Being Lots Nos. 6, 7, and 8 in the T. Peden Anderson, Lindwood Lake Subdivision, the map of which is registered in Book J-4, at page 289 in the Register of Deeds' Office of Macon County. Said lots 6, 7 and 8 are the same lots deeded to the said Highlands Museum and Biological Laboratory, Inc., by J. E. E. Berndt on December 15, 1936, and registered in Book Z-4 at page 331 in the Register of Deeds' Office of Macon County."

Sec. 2. The Mayor and governing authority of the Town of Highlands are hereby given authority, in their discretion, to sell the property mentioned in Section 1 of this Act at private sale to the Highlands Biological Station, Incorporated, without the necessity of advertising any notice of conveyance or sale in the newspapers or otherwise, and by deed in fee simple or any other type of deed or conveyance with conditions or agreements attached thereto as the Mayor and the governing authority of the Town of Highlands, in their discretion, shall deem proper.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

S. B. 157

CHAPTER 157

AN ACT TO AMEND G. S. 160-178 RELATING TO THE POWERS OF THE BOARD OF ADJUSTMENT OF THE CITY OF WINSTON-SALEM IN THE ADMINISTRATION OF ZONING REGULATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-178 is hereby amended by striking out in line 37, as the same appears in the 1949 Supplement, the words "four members" and inserting in lieu thereof the words "three members".

Sec. 2. This Act shall apply only to the City of Winston-Salem.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.
S. B. 196 CHAPTER 158

AN ACT TO AMEND G. S. 2-1, RELATING TO THE DUTIES OF THE CLERKS OF THE SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-1 is amended by adding a new paragraph at the end thereof to read as follows:

"In the exercise of his duties in matters relating to his probate jurisdiction, any Clerk of the Superior Court may sign his name as "Clerk Superior Court, Ex Officio Judge of Probate"."

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 2nd day of March, 1951.

S. B. 198 CHAPTER 159

AN ACT RELATING TO THE APPOINTMENT OF ASSISTANT CLERKS OF THE SUPERIOR COURT IN THE SEVERAL COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 2-10 of the General Statutes is hereby amended by striking from lines 8, 9 and 10 the language: "Provided, that no more than one such assistant clerk shall hold office in any county at one time" and by inserting in lieu thereof the following:

"Provided, that not more than one such assistant clerk shall hold office at one time in any county having a population of less than twenty-five thousand (25,000); that in counties having a population of twenty-five thousand (25,000) but not over fifty thousand (50,000), two such assistant clerks may be appointed; that in counties having a population of over fifty thousand (50,000) but not over eighty thousand (80,000), three such assistant clerks may be appointed; that in counties having a population of eighty thousand (80,000) or over, four such assistant clerks may be appointed."

Sec. 2. Section 2-10 of the General Statutes is hereby amended by inserting in line 11 immediately following the word "clerk" the words "or clerks."

Sec. 3. All laws and clauses of laws in conflict with this Act, except any local statutes pertaining to the appointment or number of Assistant Clerks of the Superior Court, are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.
S. B. 208  
CHAPTER 160

AN ACT TO AMEND G. S. 106-408, AS AMENDED, WITH RESPECT TO THE HOURS OF SALE OF LIVESTOCK AT AUCTION ONLY IN SO FAR AS THE SAME APPLIES TO ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-408 is hereby amended by striking out the figures "1:00" in the second line of the second paragraph thereof as the same appears in the 1949 Cumulative Supplement to the General Statutes and by inserting in lieu thereof the figures "2:00"; Provided that no public auction sale shall be conducted after six o'clock, P. M.

Sec. 2. This Act shall apply to Robeson County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

S. B. 210  
CHAPTER 161

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY TO APPOINT NOT EXCEEDING TWO DEPUTY SHERIFFS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lincoln County is hereby fully authorized and empowered to appoint not more than two suitable and fit persons as Deputy Sheriffs of Lincoln County to patrol, in a satisfactory manner, the rural sections of Lincoln County and enforce therein all of the laws of North Carolina and also perform the duties of truant officer of said county as now provided for by the laws pertaining to truancy: Provided, that such deputy sheriffs as are authorized to be appointed by this Act are in addition to any deputy sheriff now authorized by law to be appointed in Lincoln County.

Sec. 2. Upon their employment by the Board of County Commissioners of Lincoln County, such deputy sheriffs shall take and subscribe an oath of office in writing solemnly obligating themselves to uphold the Constitution of the United States and the State of North Carolina and enforce the laws of the State of North Carolina and faithfully discharge the duties in the rural sections of Lincoln County.

Sec. 3. Upon taking and subscribing to the said oath, the said deputy sheriffs shall be fully authorized and empowered to make arrests and otherwise exercise all power and authority now conferred by law on peace officers generally.

Sec. 4. The deputy sheriff or sheriffs provided for under this Act shall be under the direct control of, and shall be directly responsible to, the Sheriff of Lincoln County for the proper enforcement of the laws of the State of North Carolina and the performance of the duties of truant officers in the rural sections of Lincoln County.
Sec. 5. The Sheriff of Lincoln County is hereby vested with full power and authority to discharge or terminate the services of any deputy sheriff or sheriffs appointed under authority of this Act, with or without cause.

Sec. 6. The Board of County Commissioners of Lincoln County is hereby fully authorized and empowered to fix the compensation to be paid to the deputy sheriff or sheriffs authorized by this Act and furnish and provide all necessary equipment and facilities to enable them to perform their duties out of the General Fund of Lincoln County.

Sec. 7. Chapter 85 of the Session Laws of 1947 and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the first day of April, 1951.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

S. B. 223

CHAPTER 162

AN ACT TO AUTHORIZE THE MAYOR AND THE GOVERNING AUTHORITY OF THE CITY OF ROANOKE RAPIDS TO SELL CERTAIN REAL ESTATE AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and the governing authority of the City of Roanoke Rapids are hereby authorized, in their discretion, to sell to the First Methodist Church of the City of Roanoke Rapids certain lots of land owned by the said City, and described as follows:

"Certain lots or parcels of land situate in the Town of Roanoke Rapids, Halifax County, North Carolina, fronting in the aggregate one hundred (100) feet on the West side of Roanoke Avenue and running back the same width in the aggregate one hundred and forty (140) feet to an alley, said property being bounded on the East by Roanoke Avenue; on the South by the property of the Methodist Episcopal Church; on the West by the alley between Roanoke Avenue and Jackson Streets; and on the North by the southern line of Lot No. 331, consisting of Lots Nos. 333, 335, 337 and 339, as shown and described on the maps or plats of the property of the Roanoke Rapids Power Company, Roanoke Rapids, N. C., made by C. F. Gore & Company, Civil Engineers, of Weldon, N. C., December 18, 1915, and of record in the office of the Register of Deeds of Halifax County, N. C., in Plat Book No. 1, at pages 11, 12, 13 and 14, reference to which is hereby made for greater certainty of description."

Sec. 2. The Mayor and the governing authority of the City of Roanoke Rapids are hereby authorized, in their discretion, to sell the property mentioned and described in Section 1 of this Act at private sale to the First Methodist Church of the City of Roanoke Rapids without the necessity of advertising any notice of conveyance or sale in the newspapers or otherwise, and said property may be conveyed by deed in fee simple or by other conveyance at the option of the Mayor and governing authority.
Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 2nd day of March, 1951.

S. B. 226

CHAPTER 163

AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBоро.

The General Assembly of North Carolina do enact:

Section 1. Chapter 397 of the Private Laws of 1901, and amendments thereto, be amended as follows:

(a) Section 1 of Chapter 397 of the Private Laws of 1901 is hereby amended by adding the following sentence at the end thereof:

"Provided, however, that no action for damages against said city of any character whatever, to either property or persons, shall be instituted against said city unless within ninety days after the happening or infliction of the injury complained of, the complainant, his duly authorized agent or attorney, his executors or administrators, shall have given notice to the board of aldermen of such city of such injury in writing, stating in such notice the date and place of the happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running."

(b) Section 5 of Chapter 397 of the Private Laws of 1901 is hereby amended by adding the following sentence at the end thereof:

"Provided, however, that the board of aldermen may, in its discretion, with the consent of the Wayne County Board of Elections, have the Wayne County Board of Elections conduct any registration, primary or election, utilizing its duly appointed election officials, personnel, machinery and facilities within its corresponding precincts in the City of Goldsboro, and any such registration, primary or election shall be a valid registration, primary or election of the City of Goldsboro."

(c) Section 6 of Chapter 397 of the Private Laws of 1901 is hereby amended by rewriting the Section to read as follows:

"§ 6. Duty of Registrar. The registrar in each ward or precinct shall be furnished by the said board of aldermen with registration books at the expense of the city and it shall be the duty of said registrar to open his books at the time and place designated, at said city, at least ten days before the day of election herein provided for, and to register therein the names of all persons applying for registration and entitled to register and vote. The registration books shall be closed on Tuesday preceding the primary or election at 7:00 P. M. The registration books for each precinct shall be in substantially the same form and contain the same
information in regard to the voters registered thereon as the registration books provided and used by the Wayne County Board of Elections for the registration of voters registering to vote in State wide primaries and elections.

“The wards or precincts in the City of Goldsboro may have the same geographical boundaries and limits within the city limits of the City of Goldsboro as the precincts now designated by the Wayne County Board of Elections and as have been heretofore described, bounded and established as Goldsboro No. 1, Goldsboro No. 2, Goldsboro No. 3, Goldsboro No. 4, Goldsboro No. 5 and Goldsboro No. 6; and that the Board of Aldermen of the City of Goldsboro be, and it is hereby, authorized and empowered from time to time to order a revision of the registration books for said precincts and to that end to cause and require the registrars appointed for each of said precincts to transcribe from the county registration book for the corresponding precinct the names of and information concerning the voters registered thereon who live within the city limits; and that such persons whose names are thus transcribed from the county registration books to the city registration books shall be deemed duly and lawfully registered voters in the precinct and entitled to vote in all city primaries and elections, wherein special registration is not required, and the city registration books so prepared together with the names of voters registering from time to time thereafter shall be and constitute the registration books for the City of Goldsboro, North Carolina.”

(d) Section 1 of Chapter 101 of the Private Laws of 1915 is hereby amended by rewriting the Section to read as follows:

“§ 1. Power of board to condemn land for public use. If at any time the Board of Aldermen of the City of Goldsboro should need to purchase land for any public use of said city, and cannot agree with the owner of such land as to the price to be paid therefor, the Board of Aldermen of the City of Goldsboro is authorized and empowered to condemn any such land, including the dwelling house, yard, kitchen, garden or burial ground of any person; and the proceedings for such condemnation shall be either those prescribed in Article 2 of Chapter 40 of the General Statutes of North Carolina and all Acts amendatory thereof, or the proceedings prescribed by the Charter of the City of Goldsboro, whichever the board of aldermen of said city may, in its discretion, elect to follow.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.
CHAPTER 164

AN ACT TO AUTHORIZE THE CONVEYANCE OF CERTAIN SCHOOL PROPERTY, NOW HELD BY THE BOARD OF EDUCATION OF BUNCOMBE COUNTY FOR THE ASHEVILLE SCHOOL BOARD, TO THE SAID SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. The title to all public school property in the Asheville City Administrative School Unit shall vest in the Asheville School Board; and the Board of Education of Buncombe County is hereby authorized and directed to execute good and sufficient deeds to convey to the Asheville School Board all school property and all interests therein, situated within said administrative school unit, the legal title to which school property now vests in the Board of Education of Buncombe County for the use and benefit of the Asheville School Board or the Public Schools of the City of Asheville; and the title to all public school property hereafter acquired within said unit shall be taken in the name of the Asheville School Board.

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

CHAPTER 165

AN ACT TO PERMIT THE BOARD OF EDUCATION OF MACON COUNTY TO SELL CERTAIN SCHOOL PROPERTY NO LONGER NECESSARY FOR SCHOOL PURPOSES AT PRIVATE SALE TO RELIGIOUS GROUPS OR MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Macon County is hereby authorized and empowered to sell any property no longer necessary for school purposes at private sale to any organized religious group or municipal corporation of Macon County: Provided, that such sale shall be subject to the approval of the Board of County Commissioners of Macon County as to the adequacy of the consideration for such sale.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.
H. B. 157

CHAPTER 166

AN ACT TO AMEND SECTION 53-110 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE RETENTION, REPRODUCTION AND DISPOSITION OF BANK RECORDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-110 is hereby amended by inserting “(a)” in line one immediately preceding the word “Whenever”.

Sec. 2. G. S. 53-110 is hereby further amended by adding the following thereto:

“(b) The following provisions shall be applicable to banks and trust companies operating under Chapter 53 of the General Statutes and amendments thereto, and to national banking associations in so far as this Section does not contravene paramount federal law:

(1) Each bank shall retain permanently the minute books of meetings of its stockholders and directors, its capital stock ledger and capital stock certificate ledger or stubs, and all records which the Banking Commission shall in accordance with the terms of this Section require to be retained permanently.

(2) All other bank records shall be retained for such periods as the Banking Commission shall in accordance with the terms of this Section prescribe.

(3) The Banking Commission shall from time to time issue regulations classifying all records kept by banks and prescribing the period for which records of each class shall be retained. Such periods may be permanent or for a lesser term of years. Such regulations may from time to time be amended or repealed, but any amendment or repeal shall not affect any action taken prior to such amendment or repeal. Prior to issuing any such regulations the Commission shall consider:

a. Actions at law and administrative proceedings in which the production of bank records might be necessary or desirable;

b. State and federal statutes of limitation applicable to such actions or proceedings;

c. The availability of information contained in bank records from other sources; and

d. Such other matters as the Banking Commission shall deem pertinent in order that its regulations will require banks to retain their records for as short a period as is commensurate with the interest of bank customers and stockholders and of the people of this State in having bank records available.

(4) Any bank may cause any or all records kept by it to be recorded, copied or reproduced by any photographic, photostatic or miniature photographic process which correctly, accurately, and permanently copies, reproduces or forms a medium for copying or reproducing the original record on a film or other durable material.

(5) Any such photographic, photostatic or miniature photographic copy or reproduction shall be deemed to be an original record for all purposes and shall be treated as an original record in all courts and ad-
ministrative agencies for the purpose of its admissibility in evidence. A facsimile, exemplification or certified copy of any such photographic copy or reproduction shall, for all purposes, be deemed a facsimile, exemplification or certified copy of the original record.

(6) Any bank may dispose of any record which has been retained for the period prescribed by the Banking Commission or in accordance with the terms of this Section for retention of records for its class.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

H. B. 158

CHAPTER 167

AN ACT TO AMEND SECTIONS 53-78 AND 53-79 OF THE GENERAL STATUTES RELATING TO BANKS, TO AUTHORIZE THE APPOINTMENT OF LOAN COMMITTEES AND TO PROVIDE FOR KEEPING MINUTES OF THE MEETINGS OF SUCH COMMITTEES AND SUBCOMMITTEES THEREOF TO THE BOARD OF DIRECTORS.

The General Assembly of North Carolina do enact:

Section 1. Section 53-78 of the General Statutes is hereby amended by adding the following at the end of said Section:

"The board of directors may appoint, in addition to the executive committee or committees, a general loan committee, the membership of which shall include at least three directors and such officers of the bank as may be appointed, with such duties and powers with respect to making loans and investments as are defined in the bylaws or by resolution of the board of directors, the members of such general loan committee to serve until their successors are appointed. Such general loan committee, if appointed, shall meet as often as the bylaws or resolution of the board of directors may require, which shall be not less frequently than once each month, and approve or disapprove all such loans and investments as may be required by the bylaws or by resolution of the board of directors to be submitted to the general loan committee. The board of directors of any bank, which has branches, may appoint, in addition to a general loan committee, a loan committee for the parent bank and for any branch, each of which committees shall include at least three members who are officers or members of the board of managers for such parent bank or branch, with such duties and powers with respect to approving or disapproving loans and investments as may be defined in the bylaws or by resolution of the board of directors, and under such rules and regulations as the board of directors may prescribe. Such loans and investments as are authorized or approved by a general loan committee or either of the other loan committees hereinabove provided for may, but need not, be approved or disapproved
by the executive committee or committees. All loans and investments made, however, shall be authorized or approved by either the executive committee or committees, a general loan committee, or one of the other loan committees herein provided for."

Sec. 2. Section 53-79 of the General Statutes is hereby amended to read as follows:

"Minutes shall be kept of all meetings of the board of directors, executive committee or committees, and of the loan committee or committees, if appointed, and the same shall be recorded in a book or books which shall be kept for that purpose; which book or books shall be kept on file in the bank. Such minutes shall show a record of the action taken by the board of directors, the executive committee or committees and the loan committee or committees on all loans, discounts, and investments made, authorized or approved, and such further action as the board of directors and the executive committee or committees shall take concerning the conduct, management and welfare of the bank. The minutes of the executive committee and all committees authorizing or approving loans and investments, showing the actions taken by such committees since the last meeting of the board of directors, shall be submitted to the board of directors at each meeting of the board."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

H. B. 237

CHAPTER 168

AN ACT TO AMEND CHAPTER 256 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE TITLE TO SCHOOL PROPERTY LOCATED IN THE FAIRMONT ADMINISTRATIVE UNIT IN ROBeson COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 256 of the Public-Local Laws of 1939 is amended by rewriting paragraph (a) to read as follows:

"The title to all school property in the Fairmont Administrative Unit shall vest in its board of trustees. The Robeson County Board of Education and/or Robeson County Board of Commissioners are authorized to execute good and sufficient deeds to convey to the trustees any property within said administrative unit the title to which now vests in the Board of Education or the Board of Commissioners of Robeson County, and the title to all property hereafter acquired within said unit shall be taken in the name of its board of trustees."

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 2nd day of March, 1951.

H. B. 238  CHAPTER 169

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION IN CRAVEN COUNTY TO CONSTRUCT AND OPERATE A SCHOOL BUILDING AT CHERRY POINT MARINE BASE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Craven County is hereby authorized and empowered to construct and maintain a school building on or near the United States Cherry Point Marine Base on land leased by the Federal authorities to the Craven County Board of Education for this purpose; provided, such lease shall run for not less than 20 years. Funds for the construction of such school building may be those provided from State, Federal or local sources and no requirement in the general law as to ownership of fee simple title in such property shall be applicable to the acquisition of the site and construction and operation of such school building on this Marine Base.

Sec. 2. The Board of Education of Craven County is authorized and empowered to accept and expend such funds as may be provided for the construction of such building and the operation of the school thereon by Public Law 815 of the 81st Congress, entitled "An Act Relating to the Construction of School Facilities in Areas Affected by Federal Activities and for other Purposes," and by Public Law 874, 81st Congress, entitled "An Act to Provide Financial Assistance for Local Educational Agencies in Areas Affected by Federal Activities and for other Purposes," or any amendments which may hereafter be made to said laws or by any other Act or Acts of Congress, or any other Federal action. The said Board of Education of Craven County is likewise authorized and empowered to take all other action and do such things as may be required to comply with and accept the provisions of the Acts of Congress hereinbefore mentioned in the construction and operation of the said school.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 2nd day of March, 1951.
H. B. 284

CHAPTER 170

AN ACT TO AMEND CHAPTER 1149 OF THE SESSION LAWS OF 1949, RELATING TO THE SALARY OF THE TRIAL JUSTICE AND THE PROSECUTING ATTORNEY FOR THE ROWAN COUNTY COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1149 of the Session Laws of 1949 is hereby rewritten so that the same shall hereafter read as follows:

"Section 1. That Section 17 of Chapter 386, Public Laws of 1909, as amended, be, and the same is hereby, amended as follows: By striking out the last sentence in Section 17, as amended, and substituting in lieu thereof the following:

"Said trial justice shall receive a salary of forty-eight hundred dollars ($4,800.00) per annum, payable in equal monthly installments and the Prosecuting Attorney of Rowan County Court shall receive a salary of four thousand dollars ($4,000.00) per annum, payable in equal monthly installments, the salary of said trial justice and the salary of said prosecuting attorney to be paid by Rowan County."

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

Sec. 3. This Act shall become effective July 1st, 1951.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

H. B. 295

CHAPTER 171

AN ACT TO AMEND CHAPTER 205 OF THE SESSION LAWS OF NORTH CAROLINA 1949, TO MAKE SECTION 1-99 OF THE GENERAL STATUTES OF NORTH CAROLINA AS AMENDED, RELATING TO THE PUBLICATION OF SUMMONS IN CIVIL ACTIONS, APPLICABLE TO NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 205 of the Session Laws of North Carolina 1949 is hereby amended by striking out the entire Section 2 reading as follows:

"Sec. 2. The provisions of this Act shall not apply to Nash County."

Sec. 2. Section 1½ of said Chapter be designated as Section 2.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act does not apply to pending litigation.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.
H. B. 296

CHAPTER 172

AN ACT TO REDUCE FROM ONE PER CENT (1%) PER MONTH TO ONE-HALF OF ONE PERCENT (½ of 1%) PER MONTH THE INTEREST ON CERTAIN SALES TAX ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 105-170 of the General Statutes by striking out of paragraph (b) the words “one per centum” in line 15 and inserting in lieu thereof “one-half of one per centum (½ of 1%)” and by striking out of lines 19 and 20 of said paragraph (b) the words “one per centum” and inserting in lieu thereof “one-half of one per centum (½ of 1%).”

Sec. 2. Amend Section 105-174 of the General Statutes (1949 Cumulative Supplement) by striking out of paragraph (b) the words “one per centum” in line 7 and inserting in lieu thereof “one-half of one per centum (½ of 1%).”

Further amend Section 105-174 of the General Statutes by striking out of paragraph (c) the words “one per centum” in line 8 and inserting in lieu thereof “one-half of one per centum (½ of 1%).”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall apply to assessments now pending before the Commissioner of Revenue in which interest at the rate of one per cent (1%) per month has been assessed and shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

H. B. 313

CHAPTER 173

AN ACT TO AMEND CHAPTER 768 OF THE LAWS OF 1943, SO AS TO GIVE THE RECORDER’S COURT OF NASH COUNTY JURISDICTION IN ACTIONS TO DECLARE MARRIAGES VOID.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 768 of the Laws of 1943 is hereby amended by striking out the period immediately following the word “divorce” at the end of subsection (e) as set out therein, inserting a comma in lieu thereof and adding the following: “and all actions for the annulment of a marriage or to declare a marriage void”.

Sec. 2. Section 2 of Chapter 205 of the Session Laws of 1945 is hereby amended by inserting in line six immediately following the word “actions” the words “and actions for the annulment of a marriage or to declare a marriage void”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.
H. B. 358  CHAPTER 174

AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Graham County shall consist of the following members: Pearly Lovin, Ed Cable, Dillard Stratton, Patton Phillips and Bruce Ayres.

Sec. 2. The members of the Board of Education of Graham County, as constituted in Section 1 of this Act, and each of them, shall hold office as members of said board for a term of two years from and after the date of ratification of this Act.

Sec. 3. All Public, Public-Local, Special or Private Acts in conflict with this Act are hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1951.

S. B. 46  CHAPTER 175

AN ACT RELATING TO THE PUBLICATION OF THE RECEIPTS AND THE EXPENDITURES OF PUBLIC FUNDS IN MONTGOMERY COUNTY AND THE MINUTES OF THE MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners and Board of Education of Montgomery County are hereby directed to publish monthly in a newspaper having general circulation in Montgomery County a summary of receipts and an itemized list of all expenditures of county tax funds received and expended by the respective boards, in the first issue of said paper after each monthly meeting of said boards.

Sec. 2. The list of expenditures shall contain the name of the payee, the date, the amount of expenditure, for what purpose said expenditure was made. Nothing in this Act shall apply to expenditures for old age assistance, aid to dependent children or to the publication of other information not permitted by law to be published.

Sec. 3. The Board of County Commissioners of Montgomery County is hereby directed to publish monthly in a newspaper having general circulation in Montgomery County a complete and accurate copy of all minutes of each meeting of the said board, in the first issue of said paper after each meeting.

Sec. 4. The respective boards referred to above are hereby authorized to expend an amount not exceeding twenty dollars ($20.00) per month for the said newspaper publication, and in the event the said publication expenses shall exceed twenty dollars ($20.00) per month, the said boards in lieu
thereof are required and directed to post the said itemized statement of receipts and expenditures and minutes of meetings at the courthouse door and three other public places in Montgomery County; one in Mount Gilead, one in Troy and one at either Biscoe, Star or Candor.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

S. B. 158

CHAPTER 176

AN ACT RELATING TO THE ESTABLISHMENT OF THE MORVEN HIGH SCHOOL DISTRICT AND THE WADESBORO GRADED SCHOOL DISTRICT IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1198 of the Session Laws of 1949 is repealed.

Sec. 2. Chapter 92 of the Private Laws of 1909, relating to the establishment of the Morven High School District in Anson County, Chapter 89 of the Private Laws of 1907, as amended by Chapter 294 of the Private Laws of 1909, as amended by Chapter 222 of the Private Laws of 1911, as amended by Chapter 344 of the Private Laws of 1913, and as amended by Chapter 173 of the Private Laws of 1925, relating to the establishment of the Wadesboro Graded School District in Anson County, are hereby, in all respects, reenacted.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

S. B. 174

CHAPTER 177

AN ACT TO PROVIDE FOR AN ELECTION TO BE HELD IN THE TOWN OF DUNN IN HARNETT COUNTY TO DETERMINE WHETHER THE CITY MANAGER FORM OF GOVERNMENT SHALL BE RETAINED THEREIN OR WHETHER THE SAME SHALL BE ABOLISHED.

The General Assembly of North Carolina do enact:

Section 1. An election shall be held in the Town of Dunn in Harnett County on a Saturday on or before the 14th day of April, 1951, to determine whether the city manager form of government shall be retained therein or whether the Town of Dunn shall operate in the future under the same charter, applicable laws and form of government which were in effect prior to the adoption of the city manager form of government in 1950,
except as the same may have been altered or modified by any legislation enacted at the 1951 Session of the General Assembly. The election shall be conducted in all respects as provided by this Act and as provided by the laws governing the holding of municipal elections in the Town of Dunn and the laws governing the holding of municipal elections in this State not inconsistent therewith.

Sec. 2. The qualified voters who favor the retention of the city manager form of government shall vote a ballot on which shall be written or printed the words, "For City Manager Form of Government"; and those who oppose the retention of the city manager form of government shall vote a ballot on which shall be written or printed the words, "Against City Manager Form of Government."

Sec. 3. In the event a majority of the votes cast by the qualified voters in the election provided for herein shall be for the city manager form of government, then the city manager form of government shall be retained and continued in the Town of Dunn.

Sec. 4. In the event a majority of the votes cast by the qualified voters in the election herein provided for shall be against the city manager form of government then from and after May 31, 1951, the town shall operate under and be governed by and in accordance with the charter, general and local laws, and form of government which were in effect immediately preceding the adoption of the city manager form of government in 1950. Furthermore, in the event a majority of the votes cast by the qualified voters in the election herein provided for shall be against the retention of the present city manager form of government, the next succeeding municipal primary and election shall be conducted in all respects in accordance with the law in effect with respect to the Town of Dunn immediately prior to the adoption of the city manager form of government in 1950, except as the same may have been altered or modified by any legislation enacted at the 1951 Session of the General Assembly.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

S. B. 190

CHAPTER 178

AN ACT TO PERMIT THE SECRETARY AND STATE HEALTH OFFICER OF THE NORTH CAROLINA STATE BOARD OF HEALTH TO FIX A TIME AND PLACE OF PUBLIC HEARING UPON THE QUESTION OF THE CREATION OR THE DISSOLUTION OF SANITARY DISTRICTS AND TO VALIDATE PREVIOUS OFFICIAL ACTS IN RELATION THERETO.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 130-35 by adding after the word "Health" and before the word "shall" in the first line of said Section the following: "or
the Secretary and State Health Officer;” and further amend said G. S. 130-35 by adding after the word “Health” and before the word “shall” in the sixth line of said Section the following: “or the Secretary and State Health Officer.”

Sec. 2. G. S. 130-57.1 is hereby amended by adding after the word “health” and before the word “shall” in the fifth line of the second paragraph of said Section the following: “or the Secretary and State Health Officer,” and by inserting the words: “Secretary and State Health Officer” immediately after the word “health” and before the word “shall” in the ninth line of said second paragraph.

Sec. 3. The action of the various boards of commissioners of the various counties of the State and the action of the State Board of Health heretofore had and taken in the formation and creation of sanitary districts in the State wheresoever situate and the formation and creation or the dissolution of any sanitary district, or the attempted formation and creation, or dissolution, of all sanitary districts in the State by the acts of the various county commissioners of the State and the State Board of Health or other officers of the State, and all elections held in any sanitary district of the State or in any district purporting to be a legal sanitary district of the State by virtue of the purported acts and authority of any board of county commissioners and the State Board of Health, for the purpose of authorizing the issue and sale of bonds of the said sanitary districts in order to secure funds for the construction and maintenance of water and/or sewer systems and all of such bonds themselves, and all the acts and procedure in any wise had and taken by any and all officials and persons in relation to the formation and creation of such sanitary districts and the issue and sale of such bonds, are hereby in all respects, legalized, ratified, approved, validated and confirmed, and all such bonds are declared to be legal and binding obligations of such sanitary districts, respectively, when issued and sold as such, and the acts and procedure in any wise had and taken by any and all officials and persons in relation to the dissolution of sanitary districts are hereby in all respects legalized, ratified, validated and confirmed.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1951.
CHAPTER 179

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MATTHEWS SO AS TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR THE NOMINATION OF CANDIDATES FOR THE GENERAL MUNICIPAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the Town of Matthews in Mecklenburg County, being Chapter 60 of the Private Laws of 1879, as amended by Chapter 121 of the Private Laws of 1883, and Chapter 368 of the Private Laws of 1907, and Chapter 172 of the Private Laws of 1911, is further amended in the following respects so as to provide for a primary for the nomination of the elective officials of the Town of Matthews:

(1) Nomination by Primaries. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, or any other elective officers are to be elected under the provisions of the Town of Matthews City Charter, 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.

(2) How Primaries Held. The primary election for such nominations shall be held on the second Saturday of April preceding general municipal elections. The judges and other officers of elections appointed for the general municipal election shall, whenever practicable, 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 poles to be opened and closed at the same hours, as are required for the general election.

(3) Notice of Candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner or any other elective office shall, at least 10 days prior to the primary election, file with the clerk a statement of such candidacy in substantially the following form:

State of North Carolina—County of ..............................................

I, ........................................................., hereby give notice that I reside at ......................................................... Street, Town of ..............................................................,

County of ........................................................., State of North Carolina; that I am a candidate for nomination to the office of (mayor, or town commissioner, or other office) to be voted upon at the primary election to be held on the second Saturday of April, 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 he shall at the same time pay to the clerk, to be turned over to the town treasurer, the sum of five dollars ($5.00).

(4) Publication of Names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be published for three successive days in a daily newspaper of general circulation
in the town, in proper form, the names of the persons as they are to appear upon the primary ballots.

(5) Ballots Prepared. The clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the 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 arranged in alphabetical order, shall appear the names of the candidates for the commissioners, with a square at the left of each name, and below the names of such candidates shall appear the words, "vote for five." Like provision shall be made for the names of candidates for each other elective office provided by the Matthews Town Charter. The ballots shall be printed upon plain, substantial white paper, and shall be headed: "Candidates for nomination for Mayor and Commissioners of the Town of Matthews, North Carolina, at the primary election," but shall have no party designation or mark whatever.

(6) Form of Ballots. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of parties you favor as candidates for the respective positions.)

Official primary ballot. Candidates for nomination for Mayor and Commissioners and other offices (naming them) of the Town of Matthews, North Carolina, at the primary election.

For Mayor (naming candidates). (Vote for one.)
For Commissioners (names of candidates). (Vote for five.)

Official ballot. Attest:

(Signature) .................................................... Town Clerk.

(7) Distribution of Ballots: Having caused ballots to be printed, the town clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor.

(8) Who Entitled to Vote. The 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 town, 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: Provided, however, that the law applicable to challenge at a general municipal election shall be applicable to challenge made at such primary election.

(9) Ballots Counted. 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 town clerk, upon blanks to be furnished by the clerk, within six hours of the closing of the polls.

(10) Returns Canvassed. On the day following the primary election the town 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 the town, at least once,
the result thereof. The canvass by the town clerk shall be publicly made.

(11) Who to Be Candidates. The two candidates receiving the highest number of votes for mayor, and the six candidates receiving the highest number of votes for commissioners, 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. Provided, however, if any candidate for mayor receives a majority of all the votes cast for the office of mayor, or if five candidates for commissioner receive a majority of all the votes cast for the office of commissioner, then only the names of the five candidates receiving a majority of all the votes cast for commissioner shall be placed upon the ballot for mayor or commissioner at the next succeeding general municipal election.

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 the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 72

CHAPTER 180

AN ACT AUTHORIZING THE APPOINTMENT OF ASSISTANTS TO THE SOLICITOR TO REPRESENT THE STATE IN THE SUPERIOR COURTS OF THE SEVERAL COUNTIES DURING THE ABSENCE OR DISABILITY OF THE REGULAR SOLICITOR.

The General Assembly of North Carolina do enact:

Section 1. When any solicitor of the Superior Court who has been elected to that office or appointed by the Governor to fill a vacancy occurring therein shall, because of illness or injury or necessary absence, or by reason of any other temporary disability be unable or unavailable to discharge the duties of his office, such regular solicitor, with the approval of the resident or presiding judge, is hereby authorized and empowered to appoint as assistant to the solicitor some competent and otherwise well qualified member of the bar in any one or more of the counties in such solicitors solicitorial district, the person or persons so appointed being hereby authorized and empowered as such assistant to discharge for and on behalf of the solicitor all the duties of the office of solicitor, in the respective counties from which they are appointed, during the absence or disability of the solicitor, or until such time as their appointment terminates.

Such appointment of assistants to solicitors in the respective counties of the several solicitorial districts shall be for such periods of time as the appointing solicitor may designate, but all such appointments shall be subject to termination at any time, by the appointing solicitor.

Sec. 2. Within their respective counties, the assistants to solicitors appointed and serving pursuant to this Act shall, until such time as their appointments expire or are terminated, or until the solicitor shall resume
his duties, be vested with all the powers and authority given by statute or otherwise to the office of such solicitor, and shall be charged with all the duties and responsibilities relating thereto, as fully in all respects, and at all times, in term or otherwise, as the same are vested in or devolve upon the solicitor.

All official acts of any such assistant to the solicitor appointed and serving pursuant to this Act are hereby given the same force and effect as if they were the official acts of the solicitor.

Sec. 3. All assistants to solicitors appointed pursuant to this Act shall take an oath of office similar to that required of regular solicitors.

Sec. 4. Any solicitor appointing or terminating the appointment of any assistant to the solicitor pursuant to the provisions of this Act shall cause a record of such appointment or termination, together with the dates thereof and a statement of the reasons therefor: to be entered upon the court records of the Clerk of the Superior Court of the county in which such appointment is made.

Sec. 5. In the event any solicitor authorized to make or terminate the appointment of assistants to solicitors under the provisions of this Act should become incapacitated to such an extent as to render him physically or mentally incapable of exercising such authority, then the resident judge of the judicial district or the presiding judge in such solicitorial district is hereby authorized and empowered to exercise all the rights and powers of appointment and termination of appointment herein granted such solicitors, in the same manner and to the same extent as provided in this Act in respect to such regular solicitors.

Sec. 6. The compensation, if any, paid to such assistant to the solicitor shall be paid by the regular solicitor.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed, but this Act shall not modify or repeal any local Act providing for the appointment of an assistant solicitor.

Sec. 8. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 83

CHAPTER 181

AN ACT TO AMEND G. S. 122-91 AS THE SAME PERTAINS TO THE COMMITMENT OF ALLEGED CRIMINALS TO THE STATE HOSPITAL BY SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

Section 1. That Section 122-91 of the General Statutes of North Carolina be, and the same is hereby, amended by inserting in line three of said Section, after the word "presiding" and before the word "judge", the words "or resident"; and that said Section of the General Statutes of North Carolina is further amended by inserting in line three of said Section, after the "comma" and before the word "he", the words "in or out of term,"

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 95

CHAPTER 182

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO MAKE IT ILLEGAL TO DRIVE MOTOR VEHICLES RECKLESSLY UPON DRIVEWAYS OF PUBLIC OR PRIVATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is hereby amended by inserting therein a new Section, to be designated Section 20-140.1, to follow immediately Section 20-140, and to read as follows:

"§20-140.1. Reckless driving upon driveways of public or private institutions, etc. Any person who shall operate a motor vehicle over any drive, driveway, road, roadway, street or alley upon the grounds and premises of any public or private hospital, college, university, school, orphanage, church, or any of the institutions maintained and supported by the State of North Carolina or any of its subdivisions, carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving and upon conviction shall be punished as provided in Section 20-180."

Sec. 2. Section 20-180 of the General Statutes is hereby amended by striking out the word “or” between the figures “20-140” and “20-141” in line two of said Section, and inserting in lieu thereof the following: “,20-140.1 or”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 128

CHAPTER 183

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE RECORDER’S COURT OF MARTIN COUNTY TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. Chapter 145 of the Session Laws of 1947, relating to jury trials in the Recorder’s Court of Martin County, is repealed.

Sec. 2. G. S. 7-204 shall not apply to the Recorder’s Court of Martin County.
Sec. 3. In the trial of any criminal case in the Recorder's Court of Martin County, upon demand for a jury by the defendant or prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Martin County for trial, and the defendant shall execute a new bond in an amount fixed by the recorder for his appearance at the next term of said Superior Court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect thirty (30) days after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 135

CHAPTER 184


WHEREAS, at a meeting of the Council of the City of Reidsville held on January 11, 1951, the enactment of legislation herein presented was requested: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 460 of the Session Laws of 1947 is hereby amended by rewriting the last sentence in the second paragraph of said Section to read as follows:

"The salaries of the recorder, however, shall not exceed three thousand dollars ($3,000.00) annually."

Sec. 2. Section 2 of Chapter 460 of the Session Laws of 1947 is hereby amended by rewriting the second paragraph of said Section to read as follows:

"The City of Reidsville shall pay said prosecuting attorney a monthly salary to be fixed by the city council. The salary of said prosecuting attorney, however, shall not exceed twenty-eight hundred dollars ($2,800.00) annually. There."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.
H. B. 141  

CHAPTER 185

AN ACT RELATING TO JURY TRIALS IN ANY INFERIOR COURT IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Upon demand for a jury trial in any trial in any court in Gates County inferior to the Superior Court other than a mayor's court or a court of a justice of the peace, the judge of such inferior court shall transfer said trial to the Superior Court of Gates County and the defendant shall execute a new bond in such an amount as may be named by the judge of said court for the defendant's appearance at the next term of the Superior Court of said county.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 202  

CHAPTER 186

AN ACT TO AMEND G. S. 7-70, RELATING TO THE TERMS OF SUPERIOR COURT IN CABARRUS COUNTY IN THE FIFTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Cabarrus County in the Fifteenth Judicial District is amended by striking out in lines three, four, and five of said portion the following language: "first Monday before the first Monday in March, to continue for two weeks, for civil cases only", and inserting in lieu thereof the following: "first Monday before the first Monday in March, to continue for one week, for civil cases only; first Monday in March, to continue for one week, for civil cases only".

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 6th day of March, 1951.

H. B. 207  

CHAPTER 187

AN ACT TO AMEND SECTION 2-46 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO SUBSTITUTE THE REPORT OF A CERTIFIED PUBLIC ACCOUNTANT IN LIEU OF THE REPORT REQUIRED BY THE CLERK OF THE COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 2-46 of the General Statutes of North Carolina, as amended, is hereby further amended by adding a proviso at the end of the
said Section, said added proviso to read as follows:

"Provided, further, that in the event the accounts of any Clerk of the Superior Court are audited at least once each year by a certified public accountant, and the report and audit made by such certified public accountant sets forth all of the facts and items required by Section 2-46 of the General Statutes and is approved by the clerk and accepted by the board of county commissioners, such audit shall become and constitute the annual report required by this Section."

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 6th day of March, 1951.

H. B. 243

CHAPTER 188

AN ACT TO AMEND SECTION 20-64 OF THE GENERAL STATUTES TO AUTHORIZE THE TRANSFER OF CERTAIN REGISTRATION PLATES.

The General Assembly of North Carolina do enact:

Section 1. Amend subsection (c) of Section 20-64 of the General Statutes by striking out the period at the end thereof, inserting a colon in lieu thereof and by adding thereto the following:

"Provided, further, that common carrier flat rate registration plates may be transferred at the option of the owner to whom issued by the written consent of such owner."

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 6th day of March, 1951.

H. B. 292

CHAPTER 189

AN ACT TO FIX THE FEES OF THE REGISTER OF DEEDS AND THE CLERK OF THE SUPERIOR COURT OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the first of July, 1951, the fees to be charged by the Register of Deeds of Avery County shall be as hereinafter set out: Provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

(1) Recording regular form chattel mortgage, seventy-five cents (75c).
(2) Recording regular form deeds, one dollar and fifty cents ($1.50), if deed does not exceed 300 words; if deed contains more than 300 words, fifteen cents (15c) for each additional page or fraction thereof.
(3) Recording regular form deed of trust, one dollar and seventy-five cents ($1.75), if deed does not exceed 300 words; if deed contains more than 300 words, fifteen cents (15c) for each additional page or fraction thereof.

(4) Recording regular FSA Agri. lien crop and chattel mortgage, one dollar ($1.00).

(5) Recording Production Credit Association forms, one dollar ($1.00).

(6) Recording Federal Housing Administration seed loans, one dollar ($1.00).

(7) Recording conditional sales contracts, title retention note, recording contracts, etc., regular form, one dollar ($1.00).

(8) Recording typewritten deeds, deeds of trust and any irregular instrument, typewritten or printed, one dollar ($1.00) for first three copy sheets and twenty cents (20c) for each additional 100 words or fraction thereof.

(9) Recording deeds of trust of life insurance companies, etc., one dollar ($1.00) for the first three copy sheets and twenty cents (20c) for each 100 additional words or fraction thereof.

(10) Recording easements of right of way, general permit, etc., regular form, one dollar and twenty-five cents ($1.25).

(11) Attaching and indexing maps, one dollar ($1.00).

(12) Recording and indexing maps, one dollar and fifty cents ($1.50).

(13) Recording bonds of county officials, one dollar and seventy-five cents ($1.75).

(14) Recording Home Federal Savings and Loan Association deeds of trust, one dollar ($1.00) for the first three copy sheets and twenty cents (20c) for each 100 additional words or fraction thereof.

(15) Certifying and comparing a copy of any paper filed for registration when copy is furnished by person filing same, one dollar and twenty-five cents ($1.25).

(16) For typing and certifying to a copy of any record or paper. Same fee as for recording.

(17) Issuing, recording and indexing marriage record, two dollars ($2.00).

(18) Recording transfers of real estate for tax records, twenty cents (20c) per transfer.

(19) Writing county claims, ten cents (10c) each.

(20) Clerk to board of county commissioners, five dollars ($5.00) per day—plus one dollar ($1.00) for the first three copy sheets and twenty cents (20c) for each 100 additional words of any minutes that exceed one page in minute book.

(21) Making certified copy of marriage certificate, one dollar ($1.00).

(22) Certified copies of birth and death certificates, fifty cents (50c).

(23) Certified copies of discharges, fifty cents (50c).

(24) Recording discharges, fifty cents (50c).

(25) Indexing vital statistics, ten cents (10c).

(26) Indexing deeds and other recorded instruments, no fee for first two family names. Twenty-five cents (25c) for each name thereafter.
(27) Cancellation of mortgages, deeds of trust and any other record, twenty-five cents (25c).
(28) Certificates of acknowledgment of deeds in excess of one, twenty-five cents (25c).
(29) Issuing tax rebate claims, each, fifteen cents (15c).
(30) Revising jury box, per name, two and one-half cents (02½c).
(31) Making tax book and receipts, twenty cents (20c) per name.

Sec. 2. Effective the first of July, 1951, the fees of the Clerk of the Superior Court of Avery County shall be as hereinafter set out: Provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal from clerk to judge</td>
<td>$ .75</td>
</tr>
<tr>
<td>Appeal to Supreme Court</td>
<td>3.00</td>
</tr>
<tr>
<td>Auditing final account of administrators</td>
<td></td>
</tr>
<tr>
<td>guardians and other trustees required</td>
<td></td>
</tr>
<tr>
<td>to render account</td>
<td></td>
</tr>
<tr>
<td>required to render account, three-fourths</td>
<td></td>
</tr>
<tr>
<td>of one per cent (¾ of 1%) of all</td>
<td></td>
</tr>
<tr>
<td>sums not exceeding one thousand dollars</td>
<td></td>
</tr>
<tr>
<td>($1,000.00), total not to exceed</td>
<td></td>
</tr>
<tr>
<td>fifty dollars ($50.00).</td>
<td></td>
</tr>
<tr>
<td>Bill of cost</td>
<td>$ .50</td>
</tr>
<tr>
<td>Bond, including justification</td>
<td>.90</td>
</tr>
<tr>
<td>Capias, each defendant</td>
<td>1.50</td>
</tr>
<tr>
<td>Certificate</td>
<td>.40</td>
</tr>
<tr>
<td>Continuance</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing indictment</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing liens</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing judgments</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing summons</td>
<td>.50</td>
</tr>
<tr>
<td>Execution and return thereon,</td>
<td></td>
</tr>
<tr>
<td>including docketing</td>
<td>1.00</td>
</tr>
<tr>
<td>Filing all papers</td>
<td>.15</td>
</tr>
<tr>
<td>Guardian, appointment of,</td>
<td></td>
</tr>
<tr>
<td>including bond</td>
<td>1.50</td>
</tr>
<tr>
<td>Impaneling jury</td>
<td>.15</td>
</tr>
<tr>
<td>Indexing judgment on 10 index</td>
<td>.20</td>
</tr>
<tr>
<td>Indexing lien</td>
<td>.20</td>
</tr>
<tr>
<td>Indictment, each defendant</td>
<td>1.00</td>
</tr>
<tr>
<td>Injunction, order for, including bond</td>
<td>1.50</td>
</tr>
<tr>
<td>Judgment final, in term time</td>
<td>1.50</td>
</tr>
<tr>
<td>Judgment final, against each defendant</td>
<td>1.50</td>
</tr>
<tr>
<td>Judgment before the clerk</td>
<td>1.00</td>
</tr>
<tr>
<td>Judgment final, by confession without notice</td>
<td>5.00</td>
</tr>
<tr>
<td>Motion, entry and record of</td>
<td>.40</td>
</tr>
<tr>
<td>Notice</td>
<td>.40</td>
</tr>
<tr>
<td>Order enlarging time for pleading</td>
<td>.40</td>
</tr>
<tr>
<td>Order of arrest</td>
<td>1.50</td>
</tr>
<tr>
<td>Presentment, each person presented</td>
<td>.15</td>
</tr>
<tr>
<td>Probate of will in common form and letters</td>
<td>1.50</td>
</tr>
<tr>
<td>of testamentary</td>
<td></td>
</tr>
<tr>
<td>Recording and copying papers, per copy sheet</td>
<td>.15</td>
</tr>
<tr>
<td>Recording of names and jurors, per name</td>
<td>.10</td>
</tr>
</tbody>
</table>
Recording certificates of incorporation .......................... 5.00
Seal of office, when necessary ........................................ 0.50
Subpoena, each name .................................................. 0.25
Transcript of judgment .................................................. 0.50
All probates .................................................................. 0.25

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 297

CHAPTER 190

AN ACT TO PROVIDE FOR THE EXCHANGE OF INFORMATION FOR DEPARTMENTAL PURPOSES BETWEEN THE DEPARTMENTS OF REVENUE AND MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-91 of the General Statutes by adding at the end of subsection (e) thereof the following:

"Nothing in this subsection or in any other law shall prevent the exchange of information between the Department of Motor Vehicles and the Department of Revenue when such information is needed by either or both of said departments for the purposes of properly enforcing the laws with the administration of which either or both of said departments is charged."

Sec. 2. Amend Section 105-259 of the General Statutes by adding at the end thereof the following:

"Nothing in this Section or any other law shall prevent the exchange of information between the Department of Revenue and the Department of Motor Vehicles when such information is needed by either or both of said departments for the purpose of properly enforcing the laws with the administration of which either or both of said departments is charged."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 306

CHAPTER 191

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENVILLE, PITT COUNTY, NORTH CAROLINA, WITH RESPECT TO THE REGISTRATION AND ELECTION OF CANDIDATES SEEKING OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 296 of the Public-Local and Private Laws of 1937 be, and the same is hereby repealed in its entirety, and the following is hereby enacted in lieu thereof:
"That for the purpose of selecting a mayor, members of the board of aldermen, and a recorder of the municipal recorder’s court, in those years which any of such officers are required to be elected, there shall be held on the first Monday in May of each year a nonpartisan election, subject to the general rules and regulations governing the State primary for the selection of county candidates not inconsistent herewith; and for said purposes, 20 days prior to any election held hereunder, the board of aldermen shall appoint the registrars and poll holders to hold the election and conduct the registration of voters as herein provided; that there shall be two voting places in said city, to-wit: Electors residing in wards numbers one, two and three shall vote at the Pitt County Courthouse, and electors residing in wards numbers four and five shall vote at the new City Hall building; provided, however, the board of aldermen may in their discretion from time to time provide other voting places in said city as the need may arise, and may change the voting place of the electors of any ward. The poll holders shall assist the registrars in holding elections hereunder at their respective voting places. The registration books shall be kept open at some convenient place or places within each voting district for ten consecutive days, Sunday excluded, next prior to any election, and shall close for registration at sundown on the Saturday next preceding the Monday on which the election is to be held, and for the purpose of keeping separate the registration of each ward of the city, the registrar or registrars shall provide and maintain a separate registration book for each ward and numbered to correspond to each of said wards."

"That no person shall be allowed to register and vote in any election held hereunder unless such person be a qualified voter under the laws of the State of North Carolina and a bona fide resident of two months’ duration of the ward in which he offers to vote, and that all such qualified voters shall be entitled to vote for the candidates for Mayor, members of the Board of Aldermen, and Recorder of the Municipal Recorder’s Court of the City of Greenville at large at any election at which any of such officers are required to be elected. That the names of all candidates for office shall be placed on one ballot, but there shall be maintained at each voting place in the city a poll box for each ward voting at such voting place upon which shall be plainly marked the number and designation of the ward, and all ballots cast from any ward shall be deposited in the poll box bearing the number of such ward."

"Subject to the provisions herein contained for the holding of a second election in cases where a particular candidate does not receive a majority, the candidate from each of the five respective wards receiving the highest number of votes from the city at large shall be declared the alderman from his respective ward, and these five, so elected, shall constitute the board of aldermen."

"That all candidates for mayor, members of the board of aldermen, and recorder of the municipal recorder’s court shall register their candidacy with the clerk of said city at least 30 days prior to the first Monday in May during each year in which any of said officers are to be elected; that all candidates for mayor shall deposit with the said clerk a registration
fee of $10.00 therefor, and all candidates for the office of alderman, or any other elective office, shall deposit with the said clerk a registration fee of $1.00 therefor. That after the close of the time for the registration of candidates, the Clerk of the City of Greenville shall proceed to have ballots printed, and said ballots shall contain sufficient explanatory matter to designate the purpose thereof. The returns of all elections held hereunder shall be made by the registrar and at least one poll holder from each voting place in writing to the board of aldermen who, in meeting assembled, shall declare the results and publish the same, and that no other election for the selection of said officials of said city shall be necessary, except in case where no candidate for any office receives a majority of the votes cast, in which event the candidate receiving the next highest number of votes cast may demand a second election by filing written notice of same with the clerk of the city within five days after the results of the election have been declared, whereupon the clerk of the city shall immediately call a second primary election which shall be held on the third Monday in May following the first election under the same rules and regulations governing the holding of the first election, but there shall be no registration of voters for the second election except such persons who have become qualified to vote since the registration books closed, may register and vote on the day of the second election: Provided, that no general or special law regulating municipal elections shall be applicable to the City of Greenville, but that all elections hereunder shall be conducted according to the stipulations herein contained, and that all general and special elections called in said city for any other purpose shall be held and conducted in accordance herewith and the general laws governing same not inconsistent herewith."

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 6th day of March, 1951.

H. B. 308

CHAPTER 192

AN ACT TO AMEND G. S. 105-278 SO AS TO AUTHORIZE HORIZONTAL INCREASES OR REDUCTIONS IN VALUE OF REAL PROPERTY IN SCOTLAND COUNTY IN OTHER THAN QUADRENNIAL YEARS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-278 is amended by adding at the end thereof a new paragraph to read as follows:

"In Scotland County, the Board of County Commissioners, in its discretion, may horizontally increase or decrease the value of real property in said county in other than quadrennial years."

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 6th day of March, 1951.

H. B. 309

CHAPTER 193
AN ACT TO AMEND G. S. 18-26, RELATING TO REWARDS FOR THE SEIZURE AND DESTRUCTION OF WHISKEY STILLS IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-26 is amended by adding at the end thereof the following:

“In Scotland County, the reward provided for in the first paragraph of this Section shall be taxed in the bill of costs of each person convicted of the illicit manufacture of whiskey, which said amount, when and if collected, shall be paid by the Clerk of the Superior Court of said county to the sheriff or other officer or officers who made the seizure of the still and the capture of the defendant or defendants: Provided, in the event the amount of the reward taxed in the bill of costs is not collected within 30 days of the date of any such conviction, the reward shall, nevertheless, be paid as provided in G. S. 18-26, and any costs thereafter collected in any such case shall be retained by the county as an offset against such reward so paid.”

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 6th day of March, 1951.

H. B. 336

CHAPTER 194
AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective as of December 5th, 1950, the Sheriff of Cherokee County shall be paid a salary of five thousand dollars ($5,000.00) per year, payable in equal monthly installments; in addition to the salary provided in this Section, the Sheriff of Cherokee County shall also receive for the performance of his duties as said sheriff any and all fees and commissions now fixed by law for the performance of his official duties, as well as any other sums or emoluments that are allowed by law and which are required by law to be paid to him and which are received by him for duties performed under color of his office.

Sec. 2. In addition to any other deputies appointed by the Sheriff of Cherokee County, the said sheriff is authorized to appoint two deputy
sheriffs who shall be stationed at such towns or places and who shall per-
form such duties as are required by the said sheriff and who shall serve
at the will of the Sheriff of Cherokee County and shall be subject to dis-
missal by him at any time according to his discretion. Said two deputy
sheriffs shall be on a salary basis and shall each be paid a salary of one
hundred and twenty-five dollars ($125.00) per month. The provisions of
this Section shall be effective March 1st, 1951, and the salary of said deputy
sheriffs shall be paid by Cherokee County.

Sec. 3. The Board of County Commissioners of Cherokee County is
hereby authorized, in its discretion, to appoint a clerk in the county au-
ditor’s office who, in the discretion of said board of commissioners, may
be paid a salary of not less than one hundred and twenty-five dollars
($125.00) per month nor more than one hundred and fifty dollars ($150.00)
per month.

Sec. 4. Effective as of the 1st day of February, 1951, the Register of
Deeds of Cherokee County shall be paid an annual salary of three thousand,
four hundred dollars ($3,400.00) for the performance of his official duties;
that all fees, commissions and other sums collected by said register of
deeds for the performance of his official duties shall be faithfully collected
by him and paid into the General Fund of Cherokee County, and said reg-
ister of deeds shall account for and pay in said fees at such times as may
be fixed by the Board of Commissioners of Cherokee County. Said annual
salary of three thousand, four hundred dollars ($3,400.00) herein fixed for
said Register of Deeds of Cherokee County shall be in full payment for
any and all services performed by him by virtue of his office, including
any services that he may be required by law to perform as Clerk to the
Board of County Commissioners of Cherokee County, and in addition, said
salary shall constitute full payment for all duties heretofore performed by
said register of deeds, including the preparation of tax books, tax receipts
and any other tax work that may be required by the Board of Commis-
sioners of Cherokee County and also keeping up to date all land book rec-
ords, including conveyances, liens and any and all other books and records
of his office, together with land transfers and the bringing up to date of
all indexing and cross indexing, as soon as reasonably possible and with-
out any extra cost to Cherokee County. In addition to the compensation
above fixed, and effective as of February 1st, 1951, the Register of Deeds
of Cherokee County shall be allowed not in excess of the sum of one thou-
sand, eight hundred dollars ($1,800.00) per year for all necessary clerk
hire and clerical assistance required by him for the performance of the
duties of his office.

Sec. 5. Effective as of January 1st, 1951, each member of the Board
of Commissioners of Cherokee County shall receive the sum of twenty dol-
ars ($20.00) per day for each and every day in which said commissioner
is in attendance upon meetings of the Board for the transaction of official
business of Cherokee County. Effective as of January 1st, 1951, the Chair-
man of the Board of County Commissioners of Cherokee County shall re-
ceive the sum of thirty-five dollars ($35.00) per day for each and every
day that said Chairman is required to attend meetings of the Board of
County Commissioners in the transaction of official business of Cherokee County.

Sec. 6. In all cases in this Act where salaries or compensation of any kind are made effective as of, or retroactive to, a date preceding the effective date of this Act, it shall be the duty of the Board of County Commissioners of Cherokee County to adjust and pay such salaries or compensation for the retroactive periods preceding the effective date of this Act.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 346  
CHAPTER 195

AN ACT FIXING THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Vance County shall receive a salary of $5,000.00 per year and the sum of $600.00 for expense in performing the duties of his office.

Sec. 2. The Register of Deeds of Vance County shall receive a salary of $5,000.00 per year.

Sec. 3. The Clerk of the Superior Court shall receive a salary of $3,000.00, plus $700.00 as Judge of the Juvenile Court, and in addition thereto the sum of $1,500.00 per year as Clerk of the Recorder's Court.

Sec. 4. The County Coroner shall receive a salary of $600.00 per year.

Sec. 5. The Chairman of the County Board of Commissioners shall receive a salary of $1,500.00 per year, and the other members of said board shall receive a salary of $480.00 per year each.

Sec. 6. The Chairman of the County Board of Education shall receive a salary of $600.00 per year and the other members of said board shall receive a salary of $120.00 per year each.

Sec. 7. Chapter 328 of the Public-Local Laws of 1927 is repealed to the extent that it has any effect or bearing upon the compensation and fees of the deputy sheriffs mentioned in Section 2 thereof. From and after the ratification of this Act the salary, fees or other compensation of said deputy sheriffs shall be determined and fixed by the Vance County Board of Commissioners and to be paid out of the general fund of the county.

Sec. 8. The salaries of the officers designated in Sections 1, 2, 3, 4, 5, 6, 7 and 9 shall be effective as of January 1, 1951, and shall be paid in equal monthly installments out of the county general fund, except that the compensation of the Board of Trustees of Henderson Graded School District shall be paid out of funds allocated and appropriated to it for general administrative expense.

Sec. 9. The Chairman of the Board of Trustees of Henderson Graded School District shall receive a salary of $600.00 per year, and the other members of said board shall receive an annual salary of $60.00 each, and
shall be paid out of funds allocated to and appropriated to the said board of trustees for general administration expense.

Sec. 9½. Any and all Acts fixing or relating to the salaries of all county officers or employees of Vance County are hereby repealed. Salaries of all Officers or Employees of Vance County not fixed in this Act shall be fixed by the Vance County Board of Commissioners.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 350

CHAPTER 196

AN ACT TO PROVIDE FOR THE SELECTION OF A GRAND JURY FOR DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That at the first term of court for the trial of criminal cases in Duplin County held after the first day of July, 1951, there shall be chosen a grand jury as now provided by law in open court, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first term of court held in said county for the trial of criminal cases, after the first days of January and July of each year, there shall be chosen nine members of said grand jury to serve for a term of one year.

Sec. 2. That the judge presiding over any criminal or civil term of the Superior Court of said Duplin County may, at any time, discharge the grand jury in said county from further services, in which event he shall cause a new grand jury to be drawn at the term of court over which said judge is presiding. The said grand jury shall be drawn in the manner now provided for the drawing of grand jurors in open court, and the names shall be selected from a list of jurors drawn from the jury box in open court, in the manner now provided by law for the drawing of a special venire. The first nine of the grand jurors so drawn, pursuant to this Section, by order of the judge shall serve during the unexpired term of the nine grand jurors discharged whose term expires first, and the last nine grand jurors so drawn shall serve during the unexpired term of the nine grand jurors discharged whose term expires last. In the event a member of the grand jury shall die, or move from the county, or become permanently incapacitated because of illness, a new member of the grand jury to serve in his place and stead may be chosen in the same manner as herein provided for in the case of the discharge of the grand jury by the judge.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 364

CHAPTER 197

AN ACT TO FIX SALARIES OF CERTAIN ELECTIVE OFFICIALS AND EMPLOYEES IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

That the Clerk of the Superior Court of Orange County shall receive a salary of four thousand two hundred dollars ($4,200.00) per annum in lieu of all other compensation whatever, including services as Juvenile Judge and Clerk of the Orange County Recorder's Court. That the Clerk of the Superior Court may appoint an assistant clerk and deputy clerks who shall receive such salaries as may be determined by the board of county commissioners.

Sec. 2. That the Clerk of the Superior Court shall faithfully collect, account for, and turn over to the county accountant of said county monthly all commissions, fees, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to the office of Clerk of the Superior Court and Clerk of the Orange County Recorder's Court.

Sec. 3. That the Sheriff of Orange County shall receive a salary of three thousand eight hundred dollars ($3,800.00) in lieu of all other compensation whatever. That all fees, commissions, profits and emoluments of all kinds now belonging to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the county accountant of said county.

Sec. 4. That the Sheriff of Orange County may appoint necessary deputies in each township in the county, such deputies having such salaries as the board of commissioners shall determine.

Sec. 5. That the sheriff shall appoint a jailer, who may be also deputy sheriff, whose compensation shall be fixed by the board of county commissioners and paid from the salary fund of the county. That in addition to the salaries herein provided for the county commissioners may make such allowance as they deem just and proper for transportation and travel in connection with the proper operation of the sheriff's office, such allowance to be paid either to the sheriff or to the deputies as in the discretion of the board of county commissioners appears just and proper.

Sec. 6. That the Register of Deeds of Orange County shall receive a salary of three thousand six hundred dollars ($3,600.00) per annum in lieu of all other compensation whatever. That the said register of deeds shall appoint such assistant, deputy or other clerical assistants as may be necessary with salaries which the board of commissioners shall fix and determine.

Sec. 7. That all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter belonging to the register of deeds by virtue of his office shall be faithfully collected by him and turned over to the county accountant.
Sec. 8. That the salaries hereinbefore fixed and determined shall be effective from and after the first day of December, 1950, and the County Accountant of Orange County is hereby directed to pay to the said officials out of the salary fund the amounts necessary to comply with the provisions of this Act.

Sec. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 368

CHAPTER 198

AN ACT RELATING TO THE SELECTION OF GRAND JURORS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the June, 1951, term of Superior Court in Pasquotank County, 18 grand jurors shall be chosen, the first nine of whom shall serve until the beginning of the November term, 1951, and the last nine of whom shall serve until the beginning of the February, 1952, term; at the beginning of the November term in 1951, and at the beginning of each term of Superior Court thereafter, in Pasquotank County, nine grand jurors shall be chosen who shall serve until the beginning of the second term succeeding the term at which they were appointed.

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 6th day of March, 1951.

H. B. 372

CHAPTER 199

AN ACT TO FIX THE SALARY OF THE CORONER OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the first Monday in December, 1950, the Coroner of Currituck County shall receive as compensation for his services the sum of thirty-five dollars ($35.00) per month, payable out of the general fund of said county. In addition thereto, the coroner shall be allowed all fees provided by law for coroners in said county.

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 6th day of March, 1951.
H. B. 391  
CHAPTER 200
AN ACT FIXING THE SALARIES OF DEPUTY SHERIFFS AND CERTAIN OTHER EMPLOYEES OF THE OFFICE OF THE SHERIFF OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The chief deputy sheriff in the office of the Sheriff of Buncombe County shall receive a monthly salary of three hundred twenty dollars ($320.00).

Sec. 2. The Deputy Sheriff of Buncombe County designated as night chief deputy shall receive a monthly salary of three hundred dollars ($300.00).

Sec. 3. In addition to the chief deputy and the night chief deputy, the Sheriff of Buncombe County is hereby authorized to appoint not in excess of twenty-one (21) deputy sheriffs, including those male deputies assigned to jail duty, each of whom shall receive a monthly salary of two hundred seventy dollars ($270.00), provided that for such time as any one of such twenty-one (21) deputies is assigned to night duty, such deputy so assigned shall receive additional compensation at the rate of ten dollars ($10.00) per month.

Sec. 4. The Sheriff of Buncombe County is authorized to appoint not in excess of three (3) female office deputies or matrons who shall receive a monthly salary of one hundred seventy-five dollars ($175.00).

Sec. 5. The salaries provided in Sections 1, 2, 3, and 4 shall be in lieu of all fees and shall be retroactive to January 1, 1951.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

H. B. 392  
CHAPTER 201
AN ACT AMENDING CHAPTER 761 OF THE SESSION LAWS OF 1947 RELATING TO THE SALARY OF THE SHERIFF OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 761 of the Session Laws of 1947 is hereby amended by striking out the figures "$4,800.00" in line two of Section 1 of said Chapter and inserting in lieu thereof the figures "$6,000.00".

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.
AN ACT FIXING THE SALARY OF THE CONSTABLE OF ASHEVILLE TOWNSHIP IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 275 of the Public-Local Laws of 1931 as amended is hereby further amended by rewriting the same so as to read as follows:

"Sec. 2. The Constable of Asheville Township in Buncombe County shall receive a salary of two hundred eighty dollars ($280.00) per month in full payment for his services."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

AN ACT AMENDING CHAPTER 273 OF THE PUBLIC-LOCAL LAWS OF 1937 AS AMENDED BY CHAPTER 424 OF THE SESSION LAWS OF 1947 IN RESPECT TO THE SALARY OF THE TAX SUPERVISOR OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 273 of the Public-Local Laws of 1937 as amended by Chapter 424 of the Session Laws of 1947 is hereby further amended by striking out the words and figures "four thousand two hundred dollars ($4,200.00)" as the same appear in the lines two and three of the last paragraph of Section six of Chapter 424 of the Session Laws of 1947, and by inserting in lieu thereof the words and figures "four thousand eight hundred dollars ($4,800.00)".

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.

S. B. 147

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS 1923, THE SAME BEING "THE CHARTER OF THE CITY OF GREENSBORO, TO FIX THE LEVY FOR TAXES TO PAY OFF CERTAIN INDEBTEDNESS OF CITY OF GREENSBORO".

WHEREAS, Section 90 of Chapter 37, Private Laws 1923, provides that the corporate limits of City of Greensboro as the same existed just prior to March 15, 1923, is a special tax district for the purpose of paying off all liabilities and obligations of City of Greensboro incurred prior to March
15, 1923, and that a tax shall be annually levied to pay off all such indebtedness and the interest thereon as it matures and becomes payable; and

WHEREAS, the last of said indebtedness comes due during the fiscal year 1961-62, but the amount of the indebtedness which becomes due and payable each year between the present time and July 1, 1961, is so small that the cost incident to the listing, the preparation of tax lists based on two tax rates, and other costs is entirely out of proportion to normal costs of similar services; and

WHEREAS, the tax rate for debt service thereon for the fiscal year 1950-51 amounted to 10c on each $100.00 of real property and tangible personal property, and based upon the 1950 valuation a similar levy of 10c each year for the fiscal years 1951-1952 and 1952-53, together with the earnings thereon should produce a sufficient amount to retire all of said indebtedness as the same becomes due. A complete tabulation of said debt service together with the method of providing in two tax years a sufficient sum to liquidate said indebtedness as the same becomes due follows:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951-52</td>
<td>$19,800.35</td>
</tr>
<tr>
<td>52-53</td>
<td>19,360.16</td>
</tr>
<tr>
<td>53-54</td>
<td>18,919.98</td>
</tr>
<tr>
<td>54-55</td>
<td>15,479.81</td>
</tr>
<tr>
<td>55-56</td>
<td>15,039.62</td>
</tr>
<tr>
<td>56-57</td>
<td>18,267.63</td>
</tr>
<tr>
<td>57-58</td>
<td>17,754.09</td>
</tr>
<tr>
<td>58-59</td>
<td>20,909.24</td>
</tr>
<tr>
<td>59-60</td>
<td>20,266.80</td>
</tr>
<tr>
<td>60-61</td>
<td>19,624.88</td>
</tr>
<tr>
<td>61-62</td>
<td>18,982.93</td>
</tr>
</tbody>
</table>

11 Years Debt Service .................................. $204,405.49
Less Estimated Surplus at June 30, 1951 ................. 54,393.00

Amount needed to pay Old City Debt Service in Full .......... $150,012.49
Based on 1950 Valuation

1951-52 ........................................  $70,315.85
of $70,315,856.00 @ .10
Less Reserve and Discount ................................. 1,200.00

$69,115.85
Intangible Tax ........................................  2,645.00

$71,760.85
AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS 1923, WHICH IS DESIGNATED AS "CHARTER OF CITY OF GREENSBORO".

The General Assembly of North Carolina do enact:

Section 1. That Chapter 37, Private Laws 1923, as amended, is further amended by striking out the fourth and fifth sentences of Section 13, which read as follows: "To the end that it may pay its expenses promptly as the
same come due, the council is authorized to appoint, for such term as it
deems wise, a committee composed of one or more of its members together
with the city manager, who shall have full authority to audit, approve and
order payment of any and all bills authorized by the budget and lawfully
incurred by the city. At such intervals as the council shall direct, such
committee shall make to the council a report of all such bills approved and
ordered paid,” and substituting in lieu thereof the following: “Payment of
the obligations of the city shall be made in accordance with the provisions
of the General Statutes of North Carolina from appropriations duly made
or from bonds or notes duly authorized. Provided that the City Council of
the City of Greensboro is authorized to make additional appropriations from
unencumbered balances and from surplus revenues during any fiscal year.
It shall not be necessary for the city clerk to record the financial trans-
actions of the city in the minutes of the city council unless so directed by
the city council.”

Sec. 2. That Section 14 of Chapter 37 of Private Laws of 1923 is
amended by adding a new subsection at the end of said Section 14, as
follows:

“(7) Have the authority to settle claims against City of Greensboro for
personal injury or for damages to property when the amount involved does
not exceed the sum of two hundred fifty dollars ($250.00) and the amount
involved in such settlement does not exceed the actual loss sustained, in-
cluding but not limited to loss of time, medical expenses, and any other
expense actually incurred. Settlement of a claim by the city manager pur-
suant to authority herein granted shall constitute a complete release of
City of Greensboro from any and all damages sustained by the person
involved in such settlement in any manner arising out of the accident or
occasion complained of.”

Sec. 3. That Chapter 37, Private Laws 1923, is further amended by
adding a new subsection to Section 71 as follows:

“71(a). Assessments for local improvements, including but not limited
to water main improvements, storm sewer improvements, sanitary sewer
improvements, street paving improvements, sidewalk improvements, grass
plot improvements, lighting improvements, and any other improvements
the City Council of the City of Greensboro is authorized to construct, and
including all costs incidental to such improvements, may be assessed in such
manner that the property owner or street railway or railroad shall have
the option and privilege of paying for such improvements in cash, as pro-
vided for in the various Acts authorizing the improvements hereinabove
mentioned, or in not less than two or more than ten equal annual install-
ments as may have been determined in the resolution ordering the making
of the improvement or improvements. The provisions of this Act shall apply
to all assessments levied by the City Council of the City of Greensboro
for local improvements regardless of the provisions of any law or laws,
private, public-local, or general, including the Charter of the City of Greens-
boro, and all of such laws are hereby amended to conform to the provisions
of this Act. All other provisions of said laws relative to such improve-
ments shall remain in full force and effect.”

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Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 8th day of March, 1951.

S. B. 149

CHAPTER 206

AN ACT TO REPEAL CHAPTER 1044, SESSION LAWS, 1945, ENTITLED "AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF THE TOWN OF HAMILTON LAKES WITH CITY OF GREENSBORO WHEN CERTAIN CONDITIONS PRECEDENT THERETO HAVE BEEN COMPLIED WITH," AND TO REPEAL CHAPTER 1288, SESSION LAWS, 1949, ENTITLED "AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF THE BESSEMER SANITARY DISTRICT WITH THE CITY OF GREENSBORO WHEN CERTAIN CONDITIONS PRECEDENT THERETO HAVE BEEN COMPLIED WITH AND TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF GREENSBORO".

The General Assembly of North Carolina do enact:

Section 1. Chapter 1044, Session Laws, 1945, entitled "An Act to provide for the consolidation and merger of the Town of Hamilton Lakes with City of Greensboro when certain conditions precedent thereto have been complied with," is hereby repealed.

Sec. 2. Chapter 1288, Session Laws, 1949, entitled "An Act to provide for the consolidation and merger of the Bessemer Sanitary District with the City of Greensboro when certain conditions precedent thereto have been complied with and to provide for the extension of the corporate limits of the City of Greensboro," is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1951.

S. B. 185

CHAPTER 207

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO PROVIDE A BUILDING OR BUILDINGS FOR THE COUNTY FARM AGENT AND OTHER AGRICULTURAL AGENCIES OF FORSYTH COUNTY AND THE LEVYING OF A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. Authority is hereby granted to the Board of Commissioners for the County of Forsyth to provide a building or buildings and the
necessary equipment therefor for the use of the county farm agent and other agricultural agencies of Forsyth County. In order to provide adequate accommodations, office space, and proper facilities for these agencies, and in order to carry out the purposes of this Act, the Board of Commissioners of Forsyth County is hereby authorized and empowered:

(a) To erect on any property, the title of which is vested in the County of Forsyth, any building or buildings.

(b) To repair, renovate, improve, and make any additions to any building or buildings now owned by the County of Forsyth.

(c) To purchase real estate and erect and construct thereon any building or buildings.

(d) To purchase a building or buildings and the necessary land therefor, and make such improvements and additions as may be necessary.

(e) To rent or lease any building or buildings, and the necessary land therefor, upon such terms as the Board of Commissioners for the County of Forsyth may deem reasonable.

(f) To purchase or acquire any personal property, including fixtures and equipment, for any building or buildings used for the purposes expressed in this Act.

Sec. 2. The purpose of providing a building or buildings or real estate for the use of the county farm agent and other agricultural agencies of Forsyth County, as herein expressed, is hereby declared to be a public purpose and a necessary expense of the County of Forsyth, and for which special approval is hereby given to the County of Forsyth to appropriate such sums of money as may be necessary and adequate to provide a building or buildings for the use of the county farm agent and other agricultural agencies of Forsyth County, and to annually levy taxes for the maintenance and upkeep of said building or buildings as a special and necessary purpose, in addition to any tax authorized by any special or general statute, and in addition to the rates allowed by the Constitution of North Carolina. Such appropriations and the levying of taxes are hereby in all respects authorized and approved.

Sec. 3. In the event at any future time the Board of Commissioners of Forsyth County shall determine that any property, real or personal, which shall have been acquired for the purposes of this Act, is not needed or has become inadequate for the purposes herein expressed, said property may be sold at public sale upon such terms as the commissioners may determine, after posting notice of such sale at the Forsyth County Court-house door for thirty (30) days preceding such sale and after publishing such notice of sale in some newspaper regularly published in Forsyth County once a week for four (4) successive weeks preceding the date of sale.

Sec. 4. This Act shall apply only to Forsyth County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 8th day of March, 1951.
CH. 208-209  1951—SESSION LAWS

S. B. 207  CHAPTER 208

AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF THE PRINCE-TON SCHOOL DISTRICT OF JOHNSTON COUNTY, WITH THE AP-PROVAL OF THE COUNTY BOARD OF EDUCATION, TO PROVIDE FOR THE EMPLOYMENT OF ONE ADDITIONAL TEACHER FOR THE BROGDEN SCHOOL IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In the Princeton School District the funds available to said district arising out of and from any special levy of taxes intended and set aside for use of vocational agriculture or the establishment of a lunch room may, in the discretion of the school committee of said district, and with the approval of the county board of education, be used to provide for the employment and payment of one additional teacher for the Brogden School in said district.

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 8th day of March, 1951.

H. B. 36  CHAPTER 209

AN ACT TO PLACE GRAHAM COUNTY UNDER THE STATE-WIDE PRIMARY LAW.

The General Assembly of North Carolina do enact:

Section 1. Article 19 of subchapter II of Chapter 163 of the General Statutes, as amended, relating to primary elections be, and the same is hereby, made applicable to Graham County, and from and after the effective date of this Act, all political parties in Graham County shall nominate and select candidates according to the State-wide primary law, and Gra-ham County is hereby made subject to the State-wide primary law, as well as any and all other election laws necessary to carry the State-wide primary law into effect for said county.

Sec. 2. Section 1(a) of Chapter 349 of the Session Laws of 1943 be, and the same is hereby, repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1951.
H. B. 42  CHAPTER 210

AN ACT TO PROVIDE FOR THE ROTATION OF THE POSITION OF
DEMOCRATIC CANDIDATE FOR THE OFFICE OF STATE SENATOR
AMONG THE SEVERAL COUNTIES OF THE THIRTY-THIRD
SENAIORAL DISTRICT, WHICH COUNTIES ARE GRAHAM,
CLAY, SWAIN, CHEROKEE AND MACON.

The General Assembly of North Carolina do enact:

Section 1. The candidates of the Democratic party for the office of
State Senator to be elected from the Thirty-third Senatorial District in
November, 1952, for the ensuing biennium shall be a resident of Graham
County.

The candidate of the Democratic party for the office of State Senator
to be elected from the Thirty-third Senatorial District in November, 1954,
for the ensuing biennium shall be a resident of Clay County.

The candidate of the Democratic party for the office of State Senator
to be elected from the Thirty-third Senatorial District in November, 1956,
for the ensuing biennium shall be a resident of Swain County.

The candidate of the Democratic party for the office of State Senator
to be elected from the Thirty-third Senatorial District in November, 1958,
for the ensuing biennium shall be a resident of Cherokee County.

The candidate of the Democratic party for the office of State Senator
to be elected from the Thirty-third Senatorial District in November, 1960,
for the ensuing biennium shall be a resident of Macon County.

Thereafter, the county of residence of the candidate of the Democratic
party for the office of State Senator representing the Thirty-third Sena-
ioral District shall rotate among the several counties of the district in
the same order as is set out above.

Sec. 2. Any qualified member of the Democratic party who intends to
file for candidacy for the nomination as the Democratic party candidate
for the office of Senator of the Thirty-third Senatorial District shall file
with the Chairman of the Democratic Executive Committee of the county
of his residence a notice of such intention. Such notice shall show the
name and residence of the person filing the notice and shall contain a
statement of his intention to file for such candidacy. Such notice shall be
filed not later than midnight of the tenth day preceding the day provided
by the general primary election laws for the filing of notice of candidacy
for the office of State Senator. Any person in such county who fails to
file the notice as provided by this Section is ineligible to be a candidate
for the Democratic party nomination for Senator in the Thirty-third Sena-
orial District.

Sec. 3. If no notice of intention to file for candidacy has been filed,
within the time limit fixed by Section 2, with the Chairman of the Demo-
ocratic Executive Committee of the county from which the Democratic can-
didate for Senator is to be selected pursuant to this Act, such chairman
shall forthwith notify the Chairman of the Democratic Executive Com-
mittee of the county which would next be entitled, pursuant to Section 1
of this Act, under the plan therein set out for rotation of candidates, to
the end that such chairman may give such publicity to the matter as to
him seems fit and proper. Thereupon, any qualified member of the Demo-
cratic party from such county which is next entitled under the rotation
schedule as set out in Section 1 may file for candidacy for the Democratic
party nomination for State Senator from the Thirty-third Senatorial
District.

Sec. 4. All laws and clauses of laws in conflict with the provisions of
this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th
day of March, 1951.

H. B. 114  CHAPTER 211

AN ACT TO MAKE IT UNLAWFUL FOR ANY EMPLOYEE OF THE
DEPARTMENT OF MOTOR VEHICLES TO ISSUE A DRIVER'S
LICENSE FOR ANYTHING OF VALUE OTHER THAN THE FEES
PRESCRIBED BY LAW.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any employee of the Department of
Motor Vehicles to charge or accept any money or other thing of value
except the fees prescribed by law for the issuance of an operator's or
chauffeur's license. It shall be unlawful for any employee of the Depart-
ment of Motor Vehicles to charge or accept any money or other thing of
value except the fees prescribed by law for the issuance of an operator's
or chauffeur's license and the fact that the license is not issued after said
employee charges or accepts money or other thing of value shall not con-
stitute a defense to a criminal action under this Section. In a prosecution
under this Section it shall not be a defense to show that the person giving
the money or other thing of value or the person receiving the license or
intended to receive the same is entitled to a license under the Uniform
Driver's License Act. Any person violating this Section shall be guilty of
a felony and upon conviction shall be punished by imprisonment in the
State's prison for not more than five years or by a fine of not more than
five thousand dollars ($5,000.00) or by both such fine and imprisonment.

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 8th
day of March, 1951.
H. B. 139  

CHAPTER 212  

AN ACT RELATING TO THE SALE OF BEER IN THE TOWN OF CHADBourn.  

The General Assembly of North Carolina do enact:  

Section 1. It shall be unlawful for beer, as defined in Section 18-64, subsection (a), of the General Statutes, to be sold in the Town of Chadbourn, for consumption on the premises, except in bona fide hotels, cafeterias, cafes and restaurants which have a grade A rating from the State Board of Health, and "on premises" licenses for the retail sale of beer shall be issued only to such hotels, cafeterias, cafes and restaurants.  

Sec. 2. It shall be unlawful for any retail beer dealer who does not have an "on premises" retail beer license, or whose premises is other than a grade A hotel, cafeteria, cafe or restaurant, to keep, on or about his premises wherein beer is sold for consumption off the premises, beer in any quantity on ice or under any refrigeration.  

Sec. 3. A violation of the provisions of this Act shall constitute a misdemeanor punishable by fine or imprisonment or by both fine and imprisonment, in the discretion of the court.  

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 5. 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 8th day of March, 1951.

H. B. 307  

CHAPTER 213  

AN ACT TO AMEND G. S. 7-203 INSOFAR AS THE SAME PERTAINS TO THE SELECTION OF A PROSECUTING ATTORNEY FOR THE MUNICIPAL RECORDER’S COURT OF THE CITY OF FAYETTEVILLE.  

The General Assembly of North Carolina do enact:  

Section 1. G. S. 7-203 is hereby amended by adding at the end thereof a proviso to read as follows:  

“Provided: That the prosecuting attorney for the Municipal Recorder’s Court for the City of Fayetteville shall be nominated and elected by the qualified voters of the City of Fayetteville in the same manner and at the same time as is now provided by law for the elective officers of the said municipality, and in the general election for such officers. The term of office for the said prosecuting attorney shall be the same as is now provided by law for the elective officers of the City of Fayetteville.”  

Sec. 2. This Act shall apply only to the Municipal Recorder’s Court for the City of Fayetteville.  

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.  

Sec. 4. This Act shall become effective upon its ratification.  

In the General Assembly read three times and ratified, this the 8th day of March, 1951.
H. B. 327

CHAPTER 214

AN ACT REQUIRING ALL CANDIDATES FOR THE OFFICE OF MAYOR OF THE TOWN OF ELIZABETHTOWN AND ALL CANDIDATES FOR THE OFFICE OF COMMISSIONERS OF THE TOWN OF ELIZABETHTOWN TO FILE NOTICE OF THEIR CANDIDACY.

The General Assembly of North Carolina do enact:

Section 1. All candidates for the office of Mayor of the Town of Elizabethtown, and all candidates for the office of Town Commissioners of the Town of Elizabethtown shall file written notice of their candidacy with the town clerk of said town on or before twelve o'clock noon, Eastern Standard Time, of the first Monday in April of each year in which a municipal election shall be held for the election of town officials under the Charter of the Town of Elizabethtown.

Sec. 2. All candidates for the office of mayor shall deposit with their notice of candidacy a filing fee of two dollars ($2.00) in cash; and all candidates for the office of a Commissioner of the Town of Elizabethtown shall likewise deposit with their notice of candidacy a filing fee of one dollar ($1.00) in cash; and the town clerk shall enter upon all notices filed with said clerk the date and hour of filing, and that the required deposit has been paid, and all cash deposits so made with the town clerk shall be paid by said clerk into the general treasury of the town.

Sec. 3. The town clerk shall, on or before twelve o'clock noon, Eastern Standard Time, of Tuesday following the first Monday in April of each election year, post a notice in the office of the town clerk showing the names of all persons who have filed notice of their candidacy for the office of mayor, and the names of all persons who have filed notice of their candidacy for the office of Commissioner of the Town of Elizabethtown. And the town clerk at the same time of posting said notice of candidacies shall also file with the Mayor of the Town of Elizabethtown a certificate showing the names of all persons who have filed notice of their candidacy for the office of mayor, and the names of all persons who have filed notice of their candidacy for office of Commissioner of the Town of Elizabethtown; and the certificate so filed with the mayor shall be recorded in the official minute book of the Board of Commissioners of the Town of Elizabethtown.

Sec. 4. The Mayor of the Town of Elizabethtown, upon the filing with him of the certificate as provided in the next preceding Section, shall forthwith call a meeting of the board of commissioners of said town, to be held within four days after the filing of said certificate, and the board of commissioners at said meeting shall declare the persons so certified to be the nominees for mayor and town commissioners, respectively, to be voted for in the following May town election for town officials; and a minute record of said action by the board of commissioners shall be entered in the official minutes of said board meeting.

Sec. 5. At the said board meeting provided to be held under the next preceding Section, the commissioners of said town shall also make provision for the printing of the official ballot to be voted in the following
May town election. That official ballot shall be printed on white paper and shall be entitled: "Official Ballot for Town Election of Town of Elizabethtown, for Year 19......" The said official ballot shall contain two sections as follows:

The first section shall be entitled, "For Mayor of Town of Elizabethtown," and shall thereafter have printed thereon the names of all candidates who have been declared nominees for the office of mayor under the foregoing provisions of this Act, and a voting square shall be placed in the front of the name of each candidate for mayor; and immediately following the names of the candidates for mayor shall be printed the words: "Vote for not more than one person for mayor by placing a cross mark in the voting square opposite the name of the person for whom you desire to vote."

The second section of the official ballot shall be entitled "For Commissioners of the Town of Elizabethtown," and shall thereafter have printed thereon the names of all candidates who have been declared nominees for the office of Commissioner of the Town of Elizabethtown under the provisions of this Act, and a voting square shall be placed in front of the name of each candidate for the office of town commissioner; and immediately following the names of all candidates for Commissioners of the Town of Elizabethtown, shall be printed the words: "Vote for not more than three persons for commissioners by placing a cross mark in the voting square opposite the names of three persons for whom you desire to vote."

Sec. 6. The Town of Elizabethtown, at its own expense, shall cause to be printed for the use of voters in the town election a sufficient number of official ballots, and not less than one and one-fourth times as many ballots as there are registered voters appearing on the official registration book of said town, which official ballots shall be delivered to the registrar for said election prior to the date of the election, and no other ballots than the official ballots thus provided shall be voted or counted in the town election nor shall any person be eligible for the office of Mayor or Town Commissioner of the Town of Elizabethtown who has failed to file notice of his candidacy, paid the required filing fee, and been certified as a candidate, as required by Sections 1, 2 and 3 of this Act.

Sec. 7. All town elections shall be conducted and held in accordance with the provisions of the Charter of the Town of Elizabethtown, as modified by the provisions of this Act, and as far as practicable in accordance with the law governing municipal elections, not inconsistent with the provisions of the Charter of the Town of Elizabethtown and the provisions of this Act.

Sec. 8. When the polls have been closed, the ballot box shall be opened in the presence of the registrar and both judges of election, and such electors as may desire to be present. The ballots shall be counted and tabulated, and upon conclusion of the counting, that candidate for mayor who shall have received the largest number of votes cast for the office of mayor shall be declared elected to the office of mayor, and those three candidates for the office of Commissioner of the Town of Elizabethtown who shall have received the largest number of votes for the office of town commis-
section shall be declared elected Commissioners of the Town of Elizabeth-town for the next ensuing term of said officers. And the registrar and judges of said election shall certify the result of said election to the board of commissioners; and a certificate showing the number of votes received by each candidate for mayor and each candidate for town commissioner shall be signed by election officials and returned to and filed with the town clerk on or before noon of the day following the said election, and said certificate shall be filed and recorded in the official minute book of the board of commissioners, as a permanent record of the result of the said election.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1951.

H. B. 254  
CHAPTER 215

AN ACT TO REWRITE SECTION 2 OF CHAPTER 309 OF THE PUBLIC LAWS OF 1939 SO AS TO PLACE THE MUNICIPALITIES IN JACKSON COUNTY UNDER THE PROVISIONS OF THE GENERAL ELECTION LAWS.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 309 of the Public Laws of 1939 is hereby rewritten so that said Section shall hereafter read as follows:

"That from and after the effective date of this Act, all general municipal elections held in the cities, towns and municipalities of Jackson County shall be called, held and conducted by the County Board of Elections of Jackson County, and said elections shall be conducted as far as practicable, in all things and in all details, in accordance with the general election laws of the State as provided for the election of State officials and members of the General Assembly, unless otherwise provided by this Act, and all general laws of the State of North Carolina, relating to elections, generally, and as provided by Chapter 163 of the General Statutes of North Carolina, as amended or as may hereafter be amended, shall govern all such elections, except where inconsistent with this Act. That said general election laws, as above set forth, shall apply as fully to such elections and the acts and things done thereunder as to general elections, unless different provisions are made in this Act; and all acts made criminal, if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed on or in connection with an election held hereunder: Provided, that when any certain duties are prescribed under the general election law to be done and performed by State or county officials unknown to municipal corporations, which are likewise required to be done and performed in such municipal election, then and in that case such duties shall be done and performed by the officer or officers whose office and duties bear the greatest analogy to those of the officer
named in the general election law for whom such duty is prescribed. That all elections conducted by the County Board of Elections of Jackson County under this Act shall be held at the expense of, and paid for by, the municipality in which said election is held and conducted, and said expense shall constitute a legal and valid expenditure of the funds of the said municipality for that purpose. That in the conduct of said elections for any municipality in the County of Jackson, the County Board of Elections of Jackson County shall have the power to appoint all of the precinct election officials for the conduct of the elections, to prepare and distribute ballots, and shall have the same jurisdiction and authority to change precinct boundaries, create new precincts and fix the voting places as is now conferred by law on said county board of elections governing State and county elections, and said county board of elections shall canvass the returns of said elections and certify the result to the clerk of the municipality and also to the Clerk of the Superior Court of Jackson County.”

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1951.

H. B. 211

CHAPTER 216

AN ACT TO REGULATE THE OPERATION OF TAXICABS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 36a of § 200 of Chapter 160 of the General Statutes is hereby amended by adding at the end of said subsection 36a another paragraph, which said paragraph shall read as follows:

“That the term ‘taxicabs’ shall be defined to be any truck, automobile, passenger car or any vehicle which is self-propelled and of a capacity of nine passengers or less or which may be changed or arranged so that said vehicle as herein defined has the capacity of nine passengers or less.

“All drivers and operators of taxicabs as herein defined engaged in the business of transporting passengers for hire over the public streets of any city or town shall comply with all of the provisions of § 160-200, as amended, pertaining to taxicabs, and any person, firm or corporation who shall operate a taxicab as herein defined without complying with all of the provisions of § 160-200 or without complying with the provisions of subsection 35 of § 160-200 of the General Statutes or any other provision of law applicable to taxicabs shall be guilty of a misdemeanor, and upon conviction or plea of guilty shall be punished in the discretion of the court. Each day that such violation exists shall be deemed to be a separate offense.”

Sec. 2. The provisions of this Act shall be applicable to Cherokee County only.
Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 212

CHAPTER 217

AN ACT RELATING TO THE OPERATION OF TAXICABS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to engage a taxicab in Cherokee County and, upon the completion of such engagement, to fail and refuse to pay the operator of such cab compensation for the use thereof: Provided, however, the same shall not be unlawful unless, at the time of the alleged violation, a schedule of the fares and rates currently charged by the person, firm or corporation operating such taxicab is on file with the Board of County Commissioners of Cherokee County and the governing body of the municipality in which such person, firm, or corporation operates a taxicab business.

Sec. 2. Any person violating the provisions of Section 1 of this Act shall, upon conviction, be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or shall be fined not exceeding fifty dollars ($50.00).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 222

CHAPTER 218

AN ACT TO ENABLE THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO MAKE TEMPORARY INVESTMENT OF UNUSED CAPITAL OUTLAY SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That hereafter when the County Commissioners of Guilford County shall have made appropriations for the construction of schoolhouses in said county or other like purpose, and the tax levied to support such appropriation has been collected; and it has been found impracticable to use the appropriation because of restrictions upon the use of building material imposed by the Government of the United States of America or of the State of North Carolina or otherwise; then and in that event the unused appropriation shall be considered an encumbered balance to be used for the purposes for which it was appropriated when restriction upon building has been removed.

Sec. 2. That when it becomes apparent to the board of education of the
school unit to which the unused appropriation was made that it will be impracticable to use said appropriation within the next six months, and said board so finds by proper resolution, it shall be the duty of the Treasurer of Guilford County to invest said unused appropriation in short term U. S. Government bonds, under the supervision and direction of the Board of County Commissioners of Guilford County.

Sec. 3. If at any time after the appropriation has been invested in government bonds as hereinbefore provided, the restriction upon building is lifted, said bonds may be reduced to cash, and the proceeds used for the purpose for which the appropriation was originally made.

Sec. 4. If for any reason, when it becomes practicable to use the proceeds of the bonds in the construction of schoolhouses, it is deemed unwise by the board of education to which the appropriation was made to use said proceeds for the purpose for which the original appropriation was made, then and in that event, the bonds may be converted into cash and the proceeds used in the construction of other schoolhouses, subject however, to the approval of the board of education of the school unit to which the appropriation was made, the State Board of Education, and the Board of County Commissioners of Guilford County.

Sec. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 250

CHAPTER 219

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE RURAL HALL SANITARY DISTRICT IN FORSYTH COUNTY TO MAKE PAYMENT FOR ELECTRICAL CURRENT USED IN STREET LIGHTING FROM FUNDS DERIVED FROM THE SALE OF WATER IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Rural Hall Sanitary District in Forsyth County is hereby authorized and empowered to make payment for electrical current used in lighting the streets within said sanitary district from funds derived from the sale of water in said district.

Sec. 2. All payments for electrical current used for street lighting purposes heretofore made by the Board of Commissioners of the Rural Hall Sanitary District from funds derived from the sale of water in said district is hereby ratified, confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.
H. B. 286  CHAPTER 220

AN ACT TO VALIDATE CERTAIN MORTGAGE AND DEED OF TRUST FORECLOSURE SALES.

The General Assembly of North Carolina do enact:

Section 1. In all cases where mortgages or deeds of trust on real estate with power of sale have been foreclosed pursuant to said power by proper advertisement and sale in the county where such real estate is located, notwithstanding the wording of such mortgages or deeds of trust providing for advertisement or sale, or both, in some other county, all such sales are hereby fully validated, ratified and confirmed and shall be as effective to pass title to the real estate described therein as fully and to the same extent as if such mortgages or deeds of trust had provided for advertisement and sale in the county where such real estate is actually situate.

Sec. 2. This Act shall not effect pending litigation.
Sec. 3. This Act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 289  CHAPTER 221

AN ACT RELATING TO THE ELECTION, COMPENSATION AND DUTIES OF CERTAIN OFFICIALS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the primary election to be held in Avery County in the year 1952, and quadrennially thereafter, there shall be nominated by each political party of said county a candidate for tax collector.

Sec. 2. At the general election to be held in Avery County in the year 1952, and quadrennially thereafter, there shall be elected a tax collector for said county in accordance with the same rules and regulations governing the election of other county officials. The tax collector elected under the provisions of this Section shall serve for a term of four years and until his successor is elected and qualified.

Sec. 3. The tax collector elected under the provisions of this act shall receive as compensation for his services the sum of two per cent (2%) of all county taxes collected by him by virtue of his office.

Sec. 4. Promptly, upon the first Monday in October of each year, the tax collector elected under the provisions of this Act shall make settlement with the county commissioners for all taxes collected by him, and shall, if deemed expedient by the county commissioners, immediately on said date turn over to the county accountant of said county all delinquent tax receipts and certificates which remain uncollected by him on said date. Said tax collector shall pay the premiums on all official bonds which he is required to furnish in his capacity as tax collector, and Avery County shall in no event be liable therefor.

Sec. 5. The County Accountant of Avery County shall receive as compensation for his services as county accountant and delinquent tax collector
an annual salary of three thousand dollars ($3,000.00), payable in 12 equal monthly installments. The compensation received by the county accountant provided for in this Section shall be in lieu of all other fees and commissions to which he may be now entitled by law for the collection of delinquent taxes. All expenses incurred in collecting delinquent taxes, not to exceed 1% of same shall be paid by the county.

Sec. 6. The County Commissioners and Board of Education of Avery County shall each receive as compensation for their services the sum of ten dollars ($10.00) per meeting for not to exceed 20 meetings per year. In addition thereto, each commissioner shall also receive the sum of ten dollars ($10.00) per day while engaged in the performance of their duties while sitting as the county board of equalization and review. This Section shall be retroactive to December 1, 1950.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 9th day of March, 1951.

H. B. 290

CHAPTER 222

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NEWLAND IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Aldermen of the Town of Newland now holding such offices shall continue in such capacity until the regular election in May, 1951, and until their successors are elected and qualified. At the regular election in May, 1951, and biennially thereafter, the Mayor and Aldermen of the Town of Newland shall be elected and serve for terms of two years and until their successors are elected and qualified.

Sec. 2. Section 4 of Chapter 275 of the Private Laws of 1913, and all other laws and clauses of laws in conflict with this Act, to the extent of such conflict, 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 9th day of March, 1951.

H. B. 302

CHAPTER 223

AN ACT TO ENLARGE THE TERRITORIAL JURISDICTION OF THE TOWN OF ELIZABETHTOWN.

The General Assembly of North Carolina do enact:

Section 1. The Constable and Policemen of the Towns of Elizabethtown and Bladenboro shall have the same authority to make arrests, and to execute criminal process within one mile of the respective town limits, as is
vested by law in a sheriff.

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

Sec. 3. This Act shall be enforced from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 326  CHAPTER 224

AN ACT RELATING TO THE LETTING OF CONTRACTS AND THE PURCHASE OF MOTOR VEHICLES BY THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-129 is hereby amended by striking out in line five the words and figures “one thousand dollars ($1,000.00)” and inserting in lieu thereof the words and figures “two thousand dollars ($2,000.00)”.

Sec. 2. The requirements of G. S. 143-129 as to a two per cent (2%) deposit by a bidder and as to the furnishing of a faithful performance bond by the person awarded a contract shall not be mandatory in so far as said Section is applicable to the City of Winston-Salem, but requirement of compliance with said provisions shall be in the discretion of the governing body of said city.

Sec. 3. G. S. 143-129 shall not apply to the City of Winston-Salem so far as the purchase of any motor vehicle is concerned whenever a motor vehicle owned by the City of Winston-Salem is exchanged or traded in as part of the purchase price of said motor vehicle.

Sec. 4. This Act shall apply only to the City of Winston-Salem.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 344  CHAPTER 225

AN ACT TO EXTEND THE JURISDICTION OF POLICE OFFICERS OF THE TOWN OF HOLLY RIDGE IN ONSLOW COUNTY AND TO AUTHORIZE THE EMPLOYMENT OF POLICE OFFICERS LIVING OUTSIDE THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Police officers of the Town of Holly Ridge in Onslow County shall have and exercise, within a radius of one mile of the corporate limits of the Town of Holly Ridge, the same powers and authority as are now exercised by such police officers within the Town of Holly Ridge.

Sec. 2. The Mayor and Commissioners of the Town of Holly Ridge are authorized and empowered to employ police officers, including a chief of police, who reside outside of the corporate limits of the town, and such police officers may continue to be employed as police officers of the town
and to exercise all the powers and duties of town policemen notwithstanding they may continue to reside outside of the corporate limits.

Sec. 3. The action of the Mayor and Commissioners of the Town of Holly Ridge in heretofore employing any police officer who resides outside of the town and the acts of such police officers when acting within the scope of their powers, duties and authority are hereby ratified, validated and affirmed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 9th day of March, 1951.

H. B. 348

CHAPTER 226

AN ACT TO AUTHORIZE THE CITY OF REIDSVILLE TO PAY A PORTION OF THE PREMIUMS ON GROUP INSURANCE ON ITS EMPLOYEES.

WHEREAS, at a meeting of the Council of the City of Reidsville, North Carolina, duly assembled on February 8, 1951, a resolution was adopted requesting the enactment of this legislation: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. The City of Reidsville, through its governing board, is hereby authorized and empowered in its discretion to pay a portion, not exceeding fifty per cent (50%), of the premiums charged on the policy or policies of group insurance in effect on the employees of said city.

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

H. B. 355

CHAPTER 227

AN ACT TO REMOVE NEWPORT TOWNSHIP IN CARTERET COUNTY FROM THE JURISDICTION OF THE CHERRY POINT MARINE CORPS AIR STATION ZONING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. The Cherry Point Marine Corps Air Station Zoning Commission, created by Chapter 455 of the Session Laws of 1949, shall have no power, authority or jurisdiction over the area embraced within the boundaries of Newport Township in Carteret County.

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

Sec. 3. This Act shall become effective from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.
H. B. 356  CHAPTER 228

AN ACT TO PROVIDE FOR THE EXERCISE OF POWERS BY POLICE OFFICERS BEYOND THE CORPORATE LIMITS OF THE TOWNS OF BISCOE, CANDOR, MOUNT GILEAD, STAR, AND TROY, IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Town Police of the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy, in Montgomery County, shall have in all that territory embraced within one mile in all directions of the present corporate limits of said towns, respectively, all the power and authority which they now exercise within the corporate limits of said towns.

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 9th day of March, 1951.

H. B. 365  CHAPTER 229

AN ACT TO FIX THE FEES TO BE PAID FOR RECORDING CERTAIN INSTRUMENTS AND FOR OTHER SERVICES IN THE OFFICE OF THE REGISTER OF DEEDS FOR ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the fees to be paid for the registration of instruments mentioned below in the office of the Register of Deeds for Orange County shall be as follows: for regular form deeds, one dollar and fifty cents ($1.50); for regular form deeds of trust, two dollars ($2.00); for chattel mortgages (statutory), forty cents (40c); for crop lien mortgages (long form), seventy-five cents (75c); for crop lien mortgages (short form), fifty cents (50c); for conditional sales contracts, one dollar ($1.00); for all other and irregular instruments, eighty cents (80c) for the first three hundred words, and fifteen cents (15c) for each additional one hundred words or fraction thereof.

Sec. 2. That there shall be paid the sum of fifty cents (50c) for the affixing of the official seal of the Register of Deeds for Orange County to any instrument.

Sec. 3. That except as herein provided, all other fees to be paid to the Register of Deeds for Orange County shall remain as now provided by law.

Sec. 4. All laws and clauses of laws in conflict with this Act are to the extent of such conflict hereby repealed.

Sec. 5. That this Act shall be in full force and effect on and after the first day of May, 1951.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.
CHAPTER 230

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SURRY COUNTY TO FIX THE FEES FOR THE SERVICE AND EXECUTION OF CRIMINAL AND CIVIL PROCESS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Surry County is hereby authorized, in its discretion, to fix the fees to be charged in Surry County for the service or execution of criminal and civil process.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.

CHAPTER 231

AN ACT TO ALLOW THE CITY OF LEXINGTON TO RELEASE ANY INTEREST IT AND THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING LEXINGTON GROCERY COMPANY TO CROSS A PART OF RAILROAD STREET FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Lexington is hereby authorized and empowered to permit by resolution, ordinance or other proceedings deemed advisable, or such papers as may be necessary to release the interest of the City of Lexington and the public generally in and to that portion of Railroad Street situated, lying and being between the Grimes Bottling Plant property of the Lexington Grocery Company on the West side, and said Lexington Grocery Company's right under lease and easement of the Southern Railway Company on the East side, for the purpose of permitting said Lexington Grocery Company to extend said building from the West side over and across Railroad Street to the aforesaid right of way permit of the Southern Railway on the East side, with a clearance of not less than fifteen (15) feet and one (1) inch at any point above Railroad Street, said building to be constructed and used, and said Railroad Street to be crossed for the benefit of said Lexington Grocery Company and its business, and generally for its private purposes.

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 9th day of March, 1951.
AN ACT TO AMEND THE CHARTER OF THE TOWN OF JAMESVILLE SO AS TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR NOMINATION OF CANDIDATES FOR THE MUNICIPAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. All laws relating to the method of nominating candidates for the office of Mayor and Members of the Board of Commissioners in the Town of Jamesville are hereby amended so as to provide as follows:

(1) Nomination by primaries. All candidates to be voted for at all general municipal elections, at which time a mayor and five commissioners, or any other elective officers, are to be elected, 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 provided.

(2) How primaries are held. The primary election for such nominations shall be held on the fourth Monday preceding the general election. The judges and other officers of election appointed for the general municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in 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 the general municipal elections.

(3) Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner shall, at least ten days prior to the primary election, file with the town clerk a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA
COUNTY OF MARTIN

I, ____________________________, hereby give notice that I reside at ____________________________, Street, Town of Jamesville, County of Martin, State of North Carolina; that I am a candidate for nomination of the office of mayor, commissioner (strike out inapplicable part), to be voted upon at the primary election to be held on the ____________Monday of ____________19____. I affiliate with the ____________party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) ____________________________________________

Such candidate shall, at the same time, pay to the town clerk to be turned over to the town treasurer the sum of five dollars ($5.00).

(4) Publication of names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be posted at the town hall, in proper form, the names of persons as they are to appear upon the primary ballots.

(5) Ballots prepared. The clerk shall thereupon cause the primary ballots to be printed. Upon the 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 shall appear the words, "Vote for one." And upon the ballots in like manner shall be placed, alphabetically, the names of the candidates for commissioner, with instructions to vote for five.

(6) Ballots counted. Judges of elections 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 town clerk upon blanks to be furnished by the clerk within six hours of the closing of the polls.

(7) Returns canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the board of commissioners, shall canvass such returns so received from all the polling precincts, and shall post the results at the town hall. The canvass by the town clerk shall be publicly made.

(8) Who to be candidate. The candidate receiving the highest number of votes for mayor and the five candidates receiving the highest number of votes for commissioners shall be the candidates of the political party of which they affiliate and the only candidates whose names shall be placed upon the ballot for mayor and commissioners at the next succeeding general municipal election: Provided, in all cases where only one aspirant for nomination by the party with which he affiliates for the office of mayor shall have filed as herein required and where only five aspirants for nomination by the party with which they affiliate have filed as herein required by the board of commissioners, they shall be declared the nominees by the party with which they affiliate.

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 9th day of March, 1951.

H. B. 416

CHAPTER 233

AN ACT TO FIX THE TIME FOR FILING NOTICE OF CANDIDACY FOR THE OFFICES OF MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF PLYMOUTH.

The General Assembly of North Carolina do enact:

Section 1. Each candidate for the office of Mayor or the office of Town Alderman of the Town of Plymouth shall file a notice of such candidacy with the town clerk at least ten (10) days prior to the municipal election of town officials and shall pay a filing fee of two dollars ($2.00). No candidate's name shall be placed on the ballot unless he has complied with this Section.

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 upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1951.
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H. B. 433  CHAPTER 234
AN ACT RELATING TO THE APPLICATION OF PROCEEDS OF PARKING METERS OF THE TOWN OF EDENTON OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Net proceeds derived from the operation of parking meters of the Town of Edenton in Chowan County shall be applied first to the purposes of limitation, regulation, and control of vehicular traffic and parking in the Town of Edenton, and to the expense incurred in the administration and enforcement of such control and regulations, and any surplus remaining after such application of proceeds from said parking meters shall be used exclusively in defraying expenses incurred by said town for the purpose of general law enforcement.

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 9th day of March, 1951.

S. B. 172  CHAPTER 235
AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWN OF DUNN IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the Town of Dunn is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of said town except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. B. 222  CHAPTER 236
AN ACT TO REPEAL CERTAIN SECTIONS OF CHAPTER 24 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF 1937, RELATING TO FEES ALLOWED THE JAILER OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 24 of the Public-Local Laws of 1937 be, and the same is hereby, repealed.
Sec. 2. Section 3 of Chapter 24 of the Public-Local Laws of 1937 be, and the same is hereby, repealed.

Sec. 3. All fees for the admission or release of prisoners by the jailer of Macon County shall be in such sums and amounts as are now fixed by the general law of the State for the performance of such duties.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. B. 242

CHAPTER 237

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF SOUTHPORT.

The General Assembly of North Carolina do enact:

Section 1. Any qualified voter of the Town of Southport who desires to become a candidate for the office of mayor or town alderman shall file a notice of his candidacy, together with a filing fee of two dollars ($2.00), with the town clerk not less than 10 days before the general municipal election date. No person's name shall be placed upon the general municipal election ballot unless he has complied with the conditions herein set out.

Sec. 2. Two Aldermen shall be elected from each of the wards of the Town of Southport and the person or persons filing from any ward shall be a resident and qualified elector of such ward.

Sec. 3. The mayor and the members of the board of aldermen, and all other elective officers of the Town of Southport, shall be voted upon in the general municipal election by the qualified electors of the town as a whole and not by just the qualified electors of the ward from which the candidate has filed. The candidate for mayor and two members from each ward who receive the highest number of votes in the town at large shall be declared duly elected to the office for which he has filed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on and after the first day of April, 1951.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.
S. B. 245

CHAPTER 238

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE CITY OF STATESVILLE AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF STATESVILLE FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of promoting the orderly growth, expansion and development of the City of Statesville and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the city of Statesville and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the governing body of the City of Statesville is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the governing body of the City of Statesville to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the City of Statesville, but, also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the City of Statesville, as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the governing body of the City of Statesville is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the City of Statesville and vested in its governing body by the Charter of the City of Statesville, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the City of Statesville, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the City of Statesville.

Sec. 2. That at the time the governing body of the City of Statesville authorizes the Planning Board of the City of Statesville to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one mile in all directions, said governing body shall appoint four (4) residents of the territory beyond the corporate limits of the City of Statesville and within one mile thereof to serve as members of the City of Statesville’s Planning Board in addition to the regularly appointed members. The additional members of the planning board so appointed who are residents of the territory beyond the corporate limits shall have equal rights and privileges with the other members of the City of Statesville’s Planning Board only in matters pertaining to the zoning
of the territory surrounding and beyond the corporate limits of the City of Statesville within a distance of one mile in all directions thereof, and the term of office of the members who are residents of the territory beyond the corporate limits shall terminate at the time a zoning ordinance for the territory beyond the corporate limits of the City of Statesville is enacted by the governing body of the City of Statesville.

Sec. 3. The governing body is further authorized in order to properly enforce the provisions of any planning or any zoning ordinance that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure that a permit be obtained therefor from the Building Inspector of the City of Statesville. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the City of Statesville for the area whereon the structure is to be situate. No fee shall be charged for such permits.

Sec. 4. That the provisions of this Act shall apply only to the City of Statesville and to the territory within the corporate limits of the City of Statesville and that territory beyond and surrounding the corporate limits of the City of Statesville for a distance of one mile beyond the same in all directions.

Sec. 5. The governing body of the City of Statesville, shall enact no ordinance or ordinances under the provisions of this Statute without first holding a public hearing.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 7. 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, 1951.

S. B. 249

CHAPTER 239


The General Assembly of North Carolina do enact:

Section 1. Chapter 162 of the Private Laws of 1929 as rewritten by Chapter 1095 of the Session Laws of 1947 is hereby amended by striking out in line five of Section 2 the words and figures “six hundred dollars ($600.00)” and inserting in lieu thereof the words and figures “one thousand two hundred dollars ($1,200.00)”, it being the purpose and intent of this amendment to increase to one thousand two hundred dollars ($1,200.00) per year the maximum salary which may be fixed by the governing body of the Town of Franklinton for the solicitor or prosecuting attorney of the mayor’s court.
Sec. 2. Chapter 162 of the Private Laws of 1929 as rewritten by Chapter 1095 of the Session Laws of 1947 is hereby amended by striking out in lines two and three of Section 5 the words and figures "fifty dollars ($50.00)" and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)"; it being the purpose and intent of this amendment to increase to one hundred dollars ($100.00) per month the maximum salary which may be fixed by the governing body of the Town of Franklinton for the Mayor of Franklinton.

Sec. 3. Each member of the Board of Town Commissioners of the Town of Franklinton shall be paid out of the general fund of the town the sum of five dollars ($5.00) for each regular meeting of the board he attends and the sum of two dollars and fifty cents ($2.50) for each special meeting of the board he attends, but in no case shall any member of said board be paid more than seven dollars and fifty cents ($7.50) for attendance at meetings in any one month.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. B. 255

CHAPTER 240

AN ACT RELATING TO THE PAYMENT OF FUNDS IN ABANDONMENT AND NONSUPPORT CASES IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Whenever an order is hereafter made in any court in Richmond County in any abandonment or nonsupport case requiring the payment of funds for the use of a wife or child, the judge may order that such payment be made to the county superintendent of public welfare for disbursement in accordance with the terms of the order.

Sec. 2. Whenever the county superintendent of public welfare receives any funds pursuant to this Act, he shall disburse the same in accordance with the terms of the order requiring the payment thereof.

Sec. 3. This Act does not apply to any payments to be made pursuant to any court order issued prior to the effective date of this Act unless and until such order is modified to authorize payment to said county superintendent.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.
S. B. 256

CHAPTER 241

AN ACT RELATING TO ELECTIONS IN THE TOWN OF ROCKINGHAM IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In elections held in the Town of Rockingham, the candidate for mayor receiving the largest number of votes shall be declared elected mayor; the five candidates for the office of town Commissioners receiving the largest number of votes shall be declared elected town commissioners; the candidate for trustee for the Rockingham schools for the two-year term receiving the largest number of votes shall be declared elected trustee for the two-year term; and the two candidates for trustees for the Rockingham schools for the four-year term receiving the largest number of votes shall be declared elected trustees for the four-year term. The judges of election shall declare the results of said elections and certify the same to the town clerk and treasurer.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. B. 261

CHAPTER 242

AN ACT TO PERMIT THE CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY TO REFUND CERTAIN ITEMS OF COSTS ERRONEOUSLY COLLECTED TO CERTAIN DEFENDANTS IN CRIMINAL CASES UPON ESTABLISHMENT OF THEIR CLAIM.

WHEREAS, during the period from March, 1943, through December, 1950, there was erroneously collected and paid into the office of the Clerk of the Superior Court of Haywood County certain sums of money from defendants in criminal actions; that said mistake was made because of the erroneous impression that one dollar ($1.00) extra had to be collected for the bureau of identification in addition to the two dollars ($2.00) taxed in the bill of costs for the law enforcement officers' benefit fund; and

WHEREAS, said erroneous collection was due to mistake and inadvertence and because of an improper interpretation of the law, and there is no evidence of bad faith in making such collections, and said improperly collected items of costs should be refunded to the defendants in said criminal cases where it is possible for such defendants to be identified and establish their claims to same: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Haywood County shall, within a reasonable time after the effective date of this Act, cause to be published in some newspaper published in, and with a general circulation in, Haywood County a notice for a period of once a week for two successive weeks. The notice shall contain such information as may be neces-

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sary for the purpose of informing individuals and defendants of said items of costs collected through error and inadvertence, the period of time over which said items were collected and further notifying all persons who may have paid such erroneous items of costs to establish their claims to such items to the satisfaction of the Clerk of the Superior Court of Haywood County. The notice shall further state in substance that all persons or claimants to said items of costs so erroneously collected must file and establish their claims for same within a period of six months from and after the date of the last publication of said notice in said newspaper.

Sec. 2. Any person or claimant may file his claim before the Clerk of the Superior Court of Haywood County, and said clerk shall pass upon all such claims and shall determine to his satisfaction whether or not such claimant is entitled to such items of costs so erroneously collected. If said clerk is satisfied that any claimant or claimants are entitled to said erroneous collections of costs as aforesaid, then said clerk may enter an order refunding to said claimant or claimants such item or items of costs erroneously collected which he shall find to be due such claimant or claimants. The Clerk of the Superior Court of Haywood County shall be the sole judge of the eligibility of said claimant or claimants for said costs, and his decision shall be final. Said clerk shall have the right to make the refunds herein authorized, and any refunds so made shall be legal and lawful expenditures and shall be deemed to be legal and lawful items of disbursement and shall so be reflected in any audit of the books of the clerk that may hereafter be made.

Sec. 3. No further claims for reimbursement of said items of costs erroneously collected shall be filed or considered at the end of six months from and after the publication of the last notice in said newspaper, and if, at the end of said period of time, there remain any items of said costs so erroneously collected for which claims have not been filed within the limitation herein set forth, it shall be the duty of the Clerk of the Superior Court of Haywood County to pay over the total amount of the remaining funds into the School Fund of Haywood County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

H. B. 66  
CHAPTER 243

AN ACT TO AUTHORIZE THE CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA TO APPOINT AN ADMINISTRATIVE ASSISTANT, AND TO PRESCRIBE HIS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The Chief Justice of the Supreme Court of North Carolina is hereby authorized and empowered to appoint some competent person to act as his administrative assistant in performing the duties imposed upon
the Chief Justice by Section 11, Article IV of the Constitution of North Carolina. Such person so appointed shall hold said position at the will of the Chief Justice.

Sec. 2. That the person named by the Chief Justice as his administrative assistant, as provided in the preceding Section, shall be paid such salary as may be fixed by the Chief Justice.

Sec. 3. The Chief Justice of the Supreme Court of North Carolina shall have the authority to prescribe the functions and duties of the administrative assistant appointed by him as may be deemed by the Chief Justice to be necessary to enable him to properly carry out the administrative duties imposed upon him by Section 11, Article IV of the Constitution of North Carolina. The administrative assistant shall be furnished with such secretarial and stenographic personnel as shall be recommended by the Chief Justice.

Sec. 4. The administrative assistant may also perform the duties of executive secretary of the judicial council or the duties of the Supreme Court reporter.

Sec. 5. The funds necessary for the payment of expenses operating under the terms of this Act shall be paid from the Contingency and Emergency Fund until the first day of July, 1951, and thereafter such expenses shall be paid on approved budgets as applicable to other maintenance expenditures.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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, 1951.

H. B. 71

CHAPTER 244

AN ACT TO AMEND SECTION 15-194 OF THE GENERAL STATUTES RELATING TO THE TIME OF EXECUTION OF PRISONERS SENTENCED TO DEATH UPON CONVICTION OF CRIMES PUNISHABLE BY DEATH.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 15-194 by inserting after the comma appearing after the word "terminated" in the fifth line of said G. S. 15-194 the following: "or in case the certificates of the Clerk of the Superior Court and of the solicitor, or other prosecuting officer as set forth in G. S. 15-189, showing that no appeal has been entered, have not been transmitted to the warden of the State Penitentiary at Raleigh, North Carolina, in time to carry out the sentence of death on the date fixed by the court in said judgment or sentence of death,"

Sec. 2. Further amend G. S. 15-194 by adding after the semicolon appearing after the word "reprieve" as same appears in the fifteenth line of said G. S. 15-194 the following: "or in case certificates of the Clerk
of the Superior Court and of the solicitor, or other prosecuting officer pro-
vided for in G. S. 15-189, showing that no notice of appeal has been given, 
are not received in the office of the warden of the State Penitentiary at 
Raleigh, North Carolina, in time to carry out sentence of death upon the 
date provided for in said judgment or sentence of death, then said convict 
or felon shall be executed in the manner heretofore provided in this Arti-
acle upon the third Friday after the date of the receipt of said certificates 
of the clerk and solicitor, or other prosecuting officer, showing that no 
notice of appeal has been given or entered;”.

Sec. 3. All laws and clauses of laws in conflict with the provisions 
of this Act are hereby repealed.

Sec. 4. 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, 1951.

H. B. 79

CHAPTER 245

AN ACT TO ELIMINATE THE NECESSITY OF A SPECIAL APPEAR-
ANCE IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. A new Section 1-134.1 of the General Statutes is hereby 
 enacted to read as follows: “1-134.1. Special appearances eliminated. No 
special appearance shall be necessary in order to present the objection 
that the the court has no jurisdiction over the person or property of the 
defendant. Such objection may be presented either by motion or answer, 
and the making of other motions or the pleadings of other defenses simul-
taneously with the presentation of such objection shall not be a waiver 
of such objection: Provided, that the making of any motion or the filing 
of answer prior to the presentation of such objection shall waive it: Pro-
vided further that any interested party shall have the right of immediate 
appeal from an adverse ruling as to the jurisdiction of the court over the 
person or property of the defendant or such party may preserve his ex-
ception for determination upon any subsequent appeal in the cause.”

Sec. 2. All laws and clauses of laws in conflict herewith are hereby 
repealed.

Sec. 3. This Act shall be in full force and effect from and after July 
1, 1951 and shall apply to litigation pending on that date as well as to 
litigation thereafter begun.

In the General Assembly read three times and ratified, this the 13th 
day of March, 1951.
H. B. 89

CHAPTER 246

AN ACT TO AMEND SECTION 28-173 OF THE GENERAL STATUTES AND TO MAKE THE TWO YEAR STATUTE OF LIMITATIONS (SECTION 1-53) APPLICABLE TO ACTIONS FOR WRONGFUL DEATH.

The General Assembly of North Carolina do enact:

Section 1. Section 28-173 of the General Statutes of North Carolina is hereby amended by striking from line 10 thereof the words "within one year after such death."

Section 2. Section 1-53 of the General Statutes of North Carolina is hereby amended by adding a new subsection thereto, to be designated subsection 4, reading as follows:

"4. Actions for damages on account of the death of a person caused by a wrongful act, neglect or default of another, under Section 28-173 of the General Statutes of North Carolina."

Section 3. This Act shall not affect pending litigation and shall apply only to actions where the death occurs subsequent to the ratification of this Act.

Section 4. Except as provided in Section 3 hereof, this Act shall be in full force and effect from the date of its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

H. B. 221

CHAPTER 247

AN ACT AUTHORIZING BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO APPROPRIATE MONEY FOR CIVILIAN DEFENSE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is hereby authorized in its discretion at any time before July 1, 1951, to make appropriations and expend money derived from sources other than ad valorem taxation for civilian defense.

Section 2. From and after July 1, 1951, the Board of County Commissioners of Guilford County is authorized in its discretion to appropriate money and levy ad valorem taxes within constitutional limitations to support such appropriation for the purposes set forth in Section 1 of this Act.

Section 3. Guilford County is hereby authorized to expend the money provided for by this Act, either in a project operated by itself alone or in conjunction with one or more incorporated cities or towns located within its borders.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Section 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

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H. B. 291  

CHAPTER 248

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELK PARK IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Commissioners of the Town of Elk Park now holding such offices shall continue in such capacity until the regular election in May, 1951, and until their successors are elected and qualified. At the regular election in May, 1951, and biennially thereafter, the Mayor and Commissioners of the Town of Elk Park shall be elected and serve for terms of two years and until their successors are elected and qualified.

Sec. 2. The corporate limits of the Town of Elk Park, in Avery County, shall be the circumference of a circle with a radius of one-half (½) mile extending from the center of said town in every direction. For the purpose of this Section, the center of the town shall be and remain as it is presently known and established and as is now indicated by an iron rail.

Sec. 3. All questions which may arise as to whether property is situated in or outside the corporate limits of the Town of Elk Park shall be determined and settled between the members of the town board and the owner or owners of the property in question by an exact measurement from the center of the town as it is now designated.

Sec. 4. Section 3 and 4 of Chapter 256 of the Private Laws of 1889, and all other laws and clauses of laws in conflict with this Act, to the extent of such conflict, are hereby repealed.

Sec. 5. 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, 1951.

H. B. 345  

CHAPTER 249

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SWANSBORO IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate boundary of the Town of Swansboro in Onslow County is hereby extended so that the corporate limits shall include all of the land lying and being in Onslow County, North Carolina, and particularly bounded and described as follows:

Beginning at the mouth of a small creek emptying into White Oak River just North of the Swansboro School property, being the beginning point of the old corporate boundary, and running thence up and with said small creek with its various courses to the "Frog Pond", being the Frog Pond mentioned in the old incorporation act, at the southwest side of the old Swansboro-Jacksonville (dirt) highway, being the prolongation or extension of Main Street; thence with the West side of said old highway to Wise's Branch; thence with Wise's Branch southwestwardly with its various courses to N. C. Highway No. 24, and continuing under and be-
yond said highway to the point where said Wise's Branch flows into Hawkin's Creek; thence with the various courses of Hawkin's Creek to the U. S. Inland Waterway; thence southeastwardly with the North side of said Inland Waterway to Beacon No. 46-A on said Inland Waterway in line with the prolongation or extension of Front Street; thence continuing on with the North side of said U. S. Inland Waterway to the dividing line between Onslow and Carteret Counties; thence northeastwardly with said dividing line between the two said counties to a point due southeast of the chimney top of the Swansboro School heating plant; thence from said point a straight course to the point of beginning.

Sec. 2. The territory included in the description of the corporate boundaries set out in Section 1 and its citizens and property shall be subject to all the debts, laws, ordinances and regulations in force in the Town of Swansboro and shall be entitled to the same privileges and benefits as the other part of said town. The newly annexed territory and its citizens shall be subject to municipal taxes levied for the fiscal year next beginning following the ratification of this Act.

Sec. 3. Except as herein amended, the Charter of the Town of Swansboro, as the same has been amended from time to time, shall remain in full force and effect and all acts of its governing body done or performed pursuant to said Charter are hereby ratified and confirmed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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, 1951.

H. B. 515

CHAPTER 250

AN ACT TO AMEND CHAPTER 297 OF THE SESSION LAWS OF 1949, RELATING TO THE LOCATION OF THE YOUTHFUL OFFENDERS' PRISON CAMP AT BUTNER.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 297 of the Session Laws of 1949 is amended by adding at the end thereof the following:

"Should the North Carolina Hospitals Board of Control find it more practicable to establish the prison camp or guardhouse on some other property owned by the State at Butner, then, and in such event, such prison camp or guardhouse may be constructed at such other location on property owned by the State at Butner."

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 13th day of March, 1951.
CHAPTER 251

AN ACT TO AMEND CHAPTER 1129 OF THE SESSION LAWS OF 1949, RELATING TO LIENS ON PROPERTY BROUGHT INTO THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1129 of the Session Laws of 1949 is hereby amended by rewriting Section 1 to read as follows:

"Section 1. (a) For the purposes of this Section, personal property acquires a situs in this State when it is brought into this State with the intent that it be permanently located in the State. The keeping of personal property in this State for two consecutive months is prima facie evidence that such property has acquired a situs in this State.

(b) When personal property covered by a deed of trust, mortgage or conditional sale contract is brought into this State from another and acquires a situs in this State, such encumbrance is valid prior to registration in this State as against lien creditors of, or purchasers for valuable consideration from, the grantor, mortgagor or conditional sale vendee only upon fulfilling all of the following conditions:

(1) That such encumbrance was properly registered in this State where such property was located prior to its being brought into this State; and

(2) That such encumbrance is properly registered in this State within ten days after the mortgagor, grantee in a deed of trust, or conditional sale vendor has knowledge that the encumbered property has been brought into this State; and

(3) That such registration in this State in any event takes place within four months after the encumbered property has been brought into this State.

(c) When personal property covered by a deed of trust, mortgage or conditional sale contract is brought into this State and no situs is acquired in this State, the encumbrance is valid as against lien creditors of, or purchasers for valuable consideration from, the grantor, mortgagor or conditional sale vendee only from the date of due registration of such encumbrance in the proper office in the state from which the property was brought.

(d) When encumbered personal property is brought into this State from a state where the encumbrance is not required to be registered, such encumbrance is valid as against lien creditors of, or purchasers for valuable consideration from, the grantor, mortgagor or conditional sale vendee only from the time of registration of such encumbrance in this State pursuant to G. S. 47-20.

(e) Nothing herein modifies any of the provisions of Article 1 of Chapter 44 of the General Statutes.

Sec. 2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.
S. B. 60  

CHAPTER 252

AN ACT TO AMEND THE STATUTES RELATING TO SALES PURSUANT TO A POWER OF SALE CONTAINED IN A MORTGAGE.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 45-21.16 is hereby amended by striking out the word "and" at the end of subsection (5), by striking out the period at the end of subsection (6) and inserting in lieu thereof a semi-colon and the word "and", and by adding at the end of the Section a new subsection (7) to read as follows:

"(7) State that the property will be sold subject to taxes and special assessments if it is to be so sold."

(b) G. S. 43-21.31 is hereby amended—

(1) By striking out the semi-colon at the end of paragraph (2) of subsection (a), inserting a comma in lieu thereof, and adding the following words: "unless the notice of sale provided that the property be sold subject to taxes thereon and the property was so sold;" and

(2) By striking out the semi-colon at the end of paragraph (3) of subsection (a), inserting a comma in lieu thereof, and adding the following words: "unless the notice of sale provided that the property be sold subject to special assessments thereon and the property was so sold".

(c) G. S. 105-408 is hereby amended—

(1) By striking out the word "assessed" immediately following the word "then" in line 20 and inserting in lieu thereof the words "due and unpaid"; and

(2) By striking out the period at the end of the third sentence in line 23, inserting a comma in lieu thereof, and adding the following words: "unless the notice of sale provided that the property would be sold subject to taxes or special assessments thereon and the property was so sold."

Sec. 2. G. S. 45-21.26 is hereby amended by rewriting paragraph (4) of subsection (b) to read as follows:

"(4) The date, time and place of the sale;".

Sec. 3. G. S. 45-21.29 is hereby amended by striking out "(h)" at the beginning of subsection (h) and inserting in lieu thereof "(i)", and by striking out "(i)" at the beginning of subsection (i) and inserting in lieu thereof "(j)", and by adding a new subsection immediately following subsection (g), to be designated subsection (h), and to read as follows:

"(h) When a resale of real property is had pursuant to an upset bid, such sale may not be consummated until it is confirmed by the Clerk of the Superior Court. No order of confirmation may be made until the time for submitting any further upset bid, pursuant to G. S. 45-21.27, has expired."

Sec. 3½. This Act does not apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

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S. B. 224  

CHAPTER 253

AN ACT TO AMEND SECTION 30 OF CHAPTER 302 OF THE PRIVATE LAWS OF 1913, AS AMENDED BY CHAPTER 74 OF THE PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE CHARTER OF THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

Section 1. Section 30 of Chapter 302 of the Private Laws of 1913, as it appears in Section 1 of Chapter 74 of the Public-Local Laws of 1937, is amended by striking out in line six of said Section 30 the words "one dollar fifty" and inserting in lieu thereof the words "two dollars fifty".

Sec. 2. Section 30 of Chapter 302 of the Private Laws of 1913, as it appears in Section 1 of Chapter 74 of the Public-Local Laws of 1937, is amended by striking out in line seven the words "one dollar fifty" and inserting in lieu thereof the words "two dollars fifty".

Sec. 3. Section 30 of Chapter 302 of the Private Laws of 1913, as it appears in Section 1 of Chapter 74 of the Public-Local Laws of 1937, is amended by striking out the period following the word "cents" in line 13, inserting a semicolon therefor, and adding the following: "Jail fees, each person convicted, one dollar per day."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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, 1951.

S. B. 235  

CHAPTER 254

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF ROANOKE RAPIDS TO CALL AN ELECTION UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Section 1. That after the ratification of this Act, the Board of Commissioners of the City of Roanoke Rapids may call an election at which there shall be submitted for determination by the qualified voters of the City of Roanoke Rapids voting in such election the question of the adoption of a form of government for the City of Roanoke Rapids known as "Plan D" as defined by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government, as amended by this Act, for the City of Roanoke Rapids, in lieu of its present form of government.

Sec. 2. That the said election shall be called and conducted and the result thereof determined and declared by the Board of Commissioners of
the City of Roanoke Rapids as is now provided by law for the election of
the Mayor and members of the Board of Commissioners of the City of
Roanoke Rapids, and the holding of said election and the canvassing of
the returns and all other matters pertaining to said election shall be as
provided by law for the election of the Mayor and Board of Commissioners
of the City of Roanoke Rapids, at such election ballots shall be provided
for the voters containing the words “For Plan D City Government, with
Mayor, Board of Commissioners and City Manager”, and “Against Plan
D City Government, with Mayor, Board of Commissioners and City Man-
ger”. If a majority of the votes cast in said election shall be in favor of
said “Plan D” form of government, the same shall become effective and be
operative in the City of Roanoke Rapids from and after the next succeeding
first day of July and municipal year shall begin on that date.

Sec. 3. If said “Plan D” is adopted at such election, the Government
of the City of Roanoke Rapids and general management and control of all
its affairs shall be vested in a board of commissioners and mayor, elected
as provided by the Charter of the City of Roanoke Rapids, and any amend-
ments thereto. Thereafter the mayor and board of commissioners shall
have and exercise all the powers and duties now or hereafter conferred
upon them by the Charter of the City of Roanoke Rapids, any amend-
ments thereto, the general ordinances of the City of Roanoke Rapids and
the provisions of the general law with reference to the powers and priv-
ileges of municipalities not inconsistent herewith. The Board of Commissi-
oners of the City of Roanoke Rapids shall constitute its governing body
and in the conduct of said “Plan D” Government for the City of Roanoke
Rapids, the board of commissioners shall have and exercise all such powers
and duties, not inconsistent herewith, as are now conferred upon the board
of commissioners by the Charter of the City of Roanoke Rapids, and its
general ordinances and any amendments thereto.

Sec. 4. That in the event said “Plan D” form of government as amend-
ed by this Act, shall be adopted at said election, the board of commis-
sioners shall appoint a city manager, who shall be the administrative head
of the city government and who shall be responsible for the administration
of all departments of the city government. He shall be appointed with
regard to merit only and he need not be a resident of the City of Roanoke
Rapids when appointed. He shall hold office during the pleasure of the
board of commissioners and shall receive such compensation as it shall
fix by ordinance.

Sec. 5. 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 board of commissioners are faithfully
executed;
(3) Attend, at the request of the board of commissioners, all meetings
of the board of commissioners, and recommend for adoption such measures
as he may deem expedient;
(4) Make reports to the board of commissioners from time to time upon the affairs of the city and keep the board of commissioners fully advised of the city's financial condition and its future financial needs;

(5) Appoint and remove all employees of the city, not including, however, the city attorney, if any, the city clerk, the city auditor, members of committees and commissions, now appointed by the board of commissioners in conformity with the charter and present ordinances of the city.

The city attorney, if any, the city clerk, the city auditor and the members of committees and commissions shall continue to be appointed by the board of commissioners. Every appointment and removal made by the city manager shall be reported to the board of commissioners at the next meeting thereof following any such appointment or removal.

The salaries and compensation of the officers and employees of the city shall be fixed by the board of commissioners and they shall perform such duties as may be required of them by the city manager, under general regulations of the board of commissioners and the general law.

Sec. 6. That in the event said "Plan D" form of government is adopted at such election, as amended by this Act, none of the legislative powers of the City of Roanoke Rapids or of its board of commissioners shall be abridged or impaired by this Act or by the adoption of said "Plan D" Government for the City of Roanoke Rapids, and all such legislative powers shall continue to be possessed and exercised by the Board of Commissioners of the City of Roanoke Rapids. In addition, all ordinances, resolutions, orders, or other lawful regulations of the City of Roanoke Rapids, or of any authorized commission, committee, body or official thereof, existing at the time said "Plan D" is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 7. In the event said "Plan D" is adopted at such election, as amended by this Act, the board of commissioners shall continue to be the governing body of the City of Roanoke Rapids and the mayor and members of the board of commissioners shall be elected as now provided by the Charter of the City of Roanoke Rapids and any amendment thereto, and the meetings of the board of commissioners shall be held and transacted in accordance with the Charter and General Ordinances of the City of Roanoke Rapids now in force or hereafter amended. Vacancies among any of the officials of the City of Roanoke Rapids, the salaries paid to any such officials, the designation and election of such officials shall all be filled, regulated and controlled in conformity with the Charter and Ordinances of the City of Roanoke Rapids now in force or hereafter amended, except as modified or changed by the terms of this Act.

Sec. 8. In the event a majority of the votes cast in said election shall be against the question, the same question shall not be re-submitted to a vote within twelve (12) months of the time of said election; at any time thereafter, if twenty-five per cent (25%) of the qualified voters of the City of Roanoke Rapids sign petitions addressed to the Board of Commissioners of the City of Roanoke Rapids asking that other elections be held on the same question, then it shall be the duty of the Board of Commissioners of
the City of Roanoke Rapids to order another election and to re-submit the question. Any subsequent election shall be held in accordance with the general laws applicable to the election of the Mayor and Commissioners of the City of Roanoke Rapids and in accordance with the provisions of this Act.

Sec. 9. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, the General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. 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, 1951.

H. B. 18

CHAPTER 255

AN ACT TO AMEND G. S. 14-335, RELATIVE TO PUBLIC DRUNKENNESS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335, as amended, is hereby further amended by adding Granville County to the list of counties designated under subsection 1 of said Section.

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 13th day of March, 1951.

H. B. 265

CHAPTER 256

AN ACT PROVIDING FOR A BOARD OF EDUCATION FOR YANCEY COUNTY AND TO REPEAL ALL PUBLIC-LOCAL LAWS RELATING TO THE BOARD OF EDUCATION IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby appointed as a Board of Education for Yancey County to take office on the first Monday in April, 1951, Jobe Thomas, Mark W. Bennett and Clyde Ayers, who shall be and constitute the only members of said board of education for a period of two years, beginning with the first Monday in April, 1951, and said members of said board of education hereby appointed shall, upon taking office the first Monday in April, 1951, appoint a county superintendent of schools to serve from the first Monday in April, 1951, to July 1, 1953, or until his successor is named and qualified. At a meeting to be held the first Monday in April,
1953, or as soon thereafter as practicable, and biennially thereafter during
the month of April, the Board of Education of Yancey County shall appoint
a county superintendent of schools, subject to the approval of the State
Superintendent of Public Instruction and the State Board of Education,
who shall take office July 1, and shall serve for a period of two years, or
until his successor is elected and qualified.

Sec. 2. That after the appointment of the county superintendent of
schools, the board of education appointed by this Act shall immediately
appoint a school committee of three members for each and every school dis-

trict in Yancey County to serve for a period of two years.

Sec. 3. It shall be the duty of the county superintendent of schools
to call each district school committee together at a time and place for the
selection of teachers for Yancey County, such time to be set so as to elect
the teachers within the time now provided by the Statutes of North Caro-

lina, and upon the convening of said members of each school district com-
mittee, the county superintendent of schools shall submit to the school
committee the applications of all teachers who have applied for a posi-
tion in each school, together with the qualifications of each applicant, and
the requirements of each and every school and each district school commit-
tee shall proceed to elect the teachers for their respective school or
schools, subject to the approval of the county board of education and the
superintendent. And no teacher shall teach in the schools of Yancey
County without first having been elected by a majority of the members
of the school district committee in which such person is to teach. And
the members of each school district committee shall be notified three days
prior to the meeting of such committee for the purpose of selecting teach-
ers, which notice may be given in person or by mailing a notice to the
last known post office address of each member of said committee.

Sec. 4. Each school district committee, upon meeting to elect teach-
ers, shall first elect the principal of the schools in their respective districts,
and after the election of such principal, said committee may have the
advice and consultation of such principal in selecting the other teachers for
the respective schools in said district.

Sec. 5. That the compensation now provided by the laws of the State
of North Carolina for the members of the board of education and county
superintendent of schools, shall apply to the persons herein named as
members of the Board of Education of Yancey County, and to the county
superintendent, which said board may select, pursuant to this Act.

Sec. 6. That all laws and clauses of laws, general, specific or other-
wise, in conflict with this Act, are hereby repealed. That any part or Sec-

tion of this Act which shall be declared unconstitutional shall not cause
the remaining portion of the same to be invalid.

Sec. 7. 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, 1951.
H. B. 303                                    CHAPTER 257

AN ACT TO AMEND ARTICLE 11 OF CHAPTER 18 OF THE GENERAL STATUTES SO AS TO PERMIT THE PROCESSING INTO WINE OF GRAPES PURCHASED FROM FARMERS, WHERE SUCH WINE IS TO BE SHIPPED OUT OF THE STATE FOR FURTHER PROCESSING.

The General Assembly of North Carolina do enact:

Section 1. Section 128, Article 11, of Chapter 18 of the General Statutes is amended by adding a new paragraph to read as follows:

"Nothing in this Act shall prohibit any person, firm or corporation located in an area in the state where the sale of wine is prohibited from processing into wine grapes purchased from farmers to be shipped into another state for further processing (i.e., filtering, blending, etc.) and finishing to make such wine potable provided: That such person, firm or corporation making such wine shall comply with other Federal and State laws and regulations governing the manufacture and shipment of wine."

Sec. 2. This Act shall apply only to Moore, Dare, and Washington Counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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, 1951.

H. B. 337                                    CHAPTER 258

AN ACT TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE ANDREWS SCHOOL DISTRICT IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the next general election to be held for the election of county officials in Cherokee County for the year of 1952, and biennially thereafter, there shall be elected six members of the Board of Trustees of the Andrews School District. Any qualified elector residing in the Andrews School District may become a candidate in said election by filing notice with the Chairman of the Cherokee County Board of Elections at least 30 days prior to the day of said general election. The Cherokee County Board of Elections shall have the right to adopt rules and regulations fixing the form of said notice and the information that shall be contained therein. Two members of said Board of Trustees of the Andrews School District shall be elected by the qualified electors who reside in said school district and who cast their ballots in the general election at the Marble Precinct in said district. The remaining four members of the said Board of Trustees of the Andrews School District shall be elected by the qualified electors who reside in Andrews School District and who cast their ballots
at voting precincts in said school district other than at Marble Precinct, it being the intent and purpose of this Act that two members of said board of trustees shall be elected by the electors of said school district who vote in Marble Precinct, and the remaining four members of said board of trustees of said school district shall be elected by the qualified electors who reside in the school district and who vote in precincts in the Towns of Andrews and Topton or any other precincts now established or that may be established in which the qualified electors of said school district cast their ballots.

Sec. 2. The two candidates for members of the Board of Trustees of the said Andrews School District who are voted on in the Marble Precinct and who receive the highest number of votes shall be elected, and the four candidates for said Board of Trustees of said Andrews School District who are voted on the remaining precincts of said district receiving the highest number of votes shall be declared elected. The Cherokee County Board of Elections shall have the power and authority to adopt rules and regulations prescribing the form of ballot and the arrangement of same, including the printing of the names of the candidates for said offices and the information to voters to be printed on said ballot.

Sec. 3. The Cherokee County Board of Elections shall give notice of said election by a notice published once a week for two successive weeks during the month of September preceding said general election in some newspaper published in Cherokee County.

Sec. 4. Said election shall be held and conducted by the registrars and judges duly appointed by the Cherokee County Board of Elections for the holding of the said general election for county officials, and the provisions of the general election laws, except as herein provided otherwise, applicable to the election of county officials and as provided by Chapter 163 of the General Statutes shall in all respects be applicable to the election of the members of said Board of Trustees of Andrews School District. The expense of holding and conducting said election shall be paid by the Cherokee County Board of Elections in the first instance, but said Cherokee County Board of Elections shall be reimbursed for any and all expenses involved, in the conduct of said election of said members of the said board of trustees herein provided by the Treasurer or other fiscal officer of the Andrews School District and shall be paid out of the special tax fund of said school district. The Cherokee County Board of Elections shall be the sole judge of the expense involved in the conduct of said election and of the amount to be reimbursed by said Andrews School District.

Sec. 5. The votes shall be canvassed and the election results determined in the same manner as provided by county officials under the general election law hereinabove provided for, and certificates of election shall be duly issued to the candidates declared to be elected in the same manner as other county officials. The said members of the Board of Trustees of the Andrews School District so declared to be elected and to whom certificates of election are issued shall present themselves for induction into office on the first Monday in December, 1952, and biennially thereafter, at
the same time and in the same manner as other county officials. If any person who has been duly elected as a member of said board of trustees shall fail to present his certificate of election and indicate a willingness and intention to accept and serve as such trustee at the time provided above for induction into office, then the State Board of Education shall appoint some other person or persons as trustee or trustees for said term or terms expiring in this manner. The State Board of Education shall likewise fill all vacancies in said board of trustees that may result from death, resignation or otherwise.

Sec. 6. The Cherokee County Board of Elections shall have the power and authority to make rules and regulations for the conduct of said election and to the end that two members of said board of trustees of said school district may be elected from the qualified electors voting at the Marble Precinct and to the end that the four remaining members of said board of trustees of said school district may be elected from the qualified electors of said school district who vote at precincts other than the Marble Precinct in said district and in order to effectuate and carry out the intent and purposes of this Act. All acts made criminal if committed in connection with the election of county officials in said general election shall likewise be criminal if committed in connection with the election of said members of the Board of Trustees of Andrews School District and with the same punishment as prescribed for offenses committed in connection with the election of county officials.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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, 1951.

H. B. 338

CHAPTER 259

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR THE ANDREWS SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Andrews School District shall be composed of six members, whose terms of office shall begin on the first Monday in April of the year of 1951, and said board of trustees is hereby vested with all of the authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the general school laws of the State of North Carolina.

Sec. 2. Frank Wilhide, W. C. McKeldrey, Harold Jenkins, James H. Bryson, Mrs. G. W. Cover and Doctor C. W. Van Gorder be, and they are hereby, appointed trustees of the Andrews School District for a term of office beginning on the first Monday in April, 1951, and extending up to the first Monday in December, 1952. The said trustees shall meet and organize on the first Monday in April, 1951, or as soon thereafter as possible and shall proceed to perform the duties now vested in trustees for school
administrative units. All vacancies occurring on said board of trustees by reason of death, resignation or failure to qualify under this Act during said term shall be filled by the State Board of Education or its successors in office.

Sec. 3. The present members of the board of trustees of the Andrews School District, consisting of H. M. Whitaker, J. H. Christy, W. A. Puett, F. S. Wilhide, Doctor C. W. Van Gorder and James Bryson, Jr., or any of their successors, shall continue to hold office and perform their duties as such board of trustees until the first Monday in April, 1951, when the board of trustees as herein constituted by this Act shall be inducted into office.

Sec. 4. Chapter 772 of the Session Laws of 1949 be, and the same is hereby, repealed.

Sec. 5. Chapter 1172 of the Session Laws of 1949 is hereby amended by striking out that portion pertaining to the appointment of trustees of the Andrews School District which appears under the head of Cherokee County, the following language: “Trustees of Andrews School Administrative Unit—James Bryson, Jr., Dr. C. W. Van Gorder, each for a term of two years.”

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

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. B. 120

CHAPTER 260

AN ACT TO PROVIDE FOR THE MAINTENANCE OF CITY STREETS CONSTITUTING PARTS OF THE STATE HIGHWAY SYSTEM BY THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AND TO APPROPRIATE FUNDS FROM THE HIGHWAY FUND FOR THE PARTIAL MAINTENANCE OF OTHER CITY STREETS AND TO SET FORTH A PUBLIC POLICY FOR THE CONSTRUCTION AND MAINTENANCE OF ALL STREETS IN THE CITIES AND TOWNS.

WHEREAS, all citizens, regardless of rural or urban residence, pay the same rate of motor vehicle license and gas tax, to the State Highway Fund, and

WHEREAS, the 1931 General Assembly placed the entire cost of construction, reconstruction and maintenance of all rural roads upon the State Highway Fund, thereby relieving the counties of all ad valorem property taxes for roads; and

WHEREAS, there remains a heavy ad valorem tax on urban property for the construction and maintenance of streets, which burden should be lessened; therefore:

It is the declared policy of the State:

1. That all streets in cities and towns which are now, or hereafter may be, a part of, continuation of, or a connecting link between highways, shall be declared a part of the State Public Roads System, and shall be wholly
constructed, reconstructed and maintained by the State Highway and Public Works Commission out of the State Highway Funds.

2. The cost of the construction, reconstruction and maintenance of all other streets in the cities and towns of the State, shall be equalized, between the cities, towns, and the State, as may be determined, by the General Assembly. The construction and maintenance of such streets shall remain under the jurisdiction of the cities and towns. Now, therefore:

*The General Assembly of North Carolina do enact:*

Section 1. From and after July 1, 1951, all streets within municipalities which now or hereafter may form a part of the State Highway System shall be maintained, repaired, improved, widened, constructed and reconstructed by the State Highway and Public Works Commission, to the same extent and in the same manner as is done on roads and highways of like nature outside the corporate limits and the costs of such activities shall be paid from the State Highway and Public Works Fund. Provided, that municipalities shall be required to provide one-third of the cost of acquisition of right-of-way for new streets or for regulating or widening old streets. The appropriations in the Budget Appropriation Bill of 1951-53, the same being Senate Bill 9 and House Bill 7, for the maintenance of state highways, both within and without cities and towns, together with any other appropriations for such purposes hereafter made, shall be used by the State Highway and Public Works Commission for the purposes specified in this Section as well as for maintaining other portions of the State Highway System.

Sec. 2. In addition to the amounts to be expended under the preceding Section, there is hereby annually appropriated out of the State Highway and Public Works Fund a sum equal to the amount that was produced during the preceding fiscal year by ¼ of one-cent tax on each gallon of motor fuel taxed by Sections 105-434, and 105-435 of the General Statutes, to be allocated in cash on or before October first each year after the ratification of this Act to the cities and towns of the State in accordance with the following formula:

One-half of said Fund shall be distributed among the several eligible municipalities of the State in the percentage proportion that the population of each eligible municipality bears to the total population of all eligible municipalities as indicated by the latest certified Federal decennial census, and one-half of said Fund shall be distributed among the several eligible municipalities of the State in the percentage proportion that the mileage of public streets in each eligible municipality which do not form a part of the Highway System bears to the total mileage of public streets in all eligible municipalities which do not constitute a part of the State Highway System.

No municipality shall be eligible to receive funds under this Act unless it has within the four-year period next preceding the annual allocation of funds conducted an election for the purpose of electing municipal officials and currently imposes an ad valorem tax or provides other funds for the general operating expenses of the municipality. It shall be the duty of the mayor of each municipality to report to the State Highway and
Public Works Commission such information as it may request for its guidance in determining the eligibility of each municipality to receive funds by virtue of this Act. Upon failure of any municipality to make such report within the time prescribed by the State Highway and Public Works Commission, the State Highway and Public Works Commission may disregard such defaulting unit in making said allotment.

The funds to be allocated under this Section shall be paid in cash to the various eligible municipalities on or before October 1 each year after the ratification of this Act.

No allocation to cities and towns shall be made under the provisions of this Section from the one cent per gallon additional tax on gasoline imposed by Chapter 1250 of the Session Laws of 1949, unless and until said additional one cent per gallon gasoline tax produces funds which are not needed for or committed by said Chapter 1250 of the Session Laws of 1949, to the payment of the principal of or the interest on the secondary road bonds issued pursuant to the provisions of said Chapter 1250 of the Session Laws of 1949.

"The word ‘street’ as used in this Section is hereby defined as any public road maintained by a municipality and open to use by the general public, and having an average width of not less than sixteen (16) feet. In order to obtain the necessary information to distribute the funds herein allocated, the State Highway and Public Works Commission may require that each municipality eligible to receive funds under this Act submit to it a statement, certified by a registered engineer or surveyor, of the total number of miles of streets in such municipality. The State Highway and Public Works Commission may in its discretion require the certification of mileage on a biennial basis."

Sec. 3. The funds allocated to cities and towns under the provisions of Section 2 of this Act shall be expended by said cities and towns only for the purpose of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb and gutter, and other necessary appurtenances within the corporate limits of the municipality or for meeting the municipality’s proportionate share of assessments levied for such purposes.

Each municipality receiving funds by virtue of this Act shall maintain a separate record of accounts indicating in detail all receipts and expenditures of such funds. It shall be unlawful for any municipal employee or member of any governing body to authorize, direct, or permit the expenditure of any funds accruing to any municipality by virtue of this Act for any purpose not herein authorized. Any member of any governing body or municipal employee shall be personally liable for any unauthorized expenditures. On or before the first day of August each year, the treasurer, auditor, or other responsible official of each municipality receiving funds by virtue of this Act shall file a statement under oath with the Chairman of the State Highway and Public Works Commission showing in detail the expenditure of funds received by virtue of this Act during the preceding year and the balance on hand.
"That in the discretion of the local governing body of each municipality receiving funds by virtue of this Act it may contract with the State Highway and Public Works Commission to do the work of maintenance, repair, construction, reconstruction, widening or improving the streets in such municipality; or it may let contracts in the usual manner as prescribed by the General Statutes to private contractors for the performance of said street work; or may undertake the work by force account. The State Highway and Public Works Commission within its discretion is hereby authorized to enter into contracts with municipalities for the purpose of maintenance, repair, construction, reconstruction, widening or improving streets of municipalities."


Sec. 5. 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 15th day of March, 1951.

H. B. 129

CHAPTER 261

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PAMlico COUNTY TO LEVY SPECIAL ANNUAL TAXES TO BE USED FOR THE PAYMENT OF SALARIES AND EXPENSES OF VARIOUS COUNTY OFFICERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Pamlico is hereby authorized and empowered to levy a special annual tax, not to exceed four cents (4c) on the one hundred dollars ($100.00) valuation of property, to supplement other county funds to be used in the payment of the salaries and other expenses of the offices of county farm agent and county home demonstration agent.

Sec. 2. The Board of Commissioners for the County of Pamlico is authorized and empowered to levy a special annual tax, not to exceed five cents (5c) on the one hundred dollars ($100.00) valuation of property, to supplement other county funds to be used in the payment of the salary and other expenses of the office of county accountant.

Sec. 3. The Board of Commissioners for the County of Pamlico is authorized and empowered to levy a special annual tax, not to exceed two cents (2c) on the one hundred dollars ($100.00) valuation of property, to supplement other county funds to be used in the payment of the salary and other expenses of the office of county veterans service officer.

Sec. 4. The Board of Commissioners for the County of Pamlico is authorized and empowered to levy a special annual tax, not to exceed four cents (4c) on the one hundred dollars ($100.00) valuation of property, to supplement other county funds to be used in the payment of the salary and other expenses of the office of county forest fire warden.
Sec. 4½. The Board of Commissioners for the County of Pamlico may levy the special taxes provided for in Sections 1, 2, 3 and 4 of this Act provided the total county-wide tax rate for Pamlico County, including taxes levied for debt service and for all other purposes, shall not exceed the present rate of two dollars and twenty cents ($2.20) per one hundred dollars ($100.00) valuation of property. Chapter 1062 of the Session Laws of 1945 is hereby repealed in so far as it may authorize the levy of any taxes by said county from and after the date of the ratification of this Act: Provided, that the county may continue to collect the outstanding special taxes authorized by Chapter 1062 of the Session Laws of 1945, which were authorized by tax levies prior to June 30th, 1951. The special taxes herein authorized shall be in substitution and in lieu of the taxes authorized by said Chapter 1062.

The power and authority to levy the special taxes authorized by this Act shall terminate and expire as of June 30th, 1953 and from and after that date no further levies shall be made under the provisions of this Act.

Sec. 5. All levies heretofore made by Board of Commissioners for the County of Pamlico, for funds to supplement other county funds used in payment of the salaries and other expenses of the offices of county farm agent and county home demonstration agent, county accountant, county veterans service officer, and county forest fire warden are hereby ratified and approved.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 15th day of March, 1951.

H. B. 214

CHAPTER 262

AN ACT TO PROVIDE FOR UNIFORM PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC RECORDS AS EVIDENCE.

The General Assembly of North Carolina do enact:

Section 1. If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible.
in evidence if the original reproduction is in existence and available for
inspection under direction of court. The introduction of a reproduced
record, enlargement or facsimile, does not preclude admission of the original.

Sec. 2. This Act shall be so interpreted and construed as to effectuate
its general purpose of making uniform the law of those States which
enact it.

Sec. 3. The State Department of Revenue is hereby specifically author-
ized to have photographed, photocopied, or microphotocopied all records
of the department, including tax returns required by law to be made to
the department, and said photographs, photocopies, or microphotocopies,
when certified by the department as true and correct photographs, phot-
copies, or microphotocopies, shall be as admissible in evidence in all ac-
tions, proceedings and matters as the originals thereof would have been.

Sec. 4. This Act may be cited as the Uniform Photographic Copies of
Business and Public Records as Evidence Act.

Sec. 5. All laws and clauses of laws in conflict with this Act are
hereby repealed.

Sec. 6. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 15th
day of March, 1951.

S. B. 66
CHAPTER 263
AN ACT RELATING TO CAUSES OF ACTIONS BETWEEN HUSBAND
AND WIFE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 52 of the General Statutes is hereby amended by
adding a new Section immediately following G. S. 52-10, to be numbered
G. S. 52-10.1, and to read as follows:

“G. S. 52-10.1. Torts between husband and wife. A husband and wife
have a cause of action against each other to recover damages sustained
to their person or property as if they were unmarried.”

Sec. 2. This Act does not apply to pending litigation and does not
create a cause of action with respect to any events occurring prior to its
effective date.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 20th
day of March, 1951.

S. B. 69
CHAPTER 264
AN ACT TO AMEND G. S. 36-17, RELATING TO SURETY BONDS OF
FIDUCIARIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 36-17 is hereby amended by striking out the words
“in a sum double the value of the property to come into his hands” in
lines 10 and 11 and inserting in lieu thereof the words "in a sum double
the value of the property to come into his hands when the bond is executed
by a personal surety and in a sum one and one-fourth (1½) times the value
of the property to come into his hands when the bond is executed by an in-
demnity or guaranty company authorized to do business in this State,"

Sec. 1½. This Act does not apply to pending litigation.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby
repealed.
Sec. 3. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 20th
day of March, 1951.

S. B. 72

CHAPTER 265
AN ACT TO AMEND THE GENERAL STATUTES RELATING TO COR-
PORATIONS.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 55-2 is hereby amended by inserting a comma im-
mediately following the word "persons" at the end of the first line and
adding the following words:
"at least one of whom is a resident of this State,"
(b) G. S. 55-2 is hereby further amended by rewriting paragraph 6
to read as follows:
"6. The period of duration, which may be perpetual."
Sec. 2. G. S. 55-110 is hereby amended by adding in line 20 immedi-
ately following the word "voting", as the same appears in the 1949 Sup-
plement to the General Statutes, the words "at any election of directors,
managers or trustees,"
Sec. 2½. This Act does not apply to pending litigation.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby
repealed.
Sec. 4. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 20th
day of March, 1951.

S. B. 221

CHAPTER 266

AN ACT TO AMEND CHAPTER 586 OF THE SESSION LAWS OF 1947
RELATING TO THE SALARIES OF THE CLERK OF THE SUPER-
RIOR COURT OF BUNCOMBE COUNTY, THE TAX COLLECTOR OF
BUNCOMBE COUNTY AND THE CHAIRMAN OF THE BOARD OF
COUNTY COMMISSIONERS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 586 of the Session Laws of 1947 is hereby amended
by rewriting the same so as to read as follows:
"Section 1. From and after the ratification of this Act, the salary of
the Clerk of the Superior Court of Buncombe County shall be seven thou-
sand two hundred dollars ($7,200.00) per year.

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"Sec. 2. From and after the ratification of this Act, the salary of the Chairman of the Board of County Commissioners of Buncombe County shall be six thousand dollars ($6,000.00) per year.

"Sec. 3. From and after the ratification of this Act, the salary of the Tax Collector for the Board of Tax Supervision of Buncombe County shall be four thousand eight hundred dollars ($4,800.00) per year.

"Sec. 3½. From and after the ratification of this Act, the Register of Deeds of Buncombe County shall be paid an annual salary of five thousand eight hundred dollars ($5,800.00). The salary herein fixed for the Register of Deeds of Buncombe County shall be in full compensation for all the duties of his office, including the duties of the Register of Deeds of Buncombe County as ex officio Clerk to the Board of County Commissioners of Buncombe County.

"Sec. 4. Said salaries shall be paid as is customary for Buncombe County to pay its county officers and employees."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

S. B. 272

CHAPTER 267

AN ACT TO AMEND G. S. 152-5 IN RESPECT TO CORONERS FEES IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-5, as amended, is hereby further amended by adding at the end thereof the following:

"Fees of Coroners in Richmond County shall be as follows:
(1) For each investigation of death or deaths, fifteen dollars ($15.00), and for each additional day necessarily devoted to such investigation, an additional ten dollars ($10.00).
(2) For each inquest, twenty dollars ($20.00).
(3) For each autopsy, before interment, twenty-five dollars ($25.00), and for autopsy after interment, fifty dollars ($50.00), which shall cover cost of exhuming of body, the autopsy and re-interment, provided that where the services of a physician other than the coroner are required the court ordering such autopsy shall fix the fees to be paid such physician in addition to the fees herein provided.
(4) For summoning and empaneling coroners jury, five dollars ($5.00).
(5) For necessary travel in making investigation, ten cents (10c) per mile for automobile and when hearse is required, thirty-five cents (35c) per mile."

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 20th day of March, 1951.
H. B. 251  
CHAPTER 268
AN ACT TO ELIMINATE PERSON COUNTY FROM THE EXCEPTIONS TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 526 of the Session Laws of 1945 is amended by striking out the words "Person County;" in line five of said Section.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 324  
CHAPTER 269
AN ACT TO PERMIT THE GOVERNING AUTHORITY OF GATES COUNTY TO ELECT, IN ITS DISCRETION, TO COVER ITS EMPLOYEES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 526 of the Session Laws of 1945 is hereby amended by striking out the words "Gates County", as the same appear in the fifth line of said Section.

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

Sec. 3. This Act shall become effective July 1st, 1951.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 360  
CHAPTER 270
AN ACT TO PROVIDE FOR AN EXTENSION OF THE TERMS OF OFFICE OF THE COMMISSIONERS OF ROCKINGHAM COUNTY WHEN APPROVED BY THE VOTERS OF SAID COUNTY.

WHEREAS, the Board of Commissioners of Rockingham County, at a meeting duly convened on January 15, 1951, adopted a resolution requesting that the terms of office of the commissioners be extended to four years:

Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. At the election in 1952 for members of the Board of Commissioners of Rockingham County, there shall be submitted to the voters of said county the question of whether the terms of office of the Commissioners of Rockingham County shall be extended from two years to four years. Said question shall be submitted to the voters on a separate ballot,
which shall provide a space wherein a voter may cast a ballot against extending the terms of office of the commissioners and a space wherein a voter may cast a ballot for extending the terms of office of the commissioners. The provisions of the election laws relating to the election of county commissioners shall be applicable to the election on the question herein provided.

Sec. 2. If a majority of those voting on the question shall vote in favor of extending the terms of office of the Commissioners of Rockingham County from two years to four years, then the three candidates for commissioner receiving the highest number of votes in the general election of 1952 shall be elected for a term of office of four years, and the two candidates for commissioner receiving the next highest number of votes shall be elected for a term of two years. At the general election in 1954, two commissioners shall be elected for a term of office of four years and two commissioners shall be elected each four years thereafter for a term of four years. At the general election for commissioners in 1956, three commissioners shall be elected for a term of four years, and each four years thereafter three commissioners shall be elected for a term of four years. If, at the election for commissioners in 1952, it cannot be determined which of the three candidates received the highest number of votes because of any two or more candidates receiving the same number of votes, then the high man among those receiving the same number of votes shall be determined by lot.

Sec. 3. This Act shall apply only to Rockingham County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 20th day of March, 1951.

H. B. 383

CHAPTER 271


The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court of Beaufort County shall receive a salary of three thousand nine hundred ($3,900.00) dollars per annum, payable in equal monthly installments, as compensation for his services as such county officer; that in addition to his salary as clerk, he shall receive the sum of three hundred ($300.00) dollars per annum, payable in equal monthly installments, as compensation for his services as Judge of the Juvenile Court of Beaufort County; that the Board of County Commissioners of Beaufort County shall determine the number and authorize said officer to employ suitable deputies and clerks, and shall provide for their reasonable compensation.
Sec. 2. That the Register of Deeds of Beaufort County shall receive a salary of three thousand nine hundred ($3,900.00) dollars per annum, payable in equal monthly installments, as compensation for his services as such county officer; that the Board of County Commissioners of Beaufort County shall determine the number and authorize said officer to employ suitable clerks, and shall provide for their reasonable compensation.

Sec. 3. That the Register of Deeds of Beaufort County is hereby authorized to employ one deputy, whose salary shall be fixed and provided for by the Board of County Commissioners of Beaufort County.

Sec. 4. That the Sheriff of Beaufort County shall receive a salary of three thousand nine hundred ($3,900.00) dollars per annum, payable in equal monthly installments, as compensation for his services as such county officer; that the Board of County Commissioners of Beaufort County shall determine the number and authorize said officer to employ suitable deputies, and shall provide for their reasonable compensation.

Sec. 5. That the members of the Board of Education of Beaufort County shall each receive ten ($10.00) dollars per diem while attending meetings of said board of education in the discharge of their official duties.

Sec. 6. That the Board of County Commissioners of Beaufort County may, in its discretion, and from time to time, increase the salaries fixed by Sections 1, 2 and 4 of this Act to an amount not exceeding ten (10%) per cent of the amounts fixed by said Sections; that the Board of County Commissioners of Beaufort County may, likewise, in its discretion, and from time to time, decrease the salaries fixed by Sections 1, 2 and 4 of this Act to an amount not less than ninety (90%) per cent of the amounts fixed by said Sections.

Sec. 7. That any salaries or compensation heretofore paid said county officers, not in excess of the amounts authorized by this Act, are hereby validated and approved.

Sec. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. 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 20th day of March, 1951.

H. B. 388  CHAPTER 272

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF THE CITY OF NEW BERN, CRAVEN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the City of New Bern is established as a sanctuary for the preservation and protection of birds.

Sec. 2. It shall be unlawful for any person to trap, hunt, or shoot any birds or wilfully to molest any birds' nests, birds' eggs or any kind of bird life within the territorial limits of the City of New Bern. Any person
violating any of the provisions of this Act shall be guilty of a misdemeanor punishable by a fine not exceeding fifty dollars ($50.00), or imprisonment not exceeding 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 408 CHAPTER 273

AN ACT TO AMEND CHAPTER 629, SESSION LAWS OF 1949, EXTENDING THE PLANNING AND ZONING POWERS OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 629 of the Session Laws of 1949 is hereby amended by substituting for the words “for a distance of one mile of and beyond such corporate boundaries in all directions” in lines 21 and 22 of said Section the words “for a distance of not more than four (4) miles of and beyond such corporate boundaries in all directions, but not beyond the boundaries of Orange County or within the corporate limits of the Town of Carrboro.”

Sec. 2. That three new Sections are hereby added to said Chapter as follows:

“Section 1 ¼. In order to exercise the powers granted in the preceding Section, the Governing Body of the Town of Chapel Hill shall create a Zoning Commission Enlarged of the Town of Chapel Hill. This commission shall have authority to exercise the powers, duties, and functions of a zoning or planning commission with respect to ordinances, regulations, maps and plans only in so far as they are applicable, or proposed to be applicable, to the said territory outside and beyond the corporate limits of the Town of Chapel Hill, as defined in this Act. This commission shall be composed of all members of the Town Planning Board of the Town of Chapel Hill, as now or hereafter constituted according to statute, and three (3) additional members who shall be appointed by the Orange County Board of Commissioners. Each such additional member shall be a citizen and resident of said territory beyond and surrounding the corporate limits of the Town of Chapel Hill, as defined by this Act. The additional members shall be appointed for terms beginning within thirty (30) days after the ratification of Act, one for a term of one year, one for a term of two years, and one for a term of three years, and until their respective successors shall have been appointed and qualified; thereafter the appointment of such additional members shall be for terms of three years, and until their respective successors shall have been appointed and qualified. The chairman and the secretary of the Town Planning Board shall hold those offices, ex officio, on the Zoning Commission Enlarged. The laws, ordinances, rules and regulations applicable to the members of the Town Planning Board of the
Town of Chapel Hill shall be applicable to the members of the Zoning Commission Enlarged of the Town of Chapel Hill. For all other purposes, except as herein specifically provided, the membership, powers, duties, and functions of the Town Planning Board of the Town of Chapel Hill shall be and remain as constituted by the Charter of the Town of Chapel Hill and by the General Statutes of North Carolina applicable thereto, and except as herein specifically provided, the powers, duties and functions of the Town Planning Board of the Town of Chapel Hill, as constituted by law, shall not be affected by the provisions of this Act.

“Section 1½. If a zoning ordinance is adopted for the territory beyond the corporate limits of Chapel Hill, as authorized by this Act, three (3) additional members of the Zoning Board of Adjustment of the Town of Chapel Hill, provided for by Section 160-178 of the General Statutes of 1943 as amended, shall be appointed by the Orange County Board of Commissioners. Each such additional member shall be a citizen and resident of said territory beyond and surrounding the corporate limits of the Town of Chapel Hill, as defined by this Act. The additional members shall be appointed for terms beginning within thirty (30) days after ratification of this Act, one for a term of one year, one for a term of two years, and one for a term of three years, and until their respective successors shall have been appointed and qualified; thereafter, the appointment of such additional members shall be for terms of three years and until their respective successors shall have been appointed and qualified. Such additional members shall exercise their powers and perform their duties as members of said Zoning Board of Adjustment only with respect to said territory beyond and surrounding the corporate limits of the Town of Chapel Hill, as defined by this Act.

“Section 1¾. The Building Inspector for the Town of Chapel Hill shall also be the building inspector of the area or areas zoned under the powers granted by Chapter 629 Session Laws of 1949 and Amendments to the Statute. Appeals from any decision by said building inspector shall be made in writing to the Board of Adjustment Enlarged.”

Sec. 3. That Section 2 of Chapter 629 of the Session Laws of 1949 is hereby amended by substituting for the words “for a distance of one mile beyond the same in all directions provided that it shall not extend to any area within the corporate limits of the Town of Carrboro” in lines 5, 6, and 7 of said Section the words “for a distance of four (4) miles beyond the same in all directions, but not including any area within the corporate limits of the Town of Carrboro or any area beyond the boundaries of Orange County.”

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

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 20th day of March, 1951.
H. B. 438  CHAPTER 274

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 128 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 128-23 of the General Statutes of North Carolina is hereby amended by adding thereto a new subsection to be designated as subsection (6) which shall read as follows:

“(6) Effective July 1, 1951, there shall be two classes of employers, to be designated Class A and Class B, respectively. Each employer whose date of participation occurs on or after July 1, 1951 shall be a Class A employer. Each other employer shall also be a Class A employer: Provided, however, that such employer may, by written notice filed with the board of trustees on or before June 30, 1951, elect to be a Class B employer.”

Sec. 2. Section 128-24 of the General Statutes of North Carolina, as the same appears in the Cumulative Supplement of 1949, is hereby amended by adding thereto a new subsection to be designated as subsection (3) which shall read as follows:

“(3) Effective July 1, 1951, there shall be two classes of members, to be designated Class A and Class B, respectively. Each member who is an employee of a Class A employer shall be a Class A member, and each member who is an employee of a Class B employer shall be a Class B member.”

Sec. 3. Section 128-26 of the General Statutes of North Carolina, as the same appears in the Cumulative Supplement of 1949, is hereby amended by adding thereto a new subsection to be designated as subsection (6) which shall read as follows:

“(6) Effective July 1, 1951, there shall be two classes of prior service certificates, to be designated as Class A and Class B, respectively. Each such certificate issued on account of service rendered to a Class A employer shall be a Class A prior service certificate, and each such certificate issued on account of service rendered to a Class B employer shall be a Class B prior service certificate.”

Sec. 4. Paragraph (c) of subsection (2) of § 128-27 of the General Statutes of North Carolina, as the same appears in the Cumulative Supplement of 1949, is hereby amended by adding thereto the words “at the rate of five per centum (5%) of his compensation if such certificate is a Class A certificate, or at the rate of four per centum (4%) of his compensation if such certificate is a Class B certificate” after the word “thereunder”.

Sec. 5. Paragraph (b) of subsection (5) of § 128-27 of the General Statutes of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

“(b) Should a disability beneficiary under the age of 60 years be restored to active service at a compensation not less than his average final
compensation, his retirement allowance shall cease, he shall again become a member of the retirement system, and he shall contribute thereafter at the contribution rate in effect for a Class A or Class B member, whichever is applicable during his subsequent membership service. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his service as a member, but should he be restored to active service on or after the attainment of the age of 50 years his pension upon subsequent retirement shall not exceed the sum of the pension which he was receiving immediately prior to his last restoration after June 30, 1951, and the pension that he would have received on account of his service since such last restoration had he entered service at that time as a new entrant.

Sec. 6. Section 128-27 of the General Statutes of North Carolina is hereby amended by adding thereto a new subsection to be designated as subsection (8) which shall read as follows:

"(8) Until June 30, 1951, all benefits payable to or on account of any beneficiary retired before such date shall be computed on the basis of the provisions of Chapter 128 as they existed at the date of establishment of the retirement system. On and after July 1, 1951, all such benefits shall be adjusted to take into account, under such rules as the board of trustees may adopt, the provisions of Chapter 128 and all amendments thereto in effect on July 1, 1951, and no further contributions on account of such adjustments shall be required of such beneficiaries. The board of trustees may authorize such transfers of reserves between the funds of the retirement system as may be required on account of such adjustments."

Sec. 7. Paragraph (a) of subsection (1) of G. S. 128-30 is hereby amended by striking out the first sentence thereof and substituting the following sentences:

"(a) Prior to July 1, 1951, each participating employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum (4%) of his earnable compensation. On and after such date the rate so deducted shall be five per centum (5%) in the case of a Class A member, and four per centum (4%) in the case of a Class B member."

Sec. 8. Paragraph (a) of subsection (3) of G. S. 128-30, as the same appears in the Cumulative Supplement of 1949, is hereby amended by striking out the last sentence thereof and substituting the following sentences:

"Until the first valuation for any employer whose participation commenced prior to July 1, 1951, the normal contribution shall be three per cent (3%) for general employees and five per cent (5%) for firemen and policemen, and the accrued liability contribution shall be three per cent (3%) for general employees and six per cent (6%) for firemen and policemen. Until the first valuation for any employer whose participation commenced on or after July 1, 1951, the normal contribution shall be four per cent (4%) for general employees and six and two-thirds per cent (6 2/3%) for firemen and policemen, and the accrued liability contribution shall be
four per cent (4%) for general employees and eight per cent (8%) for firemen and policemen."

Sec. 9. Paragraph (d) of subsection (3) of G. S. 128-30, as the same appears in the Cumulative Supplement of 1949, is hereby amended by adding thereto a new last sentence which shall read as follows:

"The accrued liability contribution rate shall be increased on the basis of subsequent valuations if benefits are increased over those included in the valuation on the basis of which the original accrued liability contribution rate was determined."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 449  
CHAPTER 275  
AN ACT RELATING TO THE APPLICATION OF PROCEEDS OF PARKING METERS OF THE TOWN OF HERTFORD OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Net proceeds derived from the operation of parking meters of the Town of Hertford in Perquimans County shall be applied first to the purposes of limitation, regulation, and control of vehicular traffic and parking in the Town of Hertford, and to the expense incurred in the administration and enforcement of such control and regulations, and any surplus remaining after such application of proceeds from said parking meters shall be used exclusively in defraying expenses incurred by said town for the purposes of general law enforcement.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 466  
CHAPTER 276  
AN ACT REGULATING THE FEES IN CRIMINAL ACTIONS OF THE CLERK OF SUPERIOR COURT AND CLERK OF RECORDER'S COURT OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of Superior Court and the Clerk of Recorder's Court of Henderson County are hereby authorized and directed to tax in the bill of cost in each criminal action the sum of six dollars ($6.00) as clerks fees, in lieu of any and all fees now allowed by law as clerks fees. Upon collection of said fees the same shall be paid to the General Fund of Henderson County.
Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall apply to Henderson County only.

Sec. 4. 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 20th day of March, 1951.

H. B. 467 CHAPTER 277

AN ACT REGULATING THE FEES TO BE RECEIVED BY JUSTICES OF THE PEACE IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In all criminal cases where a justice of the peace has final jurisdiction, he shall charge and tax as part of the cost of a case the sum of seven dollars ($7.00) as his fee in said case; that said fee of seven dollars ($7.00) shall be in lieu of any and all other fees heretofore charged and collected by a justice of the peace as his fee in a criminal action where the said justice has final jurisdiction. In all cases where warrants are issued by a justice of the peace and the case is transferred to the recorder's court, the Superior Court, or any higher court for final adjudication, or determination, including appeals from a justice of the peace in criminal cases where he has final jurisdiction, the said justice of the peace shall receive the sum of seven dollars ($7.00) as his fee and the same shall be taxed as a part of the cost by the clerk of the recorder's court, the Superior Court, or other higher court; the said fee of seven dollars ($7.00) shall be paid to said justice of the peace by the county commissioners out of the general funds of the county as hereafter provided. The various justices of the peace shall file with the board of county commissioners a verified itemized statement of the cost due them on or before the first Monday in each month, which said itemized statement shall be approved by the Clerk of the Superior Court. Upon approval of the itemized statement by the Clerk of the Superior Court, it shall be the duty of the board of county commissioners to pay each justice of the peace the fees due him out of the general funds of the county. Upon collection by the clerk of the fees for the justice of the peace in the amount of seven dollars ($7.00) the same shall be paid to the general fund of Henderson County.

Sec. 2. In all civil cases there shall be paid as assessed cost to the justices of the peace, at the time of the institution of the action the sum of four dollars ($4.00) which shall include any or all of the following:

Issuing summons, subpoenas, granting continuance, order of removal, trial, whether by jury or justice of the peace, entering judgment, transcript of judgment, issuing execution, ............... expenses thereto.

For issuing claim and delivery or warrant of attachment the sum of one dollar ($1.00) additional.

The above fees to be paid to justice of the peace at the time of the institution of the action.

For making return on appeal the sum of one dollar ($1.00).
Sec. 3. The following which constitutes the fees in the matters indicated:
Performing marriage ceremonies in office ......................... 4.00
Acknowledgments or proof of same ................................  .25
Hearing petitions for widow's yearly allowance .............. 2.50
Issuing notices to commissioners, allotting the same and mak-
ing returns ................................................................. 2.00
Taking deposition for each copy sheets for 100 words ...... .25
Garnisheeing for taxes .................................................... .50
Filing and docketing labor's lien ....................................... 1.00
Sec. 4. This Act shall apply to Henderson County only.
Sec. 5. That all laws and clauses of laws in conflict with the provisions
of this Act are hereby repealed.
In the General Assembly read three times and ratified, this the 20th
day of March, 1951.

H. B. 471 CHAPTER 278

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL
HILL TO AUTHORIZE THE BOARD OF ALDERMEN TO APPOINT
AN ASSISTANT TAX COLLECTOR.

The General Assembly of North Carolina do enact:
Section 1. Due to the large increase in taxable property, the Board of
Aldermen of the Town of Chapel Hill is hereby authorized to appoint
an assistant tax collector, who shall be paid a salary for his services to be
fixed by the board of aldermen.
Sec. 2. The assistant tax collector shall post a bond in the amount of
one thousand dollars ($1,000.00) conditioned on the faithful performance
of his duty and accounting for all funds coming into his hands by virtue
of his office. The premium on said bond shall be paid by the board of
aldermen out of the general fund of said town.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby
repealed.
Sec. 4. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 20th
day of March, 1951.

H. B. 473 CHAPTER 279

AN ACT TO AMEND G. S. 42-27, RELATING TO CONTRACTS BE-
TWEEN LANDLORD AND TENANT, SO AS TO MAKE THE SAME
APPLICABLE TO WARREN COUNTY.

The General Assembly of North Carolina do enact:
Section 1. G. S. 42-27 is hereby amended by inserting the word, “War-
ren” in line 18 immediately following the word “Wake”.
Sec. 2. All laws and clauses of laws in conflict with this Act are
hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 529  CHAPTER 280
AN ACT TO ENABLE THE REGISTER OF DEEDS OF GUILFORD COUNTY TO DESTROY, AFTER THREE YEARS, DOCTORS HEALTH CERTIFICATES, BLOOD REPORTS AND WRITTEN CONSENTS REQUIRED BEFORE THE ISSUE OF MARRIAGE LICENSES.

The General Assembly of North Carolina do enact:
Section 1. That the Register of Deeds of Guilford County shall for a period of three years from and after the issue of any marriage license, preserve in his office, the doctor's health certificate, the blood report, and written consent, if any, required by law for the issuing of such license.

Sec. 2. That at the end of the three year period prescribed in the preceding Section, the Register of Deeds of Guilford County shall be at liberty to destroy said health certificate, blood report and written consents; provided that if during said three year period a suit is instituted against the register of deeds of said county for the alleged illegal issuing of any marriage license, and notice of said suit is given to the register of deeds of said county, the health certificate, blood reports and consents issued in connection with the issuing of said marriage license shall not be destroyed until said suit has been finally determined.

Sec. 3. That this Act shall apply only to Guilford County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 20th day of March, 1951.

H. B. 543  CHAPTER 281
AN ACT TO AMEND G. S. 160-25, RELATING TO THE QUALIFICATION OF CERTAIN MUNICIPAL OFFICERS IN THE TOWN OF SPRING HOPE IN NASH COUNTY.

The General Assembly of North Carolina do enact:
Section 1. G. S. 160-25 is amended by adding at the end thereof a new paragraph to read as follows:
"In the Town of Spring Hope, in Nash County, the provisions of this Section shall apply only to the mayor and the members of the board of town commissioners."

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 20th day of March, 1951.

S. B. 183

CHAPTER 282

AN ACT TO AMEND G. S. 58-254.4, RELATING TO GROUP ACCIDENT AND HEALTH INSURANCE POLICIES.

The General Assembly of North Carolina do enact:

Section 1. Subsections 2, 3, 4, 5, 6, and 7 of G. S. 58-254.4, as they appear in the 1949 Cumulative Supplement to the General Statutes, are stricken out and the following subsections substituted in lieu thereof:

“2. No policy or contract of group accident, group health or group accident and health insurance shall be delivered or issued for delivery in this State unless the group of persons thereby insured conforms to the requirements of the following paragraph:

"Under a policy issued to an employer, principal, or to the trustee of a fund established by an employer or two or more employers in the same industry or kind of business, or by a principal or two or more principals in the same industry or kind of business, which employer, principal, or trustee shall be deemed the policyholder, covering not less than 25 employees of such employer or not less than 25 agents of such principal, and covering, except as hereinafter provided, only employees, or agents, of any class or classes thereof determined by conditions pertaining to employment, or agency, for amounts of insurance based upon some plan which will preclude individual selection. The premium may be paid by the employer, by the employer and the employees jointly, or by the employees; and where the relationship of principal and agent exists, the premium may be paid by the principal, by the principal and agents, jointly, or by the agents. If the premium is paid by the employer and the employees jointly, or by the principal and agents jointly, or by the employees, or by the agents, the group shall comprise not less than seventy-five per cent (75%) of all persons eligible of any class or classes of employees, or agents, determined by conditions pertaining to the employment or agency.

“3. The term “employees” as used in this Section shall be deemed to include, for the purposes of insurance hereunder, employees of a single employer, the officers, managers, and employees of the employer and of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners, and employees of individuals and firms of which the business is controlled by the insured employer through stock ownership, contract or otherwise. The term “employer” as used herein may be deemed to include any municipal corporation or the proper officers, as such, of any unincorporated municipality, or any department of such corporation or municipality determined by conditions pertaining to the employment.

“4. The term “agents” as used in this Section shall be deemed to include, for the purposes of insurance hereunder, agents of a single princi-
The employee insurer is to be paid for his services, and there is no designated beneficiary as to all or any part of the insurance at the death of the employee or agent, then the amount of insurance payable for which there is no designated beneficiary shall be payable to the estate of the employee or agent, except that the insurer may in such case, at its option, pay such insurance to any one or more of the following surviving relatives of the employee or agent: Wife, husband, mother, father, child, or children, brothers or sisters; and except that payment of benefits for expenses incurred on account of hospitalization or medical or surgical aid, as provided in subsection 6, may be made by the insurer to the hospital or other person or persons furnishing such aid. Payment so made shall discharge the insurer's obligation with respect to the amount of insurance so paid.

Any policy or contract of group accident, group health or group accident and health insurance may include provisions for the payment by the insurer of benefits to the employee or agent of the insured group, on account of hospitalization or medical or surgical aid for himself, his spouse, his child or children, or other persons chiefly dependent upon him for support and maintenance.

Any policy or contract of group accident, group health or group accident and health insurance may provide for readjustment of the rate of premium based on the experience thereunder at the end of the first year, or of any subsequent year of insurance thereunder, and such readjustment may be made retroactive only for such policy year. Any refund under any plan for readjustment of the rate of premium based on the experience under group policies and any dividend paid under such policies may be used to reduce the employer's or principal's contribution to group insurance for the employees of the employer, or the agents of the principal, and the excess over such contribution by the employer, or principal, shall be applied by the employer, or principal, for the sole benefit of the employees or agents.

Nothing contained in this Section shall be deemed applicable to any contract issued by any corporation defined in Chapter 57 of the General Statutes of North Carolina.

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 20th day of March, 1951.
S. B. 152  CHAPTER 283

AN ACT RELATING TO INSURABLE INTEREST IN THE PHYSICAL ABILITY AND LIVES OF AGENTS, EMPLOYEES, AND PARTNERS.

The General Assembly of North Carolina do enact:

Section 1. Employer and Employee, Principal and Agent. An employer, whether a partnership, joint venture, business trust, mutual association, corporation, any other form of business organization, or one or more individuals, has an insurable interest in and the right to insure the physical ability or the life, or both the physical ability and the life, of an employee for the benefit of such employer. Any principal shall have a like insurable interest in and the right to insure the physical ability or the life, or both the physical ability and the life, of an agent for the benefit of such principal.

Sec. 2. Partnership and Partners. Any partner has an insurable interest in and the right to insure the physical ability or the life, or both the physical ability and the life, of any other partner or partners who are members of the same partnership for his benefit, either alone or jointly with another partner or partners of the same partnership. A partnership has a like insurable interest in and the right to insure the physical ability or the life, or both the physical ability and the life, of one or more partners of the partnership.

Sec. 2 1/2. A trustee under a written document providing for a pension plan for payments of money or delivery of other benefits to be made to persons eligible to receive them under the terms and provisions of such written document, shall be deemed to have and is hereby declared to have an insurable interest in the lives of any person or persons covered by the pension plan, to the extent that contracts or policies of insurance are in conformity with and in furtherance of the purposes of the pension plan.

Sec. 3. Construction. This Act shall not be construed to limit or abridge any insurable interest or right to insure now existing at common law or by statute, and shall be construed liberally to sustain insurable interest, whether as a declaration of existing law or as an extension of or addition to existing law.

Sec. 4. Effective Date. This Act shall take effect upon ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

S. B. 155  CHAPTER 284

AN ACT RELATING TO THE INVESTMENT BY LIFE INSURANCE COMPANIES IN LEASE-BACK REAL ESTATE TRANSACTIONS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 58-79, paragraph (5) (A) c. by striking out the word "four" after the word "exceed" and before the words "per cent" and substituting in lieu thereof the word "six".

Sec. 2. This Act shall be in force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 20th day of March, 1951.

S. B. 162  

CHAPTER 285

AN ACT TO PROVIDE FOR THE TRANSPORTATION OF THE HOUSEHOLD GOODS OF PATROLMEN TRANSFERRED FOR THE CONVENIENCE OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-192 of the General Statutes by adding at the end of said Section the following:

"Whenever a member of the State Highway Patrol is transferred from one point to another for the convenience of the State or otherwise than upon the request of the patrolman, the department shall be responsible for transporting the household goods, furniture and personal apparel of the patrolman and members of his household."

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 20th day of March, 1951.

S. B. 167  

CHAPTER 286

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN CRIMINAL ACTIONS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees in criminal actions in courts of Justices of the Peace in Franklin County shall be as follows:

Affidavit ....................................................... $ .50
Warrant (each defendant) .................................. 1.50
Commitment ................................................... 1.00
Subpoena (each) ........................................... .25
Recognizance ................................................... .50
Judgment contested ...................................... 3.00
Judgment not contested ................................... 2.00
Contested Judgment in jury trial .................. 5.00
Continuance .................................................. .50
Order of Removal .......................................... .50
Bond or undertaking ..................................... 1.00
Capias and order ........................................... 1.00

Provided that in Franklin County when the defendant is bound over to a court of competent jurisdiction by a justice of the peace and thereafter said defendant is convicted and serves a sentence of imprisonment, the county shall pay to the justice of the peace one-half of the above fees where the same are entered in the bill of costs;
Provided further that in such cases where the defendant is acquitted, a Nolle Prosequi is entered, judgment is arrested, or the defendant convicted and no costs are assessed against said defendant, the county shall pay to the justice of the peace only one-fourth of the above fees where the same are entered in the bill of costs.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

S. B. 187

CHAPTER 287

AN ACT RELATING TO THE DISTRIBUTION OF SUPREME COURT REPORTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 is hereby amended by striking out the figure “7” in the column headed “Supreme Court Reports” opposite the words “Wake Forest College” and insert in lieu thereof the figure “25”, it being the intent and purpose of this Act to increase to 25 the number of copies of the Supreme Court Reports hereafter distributed to Wake Forest College.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

S. B. 203

CHAPTER 288

AN ACT TO EXTEND THE AUTHORITY OF THE POLICE OFFICERS OF THE TOWN OF CLINTON FOR A DISTANCE OF TWO MILES BEYOND THE TOWN LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That the police officers of the Town of Clinton shall have the same power and authority to make arrests and execute criminal process within all the area lying within two miles from the present corporate limits of the Town of Clinton, as they now have within the town limits.

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

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

In the General Assembly read three times and ratified, this the 20th day of March, 1951.
S. B. 275   CHAPTER 289
AN ACT TO PROVIDE A SCHEDULE OF DISCOUNTS ON PROPERTY TAXES FOR THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. In lieu of the schedules of discounts provided for in paragraph six of G. S. 105-345 on property taxes levied by the City of Concord, North Carolina, any taxpayer desiring to make a payment on his taxes between August first and November first, of any year may do so by making payment to the city clerk and treasurer, or such other officer as the governing body may determine, and he shall be entitled to the following discounts:

If paid on or before August first, a deduction of two per cent (2%); if paid during the month of August, a deduction of one and one-half per cent (1½%); if paid during the month of September, a deduction of one per cent (1%); and if paid during the month of October, a deduction of one-half per cent (½%).

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 20th day of March, 1951.

S. B. 356   CHAPTER 290
AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The hereinafter named persons are hereby appointed members of the County Board of Education of Iredell County, each for a term of four years: F. Tate Loftin, Maury Gaston, W. B. Harris, Jr., Halbert Crowson and Frank King.

Sec. 2. The members so appointed shall qualify by taking the oath of office on or before the first Monday in April, 1951, and shall hold office until the first Monday in April, 1955, and until their successors are elected and qualified, and shall constitute the Board of Education of Iredell County.

Sec. 3. The per diem and mileage of the members of said board shall be borne out of the State School Fund.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 20th day of March, 1951.
H. B. 31  

CHAPTER 291  

AN ACT AUTHORIZING THE ESTABLISHMENT OF A CITY LIQUOR CONTROL SYSTEM IN THE CITY OF WINSTON-SALEM UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That the Governing Body of the City of Winston-Salem may on its own motion, and shall upon a petition to said governing body signed by at least ten per cent (10%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a city liquor control system may be operated in the City of Winston-Salem and if a majority of the votes cast in such election shall be for the operation of such a system, it shall be legal for liquor control stores to be set up and operated in said city, but if a majority of the votes cast in said election shall be against the operation of a city liquor control system, no such stores shall be set up or operated in said city under the provisions of this Act.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least 20 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Liquor Control Stores", "Against City Liquor Control Stores". Those favoring setting up and operating liquor stores in the City of Winston-Salem shall mark in the voting square to the left of the words "For City Liquor Control Stores" printed on the ballot, and those opposed to a city liquor control store shall mark in the voting square to the left of the words "Against City Liquor Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to elections for members of the General Assembly. Absentee ballots may be used in the same manner and respect and under the same conditions as such ballots may be used in general elections for the election of State officers.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores", the city liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said stores and shall thereafter cease to operate the same, and within said three months the governing body shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said governing body and convert the same into cash and turn the

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same over to the city treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said City of Winston-Salem in force and effect prior to the authorization to operate city liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Stores". No election shall be called and held in the City of Winston-Salem under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Governing Board of the City of Winston-Salem to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or City of Winston-Salem general election or primary election, or within thirty (30) days of any such election.

Sec. 4. If the operation of a city liquor control system is authorized under the provisions of this Act, the Mayor and Governing Body of the City of Winston-Salem shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Winston-Salem Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the city. The mayor and the governing body shall fix the salary or other compensation to be received by the chairman and other members of the City of Winston-Salem Board of Alcoholic Control and shall require them to furnish such bonds as in their opinion may be advisable.

Sec. 5. The said City of Winston-Salem Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said City of Winston-Salem Board of Alcoholic Control and the operation of any city liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include City of Winston-Salem Board of Alcoholic Control.

Sec. 6. The net proceeds derived from the operation of liquor control stores in the City of Winston-Salem shall be divided as follows:
Twenty-five per cent (25%) shall be paid into the General Fund of Forsyth County; the remaining seventy-five per cent (75%) shall be paid into the General Fund of the City of Winston-Salem but thirty-three and one-third (33-1/3%) of the seventy-five per cent (75%) paid to the General Fund of the City of Winston-Salem shall be pledged to and used only to meet the bond debt service of said city.

Sec. 7. That the Governing Body of the City of Winston-Salem may in its discretion authorize the establishment and operation of additional stores within the corporate municipalities, if in its discretion the necessity therefor exists.

Sec. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. 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 20th day of March, 1951.

H. B. 97

CHAPTER 292

AN ACT TO AMEND G. S. 45-37 SO AS TO MAKE THE PROVISIONS OF PARAGRAPH 5 RELATING TO MORTGAGES AND DEEDS OF TRUST APPLICABLE TO CASES WHERE CREDIT HAS BEEN EXTENDED OR A PURCHASE MADE DURING THE FIFTEEN-YEAR PERIOD THEREIN PRESCRIBED.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 5 of G. S. 45-37 is hereby amended by adding immediately following the word “thereby” at the end of line 11 of said paragraph 5 the following words “irrespective of whether the credit was extended or the purchase was made before or after the expiration of said fifteen years.”

Sec. 2. That from and after July 1, 1952, paragraph 5 of G. S. 45-37 as amended by this Act shall be applicable to all instruments executed prior to the effective date of this Act, and any person affected by this Act shall have until July 1, 1952 to file with the register of deeds the affidavit referred to in paragraph 5 of G. S. 45-37, or to make the entry on the margin of the record as therein provided.

Sec. 3. That this Act shall not affect pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.
H. B. 241  

CHAPTER 293

AN ACT TO REQUIRE SIGNAL DEVICES ON AUTOMOBILES EQUIPPED WITH STEERING WHEELS ON THE RIGHT-HAND SIDE.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-154 of the General Statutes (1949 Cumulative Supplement) by adding at the end thereof a new subsection to read as follows:

“(c) No person shall operate over the highways of this State a right-hand drive motor vehicle or a motor vehicle equipped with the steering mechanism on the right-hand side thereof unless said motor vehicle is equipped with mechanical or electrical signal devices by which the signals for left turns and right turns may be given. Such mechanical or electrical devices shall be approved by the department.”

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 20th day of March, 1951.

H. B. 248  

CHAPTER 294

AN ACT RELATING TO THE REPAIR, RESTORATION, AND BINDING OF PUBLIC RECORDS.

The General Assembly of North Carolina do enact:

Section 1. General Statutes, Section 132-7 is hereby amended by inserting the following in line 10 of Section 7 between the third and the fourth sentences:

“That whenever any State, county, or municipal records are in need of repair, restoration, or rebinding, the head of such State agency, department, board, or commission, the board of county commissioners of such county, or the governing body of such municipality may authorize that the records in need of repair, restoration, or rebinding be removed from the building or office in which such records are ordinarily kept, for the length of time required to repair, restore, or rebind them.”

Sec. 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies only.

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 20th day of March, 1951.
H. B. 270 CHAPTER 295
AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF ROCKINGHAM, IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Rockingham, in Richmond County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 271 CHAPTER 296
AN ACT TO MAKE A HUSBAND OR WIFE A COMPETENT WITNESS AGAINST THE OTHER TO PROVE THE FACT OF MARRIAGE IN BIGAMOUS COHABITATION CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-57 is hereby amended by adding immediately following the word "bigamy" in line 15 the words "or to prove the fact of marriage in case of criminal cohabitation in violation of the provisions of G. S. 14-183."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 310 CHAPTER 297
AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Randolph County is authorized, in its discretion, to postpone until the year 1952 or 1953 the quadrennial revaluation and reassessment of real property as required by G. S. 105-278.
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 20th day of March, 1951.

H. B. 349

CHAPTER 298

AN ACT RELATING TO THE ALLOWANCE FOR CLERICAL ASSISTANCE, FEES AND MILEAGE ALLOWANCES OF CERTAIN OFFICIALS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Yadkin County is hereby authorized to pay out of the general fund of the county to the register of deeds, the Clerk of the Superior Court, the sheriff and the county accountant such sum annually, in its discretion, as it deems just and adequate for the purpose of securing necessary clerical assistance in their offices which may, in the case of the Clerk of the Superior Court, include compensation for a deputy clerk.

Sec. 2. Whenever and wherever any statute provides for a mileage allowance for members of the board of county commissioners or the sheriff, the board of county commissioners is authorized to fix the rate of the mileage compensation at any amount, in its discretion, not exceeding the amount allowed State employees pursuant to the biennial Appropriation Act. Any increase made in such allowance may, in the discretion of the board of county commissioners, be made retroactive to January 1, 1951.

Sec. 3. G. S. 153-180 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"In Yadkin County the board of county commissioners is authorized to fix such jailer’s fees at any sum it may see fit, not to exceed one dollar ($1.00) per day for each prisoner."

Sec. 4. This Act applies only to Yadkin County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 405

CHAPTER 299

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF HAMLET, IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the town of Hamlet, in Richmond County, shall be a bird sanctuary.
Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 407

CHAPTER 300

AN ACT TO AUTHORIZE COUNTIES TO RECONVEY TAX FORECLOSED PROPERTY TO THE FORMER OWNERS OR OTHER INTERESTED PARTIES UPON PAYMENT OF ALL TAXES DUE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (v) of Section 105-391 of the General Statutes is hereby amended by inserting between the word "city" and the word "may" in line seven the words "or county".

Sec. 2. The action of county boards of commissioners in heretofore reconveying tax foreclosed property by private sale to the former owners or other interested parties for amounts not less than such counties' interest therein is hereby ratified, confirmed and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 20th day of March, 1951.

H. B. 409

CHAPTER 301

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWN OF CHAPEL HILL IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the Town of Chapel Hill in Orange County is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap, or otherwise take any bird within the corporate limits of the Town of Chapel Hill except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows, Starlings, Pigeons, and domesticated fowls. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 411

CHAPTER 302

AN ACT FIXING THE SALARY OF THE SHERIFF OF ALLEGHANY COUNTY AND RELATING TO CERTAIN FEES IN THE SHERIFF'S OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Alleghany County shall receive an annual salary of two thousand four hundred dollars ($2,400.00) to be paid out of the general fund of the county, in equal monthly installments, the first such monthly payment to be made on April 30, 1951, for the month of April 1951.

Sec. 2. The Sheriff of Alleghany County shall receive as compensation, in addition to the salary provided in Section 1 of this Act, all such legal fees as heretofore allowed the office of sheriff under existing laws: Provided, that in lieu of fees heretofore allowed by law in the following particular instances, the Sheriff of Alleghany County shall collect and retain as part of his compensation fees in the following specific instances according to a schedule as follows:

For each arrest .................................................. $2.00
Serving civil summons in the Superior Court ...................... 2.00
Serving summons in the courts of justice of the peace ...... 1.00
Serving subpoena .................................................. .50

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 435

CHAPTER 303

AN ACT TO FIX THE FEE IN CASWELL COUNTY FOR ARREST IN FELONY CASES.

The General Assembly of North Carolina do enact:

Section 1. The officer's fee for making an arrest in any felony case in Caswell County is hereby fixed at five dollars ($5.00).

Sec. 2. This Act does not apply to any arrest made prior to the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.
H. B. 439

CHAPTER 304

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after March 1, 1951, the Clerk of the Superior Court of Watauga County shall receive as compensation for the performance of his official duties, including his duties as judge of the juvenile court, the sum of two hundred dollars ($200.00) per month, and in addition, said clerk shall receive all official fees and commissions now fixed by law for the performance of his duties. The compensation fixed by this Act for said clerk shall be effective as of the 1st day of March, 1951.

Sec. 2. From and after January 1, 1951, the Register of Deeds of Watauga County shall receive as compensation the sum of one hundred and fifty dollars ($150.00) per month for the performance of all of his official duties, including the duty of acting as clerk to the board of county commissioners, and in addition thereto, such register of deeds shall receive all official fees and commissions now fixed by law for the performance of the duties of his said office. The compensation herein fixed by this Act shall be effective as of, and retroactive to, the 1st day of January, 1951.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 20th day of March, 1951.

H. B. 444

CHAPTER 305

AN ACT TO AMEND CHAPTER 192 OF THE SESSION LAWS OF 1947, RELATING TO THE OPERATION OF MOTOR VEHICLES IN CERTAIN BEACH AREAS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 192 of the Session Laws of 1947 is hereby amended by adding at the end of Section 1 thereof the following paragraph:

"The provisions of this Chapter shall also apply to that portion of the beach area beginning at a point in the low tidewater line on the ocean front directly East of the southeast corner of the Roanoke Sound Bridge and running thence in a southeasterly direction with the low tidewater line a distance of eight miles to a point on the low tidewater line, thence in a line directly West to a point where said line intersects the eastern boundary line of the proposed extension of the highway leading in a southerly direction toward Oregon Inlet, thence in a northerly direction along the eastern boundary line of said highway to a point therein directly West of the point of beginning, thence in a direct easterly line to the point of beginning."

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 474

CHAPTER 306

AN ACT TO AMEND G. S. 105-422, RELATING TO THE BARRING OF TAX LIENS, SO AS TO MAKE THE SAME APPLICABLE TO WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as the same appears in the 1949 Supplement to the General Statutes, is hereby amended by striking out the word, "Warren" in next to the last line.

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 485

CHAPTER 307

AN ACT TO AMEND CHAPTER 381 SESSION LAWS OF 1949 RELATING TO REVALUATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 381 of Session Laws of 1949 is hereby amended as follows: That the fifth line of said Section is amended by striking out "and" between the figure "1950" and "1951", and inserting a comma in the place of "and"; and by inserting "and 1952" between "1951" and the semicolon.

Sec. 2. Chapter 381 of the Session Laws of 1949 is hereby amended by inserting a new Section 2 to be known as Section 1½ which shall read as follows: "The board of county commissioners at the request of the tax supervisor of the county, may in its discretion, employ one or more persons, firms or corporations having expert knowledge of the values of real and personal property, methods of assessment, and of the subject of taxation, to assist it, the tax supervisor, the assessors, and the board of equalization and review by furnishing them approved methods of assessment and their estimate of the values of a portion or of all the real and personal property in Guilford County, and other information and service in connection with revaluation and said commissioners shall pay the said persons, firms, or corporations for their services such compensation as to them seems proper.

Sec. 3. Section 2 of Chapter 381 of the Session Laws of 1949 is hereby amended by striking the word "three" from line six of said Section and substituting the word "five" in its place and by placing the words "at least two of" between the words "and" and "the" in the tenth line of said Section.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 491

CHAPTER 308

AN ACT RELATING TO THE DISPOSAL OF CONFISCATED MALT BEVERAGES IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All beer, ale, or other alcoholic malt beverages legally seized, and confiscated by order of any court in Burke County shall, within ten days after the date of said order, be turned over to the Board of County Commissioners of Burke County, and the board shall, within 90 days after the receipt thereof, dispose of such beverages by sale at market price to some legally authorized retail or wholesale dealer in such beverages, the net proceeds of such sale to be credited to and placed in the school fund of Burke County.

Sec. 2. As an alternative to the sale authorized in this Act the Board of County Commissioners of Burke County may in its discretion cause such confiscated malt beverages to be destroyed.

Sec. 3. This Act shall apply only to Burke County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 493

CHAPTER 309

AN ACT TO AMEND SECTION 20-166 OF THE GENERAL STATUTES TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO FURNISH ACCIDENT REPORTS TO THE UNITED STATES VETERANS COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-166 of the General Statutes by striking out the period at the end of subsection (e), inserting a comma in lieu thereof and by adding thereto the following:

"Provided, further, that notwithstanding the foregoing provisions of this subsection, the department is hereby authorized to furnish, without charge, to the United States Veterans Administration or any of its agents, or to the State Veterans Commission or any of its agents, or to local veterans commissions or any of their agents, certified copies of accident reports made by State, county or city police officers."

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 July 1, 1951.
In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 499  
CHAPTER 310
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO TRANSFER CERTAIN DELINQUENT TAX COLLECTIONS TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:
Section 1. The Board of Commissioners of Alamance County is hereby authorized and empowered, in its discretion, to pay into the general fund all proceeds of delinquent taxes due said county, which have been due and payable for two years or more on the date of collection, together with all the interest, penalties and costs due upon such delinquent taxes. Taxes shall be deemed to be due on the first Monday in October next following January 1 of the year when such taxes are listed.
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 20th day of March, 1951.

H. B. 516  
CHAPTER 311
AN ACT TO REPEAL CHAPTER 118 OF THE PUBLIC-LOCAL LAWS OF 1924 (EXTRA SESSION) WHICH ACT PROHIBITS THE ISSUANCE OF BONDS IN HERTFORD COUNTY EXCEPT BY A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:
Section 1. Chapter 118 of the Public-Local Laws of 1924 (Extra Session) is hereby repealed.
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 full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 521  
CHAPTER 312
AN ACT RELATING TO TURNKEY AND JAIL FEES IN POLK COUNTY.

The General Assembly of North Carolina do enact:
Section 1. There shall be taxed in the bill of costs in each criminal action coming before any court in Polk County, the sum of two dollars ($2.00) as a turnkey fee, which shall be taxed and collected as other items of costs in criminal cases, and credited to and deposited in the general county fund.
Sec. 2. The Board of County Commissioners of Polk County is hereby authorized to pay to the jailer of said county, a sum not in excess of two dollars ($2.00) per day for furnishing and attending each prisoner in the manner required by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. B. 536

CHAPTER 313

AN ACT AMENDING CHAPTER 313 OF THE SESSION LAWS OF 1945 IN RESPECT TO THE COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 313 of the Session Laws of 1945 is hereby amended by rewriting Section 1 thereof so as to read as follows:

"Section 1. As compensation for their services on the Board of County Commissioners of Camden County, the members thereof, with the exception of the chairman, shall receive the sum of seven dollars and fifty cents ($7.50) per diem for each day spent in the discharge of their official duties, and in addition thereto such members shall receive travel allowance at the rate of five cents (.05) per mile while traveling on official business of the board from their respective homes to the place of meeting of the board and return, said distance to be computed by the usual route of public travel.

The chairman of the board of county commissioners shall receive the sum of fifteen dollars ($15.00) per diem for each day spent in the discharge of his official duties, together with the mileage provided for other members of the board."

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

Sec. 3. This Act shall become effective upon ratification.

In the the General Assembly read three times and ratified, this the 20th day of March, 1951.

S. B. 24

CHAPTER 314

AN ACT TO PROHIBIT THE PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to practice arts of phrenology, palmistry, clairvoyance, fortune telling and other crafts of a similar kind in the counties named herein. Any person violating any pro-
vision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year or both such fine and imprisonment in the discretion of the court.

Sec. 2. This Act shall not prohibit the amateur practice of phrenology, palmistry, fortune telling or clairvoyance in connection with school or church socials, provided such socials are held in school or church buildings.

Sec. 2½. Provided that the provisions of this Act shall apply only to the counties of Ashe, Bertie, Camden, Carteret, Clay, Craven, Cumberland, Davidson, Duplin, Durham, Graham, Granville, Guilford, Halifax, Harnett, Haywood, Hertford, Lee, Madison, Martin, Northampton, Onslow, Polk, Richmond, Rockingham, Vance, Warren, Orange, Person, Wake, Scotland, Bladen, Hoke and Dare.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 57  

CHAPTER 315

AN ACT TO PRESCRIBE THE METHOD FOR COMPUTING DEGREES OF KINSHIP.

The General Assembly of North Carolina do enact:

Section 1. The General Statutes of North Carolina are hereby amended by adding a new Chapter immediately following Chapter 104, to be entitled "Degrees of Kinship", to be numbered Chapter 104A, and to contain one Section to read as follows:

"Section 104A-1. Degrees of kinship; how computed. In all cases where degrees of kinship are to be computed, and the method is not otherwise provided by statute, the same shall be computed in accordance with the civil law rule, as follows:

(1) The degree of lineal kinship of two persons is computed by counting one degree for each person in the line of ascent or descent, exclusive of the person from whom the computing begins; and

(2) The degree of collateral kinship of two persons is computed by commencing with one of the persons and ascending from him to a common ancestor, descending from that ancestor to the other person, and counting one degree for each person in the line of ascent and in the line of descent, exclusive of the person from whom the computation begins, the total to represent the degree of such kinship."

Sec. 2. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.
AN ACT TO ASSENT TO THE PROVISIONS OF THE ACT OF CONGRESS WHICH PROVIDES THAT THE STATE OF NORTH CAROLINA SHALL RECEIVE AID IN FISH RESTORATION AND MANAGEMENT PROJECTS FROM THE UNITED STATES GOVERNMENT.

WHEREAS, the Congress of the United States has established a tax upon sports-fishing equipment under the provisions of Section 3406 of the Internal Revenue Code, which tax will be paid by fishermen buying sports-fishing equipment in this State; and

WHEREAS, Public Law 681, 81st Congress, provides for the apportionment of the revenue derived from this tax among the various states, and establishes as a prerequisite that the participating states must have assented to the provisions of Public Law 681, 81st Congress; and

WHEREAS, the assenting to the provisions of this Public Law 681, 81st Congress, by the State of North Carolina will not effect any major change of policy in fish restoration and management practices in this State; and

WHEREAS, it is desired that North Carolina shall benefit from the Federal funds to be made available to this State upon its assenting to the provisions of Public Law 681, 81st Congress: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Assent is hereby given to the provisions of the Act of Congress entitled "An Act to Provide that the United States shall aid the States in Fish Restoration and Management Projects, and for other Purposes," approved August 9, 1950 (Public Law 681, 81st Congress), and the Wildlife Resources Commission is hereby authorized, empowered, and directed to perform such Acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said Act of Congress, in compliance with said Act and rules and regulations promulgated by the Secretary of the Interior thereunder; and no funds accruing to the State of North Carolina from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Wildlife Resources Commission and for the protection, propagation, preservation, and investigation of fish and game.

Sec. 2. Nothing in this Act shall be construed to prohibit the exercise of any of the powers granted to the Wildlife Resources Commission under the provisions of Chapter 263 of the Session Laws of 1947.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.
CHAPTER 317
AN ACT TO PROVIDE A UNIFORM RECIPROCAL PROCEDURE FOR INTERSTATE ENFORCEMENT OF SUPPORT FOR DEPENDENTS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created an additional Chapter in the General Statutes of North Carolina to be designated as Chapter 52A and which shall read as follows:

"CHAPTER 52A UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

"52-26. Short Title.—This Act may be cited as the Uniform Reciprocal Enforcement of Support Act.

"52-27. Purposes.—The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

"52-28. Definitions.—As used in this Act unless the context requires otherwise.

(1) 'State' includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) 'Initiating state' means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) 'Responding state' means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) 'Court' means the Superior Court of this State and, when the context requires, means the court as defined in a substantially similar reciprocal law of any other state.

(5) 'Law' includes both common and statute law.

(6) 'Duty of support' includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) 'Obligor' means any person owing a duty of support.

(8) 'Obligee' means any person to whom a duty of support is owed.

"52-29. Remedies Additional to Those Now Existing—The remedies herein provided are in addition to and not in substitution for any other remedies.

"52-30. Extent of Duties of Support.—The duty of support imposed by the laws of this State or by the laws of the state where the obligee was present when the failure to support commenced as provided in G. S. 52-33 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

"52-31. Interstate Rendition.—The Governor of this State (1) may demand from the governor of any other state the surrender of any person found in such other state who is charged in this State with the crime of failing to provide for the support of any person in this State and (2) may surrender on demand by the governor of any other state any person found
in this State who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this Section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state.

"52-32. Relief from the Above Provisions.—Any obligor contemplated by G. S. 52-31, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this State during the period of such compliance.

"52-33. What Duties are Enforceable.—Duties of support enforceable under this law are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

"52-34. How Duties of Support are Enforced.—All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the Superior Court.

"52-35. Contents of Complaint for Support.—Actions hereunder shall be commenced by the issuance of summons in the form required for actions for alimony without divorce. The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information.

"52-36. Duty of Court of This State as Initiating State.—If the court of this State acting as initiating state and from the return on the summons and the verified complaint finds that the defendant is not to be found in this State, that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support, and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause certified copies of the complaint, the certificate and an authenticated copy of this Act to be transmitted to the court of the responding state.

"52-37. Duty of the Court of This State as Responding State.—When the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the solicitor of the judicial district or an assistant appointed for such purpose, (3) set a time and a place for a hearing, and (4) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction. It shall be the duty of the solicitor of the judicial district or his assistant appointed for such purpose to appear on behalf of the responding state in all proceedings under this Act. The pro-
cedure under this Act shall be the same as in actions for alimony without divorce as provided by G. S. 50-16.

"52-38. Order of Support.—If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

"52-39. Responding State to Transmit Copies to Initiating State.—The court of this State when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

"52-40. Additional Powers of Court.—In addition to the foregoing powers, the court of this State when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular.

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

"52-41. Additional Duties of the Court of this State When Acting as a Responding State.—The court of this State when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

"52-42. Additional Duty of the Court of this State When Acting as an Initiating State.—The court of this State when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

"52-43. Evidence of Husband and Wife.—Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

"52-44. Rules of Evidence.—In any hearing under this law, the court shall be bound by the same rules of evidence that bind the Superior Court, "except as provided under the provisions of this Act."

Sec. 2. Severability.—If any provisions hereof or the application there-of to any person or circumstance is held invalid, such invalidity shall not
effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. Inconsistent Laws Repealed.—All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Sec. 4. Time of Taking Effect.—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 21st day of March, 1951.

S. B. 130

CHAPTER 318

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF DUNN TO SELL AND CONVEY THE DUNN MUNICIPAL BUILDING AND LOT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Dunn are hereby authorized to sell, lease, put up for auction, advertise for sale, or convey to any person, firm, corporation, or other agency the municipal building and lot located at 119-121 South Wilson Avenue within the corporate limits of the Town of Dunn.

Sec. 1½. Upon any bona fide offer being received for the purchase of said building and lot, the Commissioners of the Town of Dunn shall submit said offer to the qualified voters of the Town of Dunn at a special election to be called for that purpose, which said vote shall be approved by a majority of said voters before a deed may be executed by said board of commissioners.

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 21st day of March, 1951.

S. B. 171

CHAPTER 319

AN ACT TO AMEND THE LAW RELATING TO AID TO THE BLIND SO AS TO CONFORM TO FEDERAL REQUIREMENTS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 111-14 by inserting after the word “eye” and before the word “to” in the eleventh line of said Section the following: “or by an optometrist, whichever the individual may select.”. This Section shall be in effect on and after July 1st, 1951.

Sec. 2. Amend G. S. 111-21 by striking out the period appearing after the word “aged” in the sixth line of said Section and by inserting in lieu of said period a comma and the following: “and/or aid for the permanently and totally disabled.”

Sec. 3. Amend paragraph (5) of G. S. 111-15 by adding at the end of said paragraph (5) a proviso which shall read as follows:
“Provided, that the State agency shall, in determining need, take into consideration any other income and resources of the individual claiming aid to the blind; except that, in making such determination, the State agency shall disregard the first fifty ($50.00) per month of earned income.”

This Section shall be in effect on and after July 1, 1952.

Sec. 4. Amend G. S. 111-6.1, as the same appears in the Cumulative Supplement of 1949, by striking out the word “pre-conditioning” as the same appears in the fourth line of the first paragraph of said Section and by inserting in lieu thereof the word “rehabilitation”. Further amend said G. S. 111-6.1, as the same appears in the Cumulative Supplement of 1949, by striking out the word “preconditioning” as the same appears in the seventh and eighth lines of the second paragraph of said Section and by inserting in lieu thereof the word “rehabilitation”.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Except as herein provided, this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 192

CHAPTER 320

AN ACT TO PROVIDE FOR THE TRANSFER OF CASE FROM THE RECORDER’S COURT OF WHITE OAK, BUCKHORN, CEDAR FORK AND LEESVILLE TOWNSHIP TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

Section 1. In all trials in the Recorder’s Court for White Oak, Buckhorn, Cedar Fork and Leesville Townships at Apex, upon demand of a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person, or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed, and that there is probable cause to believe that the defendant is guilty, or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said case for trial to the Superior Court of Wake County, and the defendant shall execute a new bond in such amount as may be fixed by the recorder for his appearance at the next term of the Superior Court for Wake County.

Sec. 2. That in such cases the Superior Court of Wake County shall have jurisdiction as in cases of appeal from the recorder’s court in misdemeanors or crimes of less degree.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 201  
CHAPTER 321  
AN ACT TO PROVIDE FOR THE SELECTION OF A GRAND JURY FOR SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That at the first term of court for the trial of criminal cases in Surry County held after the first day of July, 1951, there shall be chosen a grand jury as now provided by law in open court, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first term of court held in said county for the trial of criminal cases, after the first days of January and July of each year, there shall be chosen nine members of said grand jury to serve for a term of one year.

Sec. 2. That the judge presiding over any criminal or civil term of the Superior Court of said Surry County may, at any time, discharge the grand jury in said county from further services, in which event he shall cause a new grand jury to be drawn at the term of court over which said judge is presiding. The said grand jury shall be drawn in the manner now provided for the drawing of grand jurors in open court, and the names shall be selected from a list of jurors drawn from the jury box in open court, in the manner now provided by law for the drawing of a special venire. The first nine of the grand jurors so drawn, pursuant to this Section, by order of the judge shall serve during the unexpired term of the nine grand jurors discharged whose term expires first, and the last nine grand jurors so drawn shall serve during the unexpired term of the nine grand jurors discharged whose term expires last.

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 from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 202  
CHAPTER 322  
AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, 1943, AS AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW, TO PROVIDE FOR CLARIFICATION OF THE DEFINITION OF AN EMPLOYING UNIT AND TO EXTEND THE TIME WITHIN WHICH AN EMPLOYER MAY PROTEST HIS RATE OF CONTRIBUTIONS.

The General Assembly of North Carolina do enact:

Section 1. That Article 2, Chapter 96, Section (8), subsection (e), General Statutes of North Carolina, 1943, as amended, be and the same is
hereby amended by striking out said subsection and inserting in lieu there-
of the following:

"(e) 'Employing unit' means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person which has, on or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this Chapter. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this Chapter unless such agent or employee is an employer subject to the tax imposed by the Federal Unemployment Tax Act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of such work: Provided, however, that nothing herein, on or after July 1, 1939, shall be construed to apply to that part of the business of such 'employers' as may come within the meaning of that term as it is defined in Section 1 (a) of the Railroad Unemployment Insurance Act."

Sec. 2. That Article 2, Chapter 96, Section (9), subsection (c), paragraph (3), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out the words "within thirty days after the effective date of such rates," at the end of said paragraph, and inserting in lieu thereof the following:

"prior to May 1st following the effective date of such rates."

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

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

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 271

CHAPTER 323

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RICHMOND COUNTY TO APPROPRIATE MONIES FOR EXPENSES AND CLERICAL ASSISTANCE IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Richmond County is empowered and authorized to appropriate from the general funds of the county such monies as the board may deem necessary, not in excess of $2400.00 annually to be paid to the Clerk of the Superior Court for neces-
sary expense and clerical assistance in the office of the Clerk of the Superior Court. Such appropriation may in the discretion of the board be made retroactive to January 1st, 1951. Any appropriation so made heretofore is in all respects ratified and validated.

Sec. 2. The Board of County Commissioners of Richmond County is empowered and authorized to appropriate from the general funds of the county, such monies as the board may deem necessary, not in excess of $2400.00 annually to be paid to the register of deeds for necessary expense and clerical assistance in the office of the register of deeds. Such appropriation may in the discretion of the board be made retroactive to January 1st, 1951. Any appropriation heretofore so made is in all respects ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 253

CHAPTER 324

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE PAMLICO COUNTY RECORDER’S COURT TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

Section 1. In all trials in the Pamlico County Recorder’s Court, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person, or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed, and that there is probable cause to believe that the defendant is guilty, or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said case for trial to the Superior Court of Pamlico County, and the defendant shall execute a new bond in such amount as may be fixed by the recorder for his appearance at the next term of the Superior Court of Pamlico County.

Sec. 2. That in such case the Superior Court shall have jurisdiction as in case of an appeal from the recorder’s court in misdemeanors or crimes of less degree.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.
S. B. 278

CHAPTER 325

AN ACT TO AMEND CHAPTER THIRTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO TENURE OF OFFICE OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 37 of the Private Laws of 1905, as amended, the same being the Charter of the Town of Spencer, is hereby further amended by replacing the comma after the word "qualified" in the third line of Section 5 with a period, and striking out the remainder of the Section. Section 5 is hereby further amended by adding the following sentence to the end of the Section:

"The term of office of the mayor and aldermen shall begin on June first following the date of their election. If June first comes on Sunday, then the term of office of such mayor and aldermen shall begin on the following day."

Sec. 2. Chapter 37 of the Private Laws of 1905, as amended, is hereby further amended by striking out of Section 10 the words, "on the third Monday in May next after the election," and inserting in lieu thereof the words, "on June first after the election: Provided, that when June first falls on Sunday, said officers shall be installed at twelve o'clock, noon, on June second."

Sec. 3. The term of office of the Mayor and six members of the Board of Aldermen of the Town of Spencer, who were elected in the general municipal election held in the year 1949, shall expire on May 31, 1951. The term of office of the mayor and members of the board of aldermen hereafter elected shall begin on June first following the date of their election and shall expire on May 31st, two years thereafter, or until their successors are duly elected and qualified.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 21st day of March, 1951.

S. B. 286

CHAPTER 326

AN ACT RELATING TO THE NOMINATION AND ELECTION OF COUNTY COMMISSIONERS FOR CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the purposes of nominating and electing members of the Board of County Commissioners of Chatham County, the county is hereby divided into five districts as follows:

District Number One shall consist of all the territory within the boundaries of the townships of Center, Hadley, and Hickory Mountain.
District Number Two shall consist of all the territory within the boundaries of the townships of Mathews and Albright.

District Number Three shall consist of all the territory within the boundaries of the townships of Baldwin, New Hope and Williams.

District Number Four shall consist of all the territory within the boundaries of the townships of Haw River, Cape Fear, and Oakland.

District Number Five shall consist of all the territory within the boundaries of the townships of Bear Creek and Gulf.

Sec. 2. The three county commissioners holding office at the date of the ratification of this Act, or any successor appointed to fill any unexpired portion of the present terms of such commissioners, shall hold said office until the next general election for county officers and until the commissioners authorized under this Act are elected and qualified.

Sec. 3. At the next primary election to be held in Chatham County following the ratification of this Act, and every two years thereafter, there shall be nominated by each of the political parties one county commissioner from each of the five districts created by this Act, and each candidate so nominated shall be a resident and qualified voter of the district in which he is a candidate.

Sec. 4. Each candidate for nomination to the office of county commissioner under this Act shall be voted upon in the primary only by the qualified voters of the district of which he is a resident and from which he is a candidate.

Sec. 5. At the next general election for county officers in Chatham County following the ratification of this Act, and every two years thereafter there shall be elected one county commissioner from each of the five districts created by this Act, but in the general election all candidates for the office of county commissioner shall be voted upon by the qualified voters of the county as a whole, irrespective of the district from which such candidates were nominated.

Sec. 6. The primary elections and the general elections provided for in this Act shall be called and conducted and the results determined and certified in accordance with the general laws governing elections.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

S. B. 294

CHAPTER 327

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE GREENSBORO CITY ADMINISTRATIVE UNIT TO PAY CHARLES W. ANGLE, INC., A SUM NOT IN EXCESS OF $16,000.00 FOR THE CONSTRUCTION OF FOUNDATION WALLS FOR THE WASHINGTON STREET SCHOOL.

WHEREAS, on August 1, 1950, after due advertisement as provided by General Statutes 143-129, the Greensboro City Administrative Unit awarded
to Charles W. Angle, Inc., of Greensboro, North Carolina, a contract for the general construction of a school building to be known as the Washington Street School; and

WHEREAS, the plan and specifications for the building upon which the contract was let provided for the erection of the building upon the foundation walls of an old building on the same premises, and did not provide for the construction of foundation walls for the new building; and

WHEREAS, after the contract between the board of trustees and Charles W. Angle, Inc., was executed by both parties thereto, and after the superstructure of the old building was removed, it was discovered that it would not be safe to construct the new building upon the old foundation walls; and

WHEREAS, no money was then available to the board of trustees for the construction of the necessary new foundation walls, and the board has no authority to enter into any contract whereby it would agree to pay Charles W. Angle, Inc., for the extra work and materials necessary for the construction of new foundation walls; and

WHEREAS, the proposed new building was badly needed and delay in constructing it would have resulted in there being inadequate school facilities for the children living in the area adjacent to the Washington Street School premises; and

WHEREAS, under these circumstances Charles W. Angle, Inc., agreed to proceed with the job and to construct the necessary new foundation walls provided the board of trustees would agree to attempt to secure from the 1951 General Assembly authority to reimburse Charles W. Angle, Inc., for the cost of the new foundation walls, which the board agreed to do; and

WHEREAS, Charles W. Angle, Inc., has completed the necessary new foundation walls at a cost not in excess of $16,000.00: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Greensboro City Administrative Unit is hereby authorized to pay to Charles W. Angle, Inc., as compensation for constructing the new foundation walls hereinbefore referred to the cost thereof not in excess of sixteen thousand dollars ($16,000.00), such payment to be made out of any capital outlay funds which may be allotted and paid to the Greensboro City Administrative Unit for the fiscal year next following the enactment of this Act.

Sec. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.
H. B. 231

CHAPTER 328

AN ACT TO DEFINE THE DUTIES OF THE SHERIFF OF PERSON COUNTY AND TO REMOVE FROM HIM THE DUTY OF COLLECTING TAXES, TO PROVIDE FOR THE APPOINTMENT OF A TAX COLLECTOR FOR PERSON COUNTY AND TO DEFINE HIS DUTIES AND TO FIX THE SALARY OF THAT OFFICE, TO FIX AND REGULATE THE SALARIES OF THE SHERIFF, THE CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND MEMBERS OF THE BOARD OF EDUCATION OF PERSON COUNTY, AND TO FIX COMPENSATION FOR DEPUTY SHERIFFS AND OF CLERICAL ASSISTANTS TO THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. Effective as of July 1, 1951, the Sheriff of Person County shall be relieved of any and all tax collecting duties, except the duty of completing the collection of ad valorem taxes assessed for the fiscal year 1950-51. With respect to such taxes, it shall be the duty of the sheriff to complete the collection of all unpaid taxes so assessed and to make settlement with the county treasurer and board of county commissioners of the tax assessment for that year. Thereafter, the collection of any and all taxes shall be in the hands of a tax collector to be appointed by the board of county commissioners, who shall be appointed annually by the commissioners on or before the first Monday in June of each year. The duties of the office of tax collector shall be prescribed by the board of county commissioners, but these duties shall include the collection of any and all taxes assessed and levied by the county and districts as provided by subchapter II of Chapter 105 of the General Statutes, the preparation of the annual county tax assessment and tax records of every kind, and the investigation of the tax listings made by the taxpayers with a view to the discovery of unlisted property and property listed at an unfair valuation. The tax collector may in the discretion of the board of county commissioners be granted the general supervision of the annual tax listing and assessment.

The annual salary of the tax collector shall be fixed at the discretion of the board of county commissioners to be paid monthly from the county general fund, and in addition he shall be allowed the sum of fifty dollars ($50.00) per month for travel expense, and such clerical assistance as he may see fit to obtain.

Sec. 2. The duties of the Sheriff of Person County shall be those duties generally imposed upon sheriffs by the laws of the State other than the duty of tax collection. The Sheriff of Person County beginning on July 1, 1951, shall receive as his only compensation, and in lieu of all fees, a salary of four thousand dollars ($4,000.00) per annum, payable in 12 equal monthly installments out of the general fund of the county. There shall also be paid to the sheriff a travel allowance for himself and his deputies of two hundred dollars ($200.00) per month, which allowance shall cover the cost of furnishing motor vehicles and operating the same for the ade-
quate performance of the duties of his office. The sheriff shall employ the services of two regular full time deputies and the county commissioners shall pay for the services of such deputies a total amount not to exceed the sum of forty-five hundred dollars ($4,500.00) per annum to be determined by the commissioners. The salary of the deputy sheriffs shall be paid monthly out of the general fund of the county. The sheriff is also allowed the sum of three hundred and thirty dollars ($330.00) per annum for the employment of special deputies, such allowance to be paid out of the county general fund. In addition to the compensation and allowances herein provided for the sheriff, he shall be entitled to be reimbursed at the rate of six cents (6c) per mile for trips beyond the limits of Person County on official business. The board of county commissioners is hereby authorized to define what constitutes trips on official business.

Sec. 3. The Clerk of the Superior Court of Person County shall receive as his only compensation, and in lieu of any fees, a salary of forty-five hundred dollars ($4,500.00) per annum, payable in 12 equal monthly installments out of the general fund of the county, which salary shall be in full payment for all services rendered by said clerk, including his services as juvenile judge and clerk of the county criminal court, and all other services which are now or may hereafter be imposed upon him by statute by virtue of his office as Clerk of the Superior Court.

Sec. 4. The Register of Deeds of Person County shall receive as his sole compensation, and in lieu of all fees, a salary of four thousand dollars ($4,000.00) per annum, payable in 12 equal monthly installments out of the general fund of the county, which salary shall be in full payment for all services rendered as register of deeds, clerk to the board of county commissioners, and all other services which are now or may hereafter be imposed upon him by statute by virtue of his office as register of deeds.

Sec. 5. The board of county commissioners of said county shall out of the general fund of the county pay the premiums on any and all official bonds which the sheriff, the tax collector, the register of deeds and the Clerk of the Superior Court are required by law to make and execute.

Sec. 6. The board of county commissioners shall pay to an assistant or deputy Clerk of the Superior Court, to be selected by the Clerk, and shall pay to an assistant or deputy register of deeds, to be selected by the register of deeds, a salary to be fixed by said board in its discretion of not more than one hundred fifty dollars ($150.00) per month, such salaries to be paid from the county general fund.

Sec. 7. It shall be the duty of the sheriff, the Clerk of the Superior Court, and the register of deeds to collect all fees provided by law to be charged for the services rendered by their offices, to keep true and complete records of all fees so collected, and faithfully to account monthly in writing and in detail to the board of county commissioners of the fees so collected, and monthly to pay the same over to the county treasurer.

Sec. 8. The members of the Board of County Commissioners of Person County, except the chairman of said board, and the members of the Board of Education of Person County, shall be paid as compensation for their services as members of such boards the sum of ten dollars ($10.00) per day
for attending meetings of said boards, both regular and special, and in addition thereto shall be paid the sum of six cents (6c) per mile both ways for traveling to and from meetings of said boards.

Sec. 9. In lieu of the per diem compensation provided in Section 7 of this Act, the chairman of the board of county commissioners shall be paid as his sole compensation a monthly salary of fifty dollars ($50.00) plus mileage at six cents (6c) per mile for attendance at all meetings of the board, and said chairman, in addition to attending the meetings of the board, shall devote such time to his duties as shall be necessary for the proper performance of the duties imposed upon him as such chairman.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be effective from and after the first day of July, 1951.
In the General Assembly read three times and ratified, this the 21st day of March, 1951.

H. B. 465

CHAPTER 329

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO LEVY A SPECIAL TAX TO BE DISTRIBUTED AMONG THE HOSPITALS LOCATED IN HENDERSON COUNTY AND OPERATED AS NON-PROFIT ORGANIZATIONS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Henderson County is hereby authorized, directed and required to levy a special tax of four cents ($.04) on each one hundred dollars ($100.00) of valuation of property in the county, and to distribute the funds realized from such tax to the following hospitals in Henderson County on the basis of:

2½ cents to Patton Memorial Hospital
¾ cent to Mountain Sanitarium
¾ cent to Valley Clinic and Hospital

Sec. 2. The levy authorized hereunder is hereby declared necessary and to be for a special and necessary public purpose and shall be in addition to any other tax levy, general or special, which the board of commissioners is authorized to make.

Sec. 3. The authority of the board of commissioners to levy any other special tax for hospitals under any local law is hereby repealed and the taxes levied hereunder shall be the only taxes which the board of commissioners is authorized to levy for this purpose, except that the taxes authorized hereunder shall be in addition to any taxes authorized under any State-wide law, for this or any similar purpose.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. 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 21st day of March, 1951.

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H. B. 498

CHAPTER 330

AN ACT TO AMEND CHAPTER 512 OF THE SESSION LAWS OF 1945 RELATING TO THE TAX LEVY IN ALAMANCE COUNTY FOR THE COUNTY FARM AGENT AND COUNTY HOME DEMONSTRATION AGENT OFFICES.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 512 of the Session Laws of 1945 is hereby amended by striking out in line three the words “three cents” and inserting in lieu thereof the words “four cents”.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.

H. B. 731

CHAPTER 331

AN ACT TO AMEND CHAPTER 158 OF THE SESSION LAWS OF 1947 RELATING TO THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 158 of the Session Laws of 1947 is amended by eliminating from the description of the corporate limits, as defined therein, the following tract of land:

Beginning at a point in the old North corporate line of Jonesboro where it crosses the center line of the county home road, sometimes called Gunter Road or Gunter Avenue; thence in an easterly direction along said line approximately 500 feet to the northeast corner of old Jonesboro corporate limits; thence with the eastern line of old Jonesboro corporate limits approximately 780 feet to the center line of Gunter Road or Gunter Avenue; thence with the center line of Gunter Road or Gunter Avenue in a northern direction to the beginning.

Sec. 2. From and after the passage of this Act, the tract of land described in Section 1 of this Act shall be excluded from the corporate limits of the Town of Sanford and shall be relieved of any municipal ordinances, taxes, assessments, bonded or other indebtedness to the same extent as if it had never been included within the territory composing the corporate limits of the Town of Sanford.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. 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 21st day of March, 1951.
S. B. 169

CHAPTER 332

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, 1943, AS AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW, TO PROVIDE FOR A REDUCTION IN THE RATE OF CONTRIBUTIONS, AN INCREASE IN AND EXTENSION OF BENEFIT PAYMENTS, AND TO FURTHER CLARIFY THE PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. That Article 1, Chapter 96, Section (4), subsection (l), paragraph (1), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by adding thereto a new subparagraph as follows:

“(I) Benefits paid by agencies of other States may be reimbursed to such agencies in cases where services of the claimant were ‘employment’ under this Chapter and contributions have been paid by the employer to this agency on remuneration paid for such services; provided the amount of such reimbursement shall not exceed the amount of benefits such claimant would have been entitled to receive under the provisions of this Act.”

Sec. 2. That Article 2, Chapter 96, Section (8), subsection (g), paragraph (6), subparagraph (C), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out the figure “(8)” in the last proviso thereof and inserting in lieu the following:

“(7)”

Sec. 3. That Article 2, Chapter 96, Section (8), subsection (g), paragraph (7), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out subparagraph (L) and inserting in lieu thereof the following:

“Services performed in employment as a newsboy, selling or distributing newspapers or magazines on the street or from house to house.”

Sec. 4. That Article 2, Chapter 96, Section (9) subsection (b), paragraph (4), subparagraph (B), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out said subparagraph (B) in its entirety and inserting in lieu thereof the following:

“(B) If, as of any computation date, the cumulative total of all an employer’s contributions which were paid and accredited to his ‘reserve account’ before such computation date exceeds the cumulative total benefits which were chargeable to his ‘reserve account’ and were paid before such computation date; and if such excess of contributions over benefits paid and chargeable to such account equals that percentage of his wages by which contributions were measured during the 36 consecutive calendar-month period ending June 30th preceding such computation date, which percentage is shown in Column 1 of the table below, and is less than the percentage opposite thereto in Column 2 of the table below, his contribution rate in the ensuing calendar year beginning on or after January 1, 1951, shall be equal to that per centum of the wages paid for employment by him during such ensuing year, which is shown in Column 3 of the table below. Of the payments so made, there shall be credited to the ‘partially
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pooled account' the percentage of wages for employment paid by him during such calendar year which is shown opposite thereto in Column 4 of the table below, and there shall be credited to the reserve account of the employer that percentage of the wages for employment paid by him during such calendar year, which is shown opposite thereto in Column 5 of the table below:

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Sec. 5. That Article 2, Chapter 96, Section (9), subsection (b), subparagraph (E), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out said subparagraph and inserting in lieu thereof the following:

"(E) Any employer may at any time make voluntary contributions, additional to the contributions required under this Chapter, to the fund to be credited to his reserve account, and such voluntary contributions when made shall for all intents and purposes be deemed 'contributions required' as said term is used in Section 96-8 (i). Any voluntary contributions so made by an employer within fifteen (15) days after the date of mailing by the commission, pursuant to Section 96-9 (c) (3) herein, of employer reserve account balance, statement of credits, charges, and notification of contribution rate contained in cumulative reserve account statement and computation of rate, shall be credited to the reserve account as of the previous July 31st. The commission in accepting a voluntary contribution shall not be bound by any condition stipulated in or made a part of such voluntary contribution by any employer."

Sec. 6. That Article 2, Chapter 96, Section (9), subsection (c), paragraph (1), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out the period after the word "accounts" in next to the last sentence thereof and inserting immediately thereafter the following:

"; in computing the amount to be credited to the reserve account of an employer as a result of interest earned by funds on deposit in the Unemployment Trust Fund in the Treasury of the United States to the account of this State, any voluntary contribution made by an employer after August 1st of any year shall not be considered a part of the reserve balance of the employer until the next computation date occurring after such voluntary contribution was made."

Sec. 7. That Article 2, Chapter 96, Section (9), subsection (c), paragraph (4), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out subparagraph (A) and inserting in lieu thereof the following:

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“(A) Whenever any individual, group of individuals, or employing unit, who or which, in any manner, succeeds to or acquires substantially all or a distinct and severable portion of the organization, trade, or business of another employing unit as provided in Section 96-8, subsection (f), paragraph (2), the reserve account or that part of the reserve account of the predecessor which relates to the acquired portion of the business shall, upon the mutual consent of the parties concerned and approval of the commission in conformity with the regulations as prescribed therefor, be transferred as of the date of acquisition to the successor employer for use in the determination of his rate of contributions, provided application for transfer is made within sixty (60) days after the commission notifies the successor of his right to request such transfer, otherwise the effective date of the transfer shall be the first day of the calendar quarter in which such application is filed, and that after the transfer the successor employing unit continues to operate the transferred portion of such organization, trade, or business. This provision shall not be retroactive with respect to the transfer of a part of a reserve account of the predecessor in those cases in which an employing unit succeeds to or acquires a distinct and severable portion of the organization, trade, or business of another employing unit as provided in Section 96-8, subsection (f), paragraph (2), and shall apply only when the transfer of such distinct and severable portion of the organization, trade, or business of another occurred after March 21, 1949.”

Sec. 8. That Article 2, Chapter 96, Section (10), subsection (b), paragraph (1), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out said paragraph (1) in its entirety and inserting in lieu thereof the following:

“(1) If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the commission, and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this Section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions, except petitions for judicial review under this Chapter and cases arising under the Workmen's Compensation Law of this State; or, if any contribution imposed by this Chapter, or any portion thereof, and/or penalties duly provided for the non-payment thereof shall not be paid within 30 days after the same become due and payable, and after due notice and reasonable opportunity for hearing, the commission, under the hand of its chairman, may certify the same to the Clerk of the Superior Court of the county in which the delinquent resides or has property, and additional copies of said certificate for each county in which the commission has reason to believe such delinquent has property located; such certificate and/or copies thereof so forwarded to the Clerk of the Superior Court shall immediately be docketed and indexed on the cross index of judgment, and from the date of such docketing shall constitute a preferred lien upon any property which said delinquent may own in said county, with the same
force and effect as a judgment rendered by the Superior Court. The Clerk of Superior Courts shall charge a fee of one dollar ($1.00) for indexing and docketing said certificates, which shall be in lieu of any other fee chargeable under the General Statutes of North Carolina or any Public, Local or Private Act. The commission shall forward a copy of said certificate to the sheriff or sheriffs of such county or counties, or to a duly authorized agent of the commission, and when so forwarded and in the hands of such sheriff or agent of the commission, shall have all the force and effect of an execution issued to such sheriff or agent of the commission by the Clerk of the Superior Court upon a judgment of the Superior Court duly docketed in said county. Provided, however, the commission may in its discretion withhold the issuance of said certificate or execution to the sheriff or agent of the commission for a period not exceeding one hundred and eighty (180) days from the date upon which the original certificate is certified to the Clerk of Superior Court. The commission is further authorized and empowered to issue alias copies of said certificate or execution to the sheriff or sheriffs of such county or counties, or to a duly authorized agent of the commission in all cases in which the sheriff or duly authorized agent has returned an execution or certificate unsatisfied; when so issued and in the hands of the sheriff or duly authorized agent of the commission, such alias shall have all the force and effect of an alias execution issued to such sheriff or duly authorized agent of the commission by the Clerk of the Superior Court upon a judgment of the Superior Court duly docketed in said county. Provided, however, that notwithstanding any provision of this subsection, upon filing one written notice with the commission, the sheriff of any county shall have the sole and exclusive right to serve all executions and make all collections mentioned in this subsection, and in such case no agent of the commission shall have the authority to serve any executions or make any collections therein in such county. A return of such execution, or alias execution, shall be made to the commission, together with all moneys collected thereunder, and when such order, execution, or alias is referred to the agent of the commission for service the said agent of the commission shall be vested with all the powers of the sheriff to the extent of serving such order, execution or alias and levying or collecting thereunder. The agent of the commission to whom such order or execution is referred shall give a bond not to exceed three thousand dollars ($3,000.00) approved by the commission for the faithful performance of such duties. The liability of said agent shall be in the same manner and to the same extent as is now imposed on sheriffs in the service of executions. If any sheriff of this State or any agent of the commission who is charged with the duty of serving executions shall wilfully fail, refuse, or neglect to execute any order directed to him by the said commission and within the time provided by law, the official bond of such sheriff or of such agent of the commission shall be liable for the contributions, penalty, interest, and costs due by the employer."

Sec. 9. That Article 2, Chapter 96, Section (11), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by adding to subsection (d) thereof the following:
"The reserve account of such employer shall at the end of such five-year period revert to the partially pooled account established herein and the reserve account shall be closed, the provisions of Section 96-9 (c) (5) to the contrary notwithstanding".

Sec. 10. That Article 2, Chapter 96, Section (12), subsection (b), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b) (1) Each eligible individual whose benefit year begins on and after March 21, 1949, and prior to the effective date of this Act, and who is totally unemployed in any week as defined by Section 96-8 (k) (1), shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment:

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages paid during base period</td>
<td>Weekly Benefit Amount Ineligible</td>
</tr>
<tr>
<td>Less than $200.00</td>
<td></td>
</tr>
<tr>
<td>$ 200.00 to $ 232.99</td>
<td>$ 6.00</td>
</tr>
<tr>
<td>233.00 to 261.99</td>
<td>6.50</td>
</tr>
<tr>
<td>262.00 to 293.99</td>
<td>7.00</td>
</tr>
<tr>
<td>294.00 to 327.99</td>
<td>7.50</td>
</tr>
<tr>
<td>328.00 to 363.99</td>
<td>8.00</td>
</tr>
<tr>
<td>364.00 to 401.99</td>
<td>8.50</td>
</tr>
<tr>
<td>402.00 to 442.99</td>
<td>9.00</td>
</tr>
<tr>
<td>443.00 to 485.99</td>
<td>9.50</td>
</tr>
<tr>
<td>486.00 to 531.99</td>
<td>10.00</td>
</tr>
<tr>
<td>532.00 to 579.99</td>
<td>10.50</td>
</tr>
<tr>
<td>580.00 to 631.99</td>
<td>11.00</td>
</tr>
<tr>
<td>632.00 to 684.99</td>
<td>11.50</td>
</tr>
<tr>
<td>685.00 to 742.99</td>
<td>12.00</td>
</tr>
<tr>
<td>743.00 to 802.99</td>
<td>12.50</td>
</tr>
<tr>
<td>803.00 to 865.99</td>
<td>13.00</td>
</tr>
<tr>
<td>866.00 to 932.99</td>
<td>13.50</td>
</tr>
<tr>
<td>933.00 to 1,003.99</td>
<td>14.00</td>
</tr>
<tr>
<td>1,004.00 to 1,077.99</td>
<td>14.50</td>
</tr>
<tr>
<td>1,078.00 to 1,155.99</td>
<td>15.00</td>
</tr>
<tr>
<td>1,156.00 to 1,237.99</td>
<td>15.50</td>
</tr>
<tr>
<td>1,238.00 to 1,324.99</td>
<td>16.00</td>
</tr>
<tr>
<td>1,325.00 to 1,415.99</td>
<td>16.50</td>
</tr>
<tr>
<td>1,416.00 to 1,490.99</td>
<td>17.00</td>
</tr>
<tr>
<td>1,491.00 to 1,579.99</td>
<td>17.50</td>
</tr>
<tr>
<td>1,580.00 to 1,636.99</td>
<td>18.00</td>
</tr>
<tr>
<td>1,637.00 to 1,696.99</td>
<td>18.50</td>
</tr>
<tr>
<td>1,697.00 to 1,772.99</td>
<td>19.00</td>
</tr>
<tr>
<td>1,773.00 to 1,851.99</td>
<td>19.50</td>
</tr>
</tbody>
</table>
"(2) Each eligible individual whose benefit year begins on and after the effective date of this Act, and who is totally unemployed in any week as defined by Section 96-8 (k) (1), shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment:

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages</td>
<td>Benefit amount</td>
</tr>
<tr>
<td>paid during</td>
<td>Ineligible</td>
</tr>
<tr>
<td>base period</td>
<td></td>
</tr>
<tr>
<td>Less than $250.00</td>
<td></td>
</tr>
<tr>
<td>$ 250.00 to $ 329.99</td>
<td>$ 7.00</td>
</tr>
<tr>
<td>330.00 to 409.99</td>
<td>8.00</td>
</tr>
<tr>
<td>410.00 to 489.99</td>
<td>9.00</td>
</tr>
<tr>
<td>490.00 to 569.99</td>
<td>10.00</td>
</tr>
<tr>
<td>570.00 to 669.99</td>
<td>11.00</td>
</tr>
<tr>
<td>670.00 to 769.99</td>
<td>12.00</td>
</tr>
<tr>
<td>770.00 to 869.99</td>
<td>13.00</td>
</tr>
<tr>
<td>870.00 to 969.99</td>
<td>14.00</td>
</tr>
<tr>
<td>970.00 to 1,079.99</td>
<td>15.00</td>
</tr>
<tr>
<td>1,080.00 to 1,189.99</td>
<td>16.00</td>
</tr>
<tr>
<td>1,190.00 to 1,309.99</td>
<td>17.00</td>
</tr>
<tr>
<td>1,310.00 to 1,429.99</td>
<td>18.00</td>
</tr>
<tr>
<td>1,430.00 to 1,549.99</td>
<td>19.00</td>
</tr>
<tr>
<td>1,550.00 to 1,679.99</td>
<td>20.00</td>
</tr>
<tr>
<td>1,680.00 to 1,809.99</td>
<td>21.00</td>
</tr>
<tr>
<td>1,810.00 to 1,939.99</td>
<td>22.00</td>
</tr>
<tr>
<td>1,940.00 to 2,079.99</td>
<td>23.00</td>
</tr>
<tr>
<td>2,080.00 to 2,219.99</td>
<td>24.00</td>
</tr>
<tr>
<td>2,220.00 to 2,369.99</td>
<td>25.00</td>
</tr>
<tr>
<td>2,370.00 to 2,519.99</td>
<td>26.00</td>
</tr>
<tr>
<td>2,520.00 to 2,679.99</td>
<td>27.00</td>
</tr>
<tr>
<td>2,680.00 to 2,839.99</td>
<td>28.00</td>
</tr>
<tr>
<td>2,840.00 to 2,999.99</td>
<td>29.00</td>
</tr>
<tr>
<td>3,000 and over</td>
<td>30.00</td>
</tr>
</tbody>
</table>
Sec. 11. That Article 2, Chapter 96, Section (12), subsection (c), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by adding the following proviso:

"Provided, however, that each such eligible individual who established a benefit year on and after the effective date of this Act shall have such partial benefit figured to the nearest multiple of one dollar ($1.00)."

Sec. 12. That Article 2, Chapter 96, Section (12), subsection (d), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out said subsection and inserting in lieu thereof the following:

"(d) Duration of Benefits.—The maximum amount of benefits payable to any eligible individual, whose benefit year begins prior to the effective date of this Act, shall be 20 times his weekly benefit amount during such benefit year. The maximum amount of benefits payable to any eligible individual, whose benefit year begins on and after the effective date of this Act, shall be 26 times his weekly benefit amount during any benefit year. The commission shall establish and maintain individual wage record accounts for each individual who earns wages in covered employment, until such time as such wages would not be necessary for benefit purposes."

Sec. 13. That Article 2, Chapter 96, Section (13), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out subsection (d) thereof in its entirety.

Sec. 14. That Article 2, Chapter 96, Section (14), subsections (a), (b), and (c), General Statutes of North Carolina, 1943, as amended, be and the same are hereby amended by striking out in each of said subsections (a), (b), and (c) in lines six and seven thereof the following parenthetical phrase:

"(in addition to the waiting period)"

Sec. 15. That Article 2, Chapter 96, Section (15), subsection (b), General Statutes of North Carolina, 1943, be and the same is hereby amended by striking out said subsection and inserting in lieu thereof the following:

"(b) (1) Initial Determination.—A representative designated by the commission shall promptly examine the claim and shall determine whether or not the claim is valid, and if valid, the week with respect to when benefits shall commence, the weekly benefit amount payable, and the potential maximum duration thereof. The claimant shall be furnished a copy of such initial or monetary determination showing the amount of wages paid him by each employer during his base period and the employers by whom such wages were paid, his benefit year, weekly benefit amount, and the maximum amount of benefits that may be paid to him for unemployment during the benefit year. When a claimant is ineligible due to lack of earnings in his base period, the determination shall so designate. The most recent and the base period employers shall be notified upon the filing of a claim which establishes a benefit year or an ineligible amount.

"At any time within one year from the date of the making of an initial determination, the commission on its own initiative may reconsider such determination if it finds that an error in computation or identity has occurred in connection therewith or that additional wages pertinent to the
claimant's benefit status have become available, or if such determination
of benefit status was made as a result of a nondisclosure or misrepresentation
of a material fact.

"(2) Hearings before Deputy.—When a question or issue is presented or
raised as to the eligibility of a claimant for benefits under Section 96-13
herein, or whether any disqualification shall be imposed by virtue of Sec-
tion 96-14 of this Chapter, or benefits denied, or his account adjusted pur-
suant to Section 96-18 of this Act, the claim shall be referred to a deputy
who, after due notice to the parties and affording them reasonable oppor-
tunity for a fair hearing, shall find facts and make his decision based there-
on; provided the deputy shall not be required to issue notice of, or to hold
a formal hearing in cases involving interstate claims filed by a claimant
in another State against this State, or in cases involving the failure of a
claimant to meet any procedural requirement pertaining to the filing of
claims, or the denial of benefits or the adjustment of the account of a
claimant under Section 96-18 of this Chapter. The commission may remove
to itself or transfer to another deputy or to an appeal tribunal the pro-
ceedings on any claim pending before a deputy. The deputy shall promptly
notify the claimant and any other interested party of his decision and the
reason therefor. Unless the claimant or any such interested party, within
five (5) calendar days after such notification was mailed to his last known
address, files an appeal from such decision, such decision shall be final and
benefit shall be paid or denied in accordance therewith, and for the purpose
of this subsection, the commission shall be deemed an interested party:
Provided, however, that on claims filed outside of this State, the claim-
ant, or such interested party, shall have 10 calendar days from the date
of mailing such notification to his last known address in which to file notice
of appeal. If an appeal is duly filed, benefits with respect to the period
prior to the final determination of the commission shall be paid only after
such determination: Provided further, however, that if an appeal tribunal
affirms a decision of a deputy, or the commission affirms a decision of an
appeal tribunal allowing benefits, such benefits shall be paid regardless of
any appeal which may thereafter be taken, but if such decision is finally
reversed, no employer's reserve account shall be charged with benefits so
paid and such payments shall be charged to the pooled account.”

Sec. 16. That Article 2, Chapter 96, Section (18), subsections (a), (d),
and (e), General Statutes of North Carolina, 1943, be and the same are
hereby amended by striking out said subsection in their entirety and in-
serting in lieu thereof the following:

“(a) Any person who makes a false statement or representation know-
ing it to be false or knowingly fails to disclose a material fact to obtain
or increase any benefit under this Act or under an employment security
law of any other State, the Federal Government, or of a foreign govern-
ment, either for himself or any other person, shall be punished by a fine
of not less than twenty dollars ($20.00), nor more than fifty dollars
($50.00), or by imprisonment for not longer than thirty (30) days, and
each such false statement or representation or failure to disclose a material
fact shall constitute a separate offense.
“Records, with any necessary authentication thereof, required in the prosecution of any criminal action brought by another State or foreign government for misrepresentation to obtain benefits under the law of this State shall be made available to the agency administering the employment security law of any such State or foreign government for the purpose of such prosecution. Photostatic copies of all records of agencies of other States or foreign governments required in the prosecution of any criminal action under this Section shall be as competent evidence as the originals when certified under the seal of such agency, or when there is no seal, under the hand of the keeper of such records.”

“(d) Any person who, by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent), has received any sum as benefits under this Chapter while any conditions for the receipt of benefits imposed by this Chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission, either be liable to have such sum deducted from any future benefits payable to him under this Chapter, or shall be liable to repay to the commission for the unemployment compensation fund a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in Section 96-10 (b) for the collection of past due contributions; provided this ‘Chapter’ and ‘unemployment compensation fund’ shall also be deemed to mean the Employment Security Law and the unemployment compensation fund of any other State or the Federal Government, or a foreign government for purposes of this subsection, when a interstate claim is involved.”

“(e) An individual shall not be entitled to receive benefits for the remainder of any benefit year during which he, or another in his behalf with his knowledge, has been found to have knowingly made a false statement or misrepresentation or who has knowingly failed to disclose a material fact to obtain or increase any benefit or other payment under this Chapter.”

Sec. 17. That Article 3, Chapter 96, General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out Section (28) thereof in its entirety.

Sec. 18. That Chapter 96, General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out the phrase “Social Security Administration” wherever the same may appear in said Chapter, and inserting in lieu thereof the following phrase:

“Secretary of Labor”.

Sec. 19. That Article (2), Chapter 96, Section (8), subsection (r), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out the following appearing therein:

“two hundred dollars in the applicable base period:” and inserting in lieu thereof the following:

“the minimum of the qualifying base period wage as set forth in the applicable table in Section 96-12:”
Sec. 20. That Article (2), Chapter 96, Section (10), subsection (b), paragraph (2), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by inserting the following sentence immediately before the next to the last sentence in said paragraph:

"It shall also be the duty of such clerk, when any such certificate is furnished him by the commission showing that a judgment has been paid in part, to make a notation on the margin of the judgment docket showing the amount of such payment so certified and to file said certificate".

Sec. 21. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 22. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 234

CHAPTER 333

AN ACT TO PROVIDE FOR AN ANNUAL ELECTION OF MUNICIPAL OFFICERS ON THE FIRST MONDAY IN JUNE EACH YEAR IN THE TOWN OF CATAWBA, IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There shall be an election held in the Town of Catawba for the office of mayor and four commissioners on the first Monday in June, 1951, and the mayor shall be elected for one year, and the two commissioners receiving the highest number of votes shall be elected for two years, and the other two commissioners receiving the next highest number of votes shall be elected for one year. On the first Monday of June in each year thereafter, an election shall be held to elect a mayor for one year and two commissioners for two years.

Sec. 2. The present mayor and board of commissioners shall hold office until the first Monday in July, 1951, and the terms of all officers elected hereafter shall begin on the first Monday in July for the terms of their respective offices.

Sec. 3. Said commissioners shall have power to pass all bylaws, rules and regulations for the good government of the town not inconsistent with the laws of the United States, and shall have power to levy and collect taxes on all subjects of State taxation in accordance with the general laws of North Carolina governing municipalities, to impose fines and penalties and collect the same. They shall also have power to appoint a clerk, treasurer, or other officers if they deem it necessary, and shall fix the pay of the officers of said town, and do all other things as they may be authorized to do under the laws of North Carolina.

Sec. 4. All provisions of § 4 and § 5 of Chapter 274 of the Private Laws of 1893 in conflict with this Act are hereby repealed.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.
H. B. 236  

CHAPTER 334

AN ACT RELATING TO THE HANDLING OF ARREST FEES IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All arrest fees collected by the County of Catawba or any court therein to which the police officers of the City of Newton may be entitled as such officers shall be paid directly to the Treasurer of the City of Newton to be credited by said treasurer to the general fund of said city.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 316  

CHAPTER 335

AN ACT TO REQUIRE THE COUNTY ACCOUNTANT OF MADISON COUNTY TO PUBLISH FINANCIAL STATEMENTS.

The General Assembly of North Carolina do enact:

Section 1. It shall be the duty of the County Auditor or County Accountant of Madison County, who is hereby officially designated county accountant, to prepare a complete financial statement of all of the financial transactions of Madison County for each calendar month and to publish the same by posting a copy thereof on the bulletin board at the courthouse door in Marshall on or before the 10th day of the following calendar month. It shall also be the duty of the County Accountant of Madison County to publish semi-annually in a newspaper published in Madison County a condensed financial statement covering the financial transactions of the county for the preceding six (6) months' period, such publication to be made within thirty (30) days after January 1 and July 1 in 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 full force and effect from and after the expiration of thirty (30) days after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 335  

CHAPTER 336

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE TOWN OF MOORESVILLE AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting the orderly growth, expansion and development of the Town of Mooresville and the surrounding territory
hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the Town of Mooresville and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the governing body of the Town of Mooresville is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the governing body of the Town of Mooresville to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the Town of Mooresville, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the Town of Mooresville, as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the governing body of the Town of Mooresville is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the Town of Mooresville and vested in its governing body by the Charter of the Town of Mooresville, and/or the General Statutes of North Carolina, as amended from time to time, including the provisions of Article 14 of subchapter I of Chapter 160 of the General Statutes, and/or by any other statute applicable to the Town of Mooresville, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the Town of Mooresville.

Sec. 2. Any planning and/or zoning board appointed to study and recommend a zoning ordinance to the board of commissioners for any area beyond the corporate limits shall consist of five (5) members who are residents of the Town of Mooresville and four (4) members who are residents of the territory beyond and surrounding the corporate limits for a distance of one mile beyond the same in all directions.

Sec. 3. The governing body is further authorized in order to properly enforce the provisions of any planning or any zoning ordinances that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure that a permit be obtained therefor from the Building Inspector of the Town of Mooresville. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the Town of Mooresville for the area whereon the structure is to be situate. No fee shall be charged for such permit.

Sec. 4. The provisions of this Act shall apply only to the Town of Mooresville and to the territory within the corporate limits of the Town of Mooresville and that territory beyond and surrounding the corporate limits of the Town of Mooresville for a distance of one mile beyond the same in all directions.
Sec. 5. The governing body of the Town of Mooresville shall enact no ordinance or ordinances under the provisions of this Statute without first holding a public hearing.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 7. 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 22nd day of March, 1951.

H. B. 389  CHAPTER 337
AN ACT TO AMEND CHAPTER 134 OF THE PUBLIC-LOCAL LAWS OF 1931 RELATING TO THE TERM OF OFFICE OF THE TAX COLLECTOR OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 134 of the Public-Local Laws of 1931 is hereby amended by striking out the period at the end of that Section and inserting in lieu thereof a colon, and adding the following:

"Provided, further, that the Tax Collector of Carteret County, whose term begins on April 1, 1951, shall serve until the first Monday in December, 1954, unless removed by the commissioners for cause prior to that date, and thereafter, the tax collector shall be appointed quadrennially, at the regular meeting of the board of commissioners on the first Monday in December, and the person appointed shall serve for a term of four years, commencing on said first Monday in December."

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 417  CHAPTER 338
AN ACT TO AMEND CHAPTER 270 OF THE PUBLIC-LOCAL LAWS OF 1929, AS AMENDED, RELATING TO THE TRANSPORTATION AND TRAVEL EXPENSE OF DEPUTY SHERIFFS IN THE OFFICE OF THE SHERIFF OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 270 of the Public-Local Laws of 1929 as amended is hereby further amended by inserting on page 237 of the Public-Local Laws of 1929 in the second paragraph of said Chapter 270, after the words "at any time and place he may be needed" the following: "Provided, the board of county commissioners may from time to time, in its discretion, by resolution of the board, make such provision for automobile travel and other necessary travel expense for one or more of said deputies as may in its judgment best serve the public interest."
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 425

CHAPTER 339

AN ACT RELATING TO THE DISTRIBUTION OF FUNDS RECEIVED FROM PARKING METERS IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. The net proceeds received by the Town of Rockingham from the operation of parking meters in said town may be used for the operation and maintenance of a recreational program for the Town of Rockingham, or may be placed in the general funds of the town and used for general purposes in the discretion of the board of commissioners.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 441

CHAPTER 340

AN ACT INCREASING THE NUMBER OF COMMISSIONERS OF CLEVELAND COUNTY, FIXING THEIR COMPENSATION, AND CREATING FIVE DISTRICTS FOR THE NOMINATION OF SAID COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, the Board of County Commissioners of Cleveland County shall be composed of five instead of three members.

Sec. 2. There are hereby created five districts in Cleveland County for the nomination of county commissioners, one commissioner to be nominated from each district, the districts to be numbered and designated as follows:

- District Number One to be composed of Number Six Township;
- District Number Two to be composed of Number Four and Number Five Townships;
- District Number Three to be composed of Number Nine and Number Ten Townships;
- District Number Four to be composed of Number Eight and Number Eleven Townships;
- District Number Five to be composed of Number One, Number Two, Number Three and Number Seven Townships.

Sec. 3. The following are hereby appointed and will compose three of the County Commissioners of Cleveland County, namely, Z. V. Cline, Num-
ber Six Township; A. C. Brackett, Number Eleven Township; and R. G. Burrus, Number Seven Township; and the other two commissioners shall be appointed by the Clerk of the Superior Court of Cleveland County, to be appointed from District Number Two and District Number Three, and said five commissioners shall serve until their successors are duly elected, as hereinafter specified.

Sec. 4. The compensation of the Commissioners of Cleveland County shall be three hundred dollars ($300.00) per year: Provided, however, the chairman of said board shall receive four hundred dollars ($400.00) per year, and no mileage shall be allowed to any commissioner.

Sec. 5. At the next primary or convention to be held in Cleveland County for the nomination of county officers, there shall be nominated one commissioner from each of the five districts herein provided for, and those participating in said primary, both as candidates and voters, shall be restricted to the qualified voters of said district. The candidate receiving a majority of the votes cast in said election shall be declared to be the candidate of his political party duly nominated for the general election.

Sec. 6. The candidates so nominated from the respective districts shall in the general election be voted on by all of the qualified voters of Cleveland County: Provided, only one commissioner from any district shall be declared elected.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 452

CHAPTER 341

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF ALDERMEN OF THE TOWN OF SANFORD TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE INDUSTRIAL RESOURCES OF SAID TOWN.

WHEREAS, the Town of Sanford has excellent industrial resources which can be further developed by advertising the same and by the proper education of its citizens in respect to the proper development of such resources, which further development will be for the benefit of the citizens and taxpayers of said town: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Sanford is hereby authorized and empowered to appropriate annually, from revenues received by the town from sources other than ad valorem and other taxes and not required by law to be used for designated purposes, an amount not to exceed the sum of twelve hundred dollars ($1,200.00), to be used for advertising and developing the industrial resources of said town, and particularly its undeveloped resources, and for the proper education of its citizens in respect to the development of such resources, which undertaking is hereby declared to be for a public purpose. The money so appropriated may be
expended either directly by the Board of Aldermen of the Town of Sanford or through the facilities of such agency as the said board may select, and shall be used in such manner as will in the opinion of said board best serve the purposes herein set forth.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 461  
CHAPTER 342

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY TO INCREASE THE COMPENSATION OF ALL OFFICIALS AND EMPLOYEES OF THE COUNTY OF UNION WHO ARE PAID FROM THE GENERAL FUNDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County is hereby authorized and empowered in its discretion to increase the compensation of the elected and appointed officials of the County of Union and their clerical employees, deputies or assistants whose compensation is now fixed by law and who are paid from the general funds of said county; provided, that any such increase in compensation as herein authorized shall not exceed twenty per cent (20%) of the present compensation now provided by law for said officials, employees, deputies or assistants.

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 489  
CHAPTER 343

AN ACT TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF MAYOR AND MEMBERS OF THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF SOUTHERN PINES IN CAUCUS.

The General Assembly of North Carolina do enact:

Section 1. That on and after the effective date of this Act, all candidates to be voted on in the general municipal election of the Town of Southern Pines, at which time a mayor and members of the board of town commissioners are to be elected, shall be nominated in caucus in the manner and form herein prescribed and no other name shall be printed on the general official ballot for the Town of Southern Pines unless such candidate or candidates are nominated and selected under the provisions of this Act: Provided, that an elector who desires to vote for a person whose name does not appear on the ballot or ticket can substitute the name by writing
it in with a pencil or ink in the proper place, and making a cross (x) mark in the blank space at the left of the name so written in, and when a name is written in on the official ballot of the Town of Southern Pines, the new name so written in shall be treated like any other name on the ballot.

Sec. 2. That on or before the fourth Tuesday preceding the date of the holding of the general election of the Town of Southern Pines, the Town Clerk of the Town of Southern Pines shall give notice of a caucus, to be held on the second Tuesday preceding the date of the holding of the general election of the Town of Southern Pines, for the purpose of nominating and selecting candidates for mayor and members of the board of town commissioners, which notice shall be given by publication at least once in a newspaper with general circulation within the Town of Southern Pines or by posting a copy of the same at three public places in the Town of Southern Pines.

Sec. 3. That the Mayor of the Town of Southern Pines shall preside at the caucus so called until a chairman and a secretary of the caucus can be elected. Upon election the chairman of the caucus shall preside until the caucus adjourns, and the secretary of the caucus shall keep faithful and accurate minutes of the proceedings of the caucus.

Sec. 4. That only electors who are qualified to vote at the succeeding general election of the Town of Southern Pines shall be qualified to vote in said caucus, and the nominees receiving the highest number of votes, subject to the limitations hereinafter set forth, shall become the official candidates in the general election for the Town of Southern Pines: Provided, that not more than two candidates for the office of mayor and ten candidates for membership on the board of town commissioners shall be selected from the nominees voted on at said caucus, and only the names of the candidates so selected at such caucus shall be printed upon the general official ballot for the town of Southern Pines. Immediately following adjournment of the caucus the chairman and secretary of the caucus shall certify and send to the Mayor and Board of Commissioners of the Town of Southern Pines, the date of holding the caucus, the names of the candidates selected in said caucus for the office of Mayor and members of the Board of Town Commissioners of the Town of Southern Pines and such other information as those attending the caucus may direct. Upon the receipt of said certificate the Board of Commissioners of the Town of Southern Pines shall cause the town clerk to give notice of the names of the candidates for the office of Mayor and members of the Board of Town Commissioners of the Town of Southern Pines, which notice shall be given by publication at least once in a newspaper with general circulation within the Town of Southern Pines prior to the holding of the succeeding general election or by posting a copy of the same at three public places in the Town of Southern Pines.

Sec. 5. That if any person shall participate in, vote in or aid or assist in the selection of any candidate under the provisions of this Act, when such person is not eligible to participate in or to vote in such caucus, he shall be guilty of a misdemeanor and upon plea of guilty or conviction shall be punished in the discretion of the court.
Sec. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. 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 22nd day of March, 1951.

H. B. 530

CHAPTER 344

AN ACT AMENDING CHAPTER 1252 OF THE SESSION LAWS OF 1949, THE SAME BEING THE CONSOLIDATED CHARTER OF THE TOWN OF RED SPRINGS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1252 of the Session Laws of 1949 is hereby amended by adding the word "six" after the words "Board of" at the end of line three of Section four of said Chapter.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 544

CHAPTER 345

AN ACT TO AUTHORIZE THE SHERIFF OF GRAHAM COUNTY TO APPOINT A DEPUTY, AND TO REPEAL CHAPTER 150 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO THE OFFICE OF DEPUTY SHERIFF OF GRAHAM COUNTY, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO ALLOW EXPENSES FOR THE SHERIFF OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1. The High Sheriff of Graham County is hereby authorized, in his discretion, to employ a Deputy Sheriff for Graham County.

Sec. 2. The said deputy sheriff shall perform such duties as may be assigned to him by the High Sheriff of Graham County, and the said deputy sheriff, when appointed, shall be clothed with all the powers of a peace officer which are now or may hereafter be prescribed by law for a deputy sheriff, and shall have authority to serve all civil or criminal process as is now or may hereafter be prescribed for service of such process by sheriffs and their deputies.

Sec. 3. The salary and expenses of such deputy sheriff appointed under the provisions of this Act shall be fixed by the board of county commissioners in an amount as said board in its wisdom may deem fit and proper, and said salary and expenses shall be paid by said board out of the general fund of Graham County.

Sec. 4. The Board of County Commissioners of Graham County is hereby authorized and empowered to allow fees and expenses for the High
Sheriff and Deputy Sheriff of Graham County in whatever sums and amounts the said board in its wisdom may deem fit and proper.

Sec. 5. Chapter 150 of the Public-Local Laws of 1935, relating to the office of Deputy Sheriff for Graham County, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 545

CHAPTER 346

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE ELLER-ROGERS POST NO. 192 OF THE AMERICAN LEGION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Graham County is hereby authorized to convey in fee simple to the Eller-Rogers Post No. 192 of the American Legion that certain tract of land in Graham County which was leased to said American Legion Post on November 4, 1946, for 99 years, said lease being recorded in deed book 50 at page 215 in the office of the Register of Deeds of Graham County, and more particularly described as follows:

Beginning on a stake in the North margin line of the street leading to Milltown and being the southwest corner of lot No. 71 and runs thence with the W line of lot No. 71 N 6°-41 W 80 feet to a stake at the southwest corner of lot No. 70 thence with South line of lot No. 70 N 83-19 E 50 feet to a stake thence S 6-41 E 80 feet to a stake in the N margin line of the street leading to Milltown thence with the North margin line of said street S 83-19 W 50 feet to the place of beginning.

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 566

CHAPTER 347

AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY RELATING TO THE EXERCISE OF ITS RIGHT OF EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

Section 1. That Section 16 of Article 8 of Chapter 68 of the Private Laws of North Carolina of 1913 be amended by adding thereto the following as a separate paragraph:

"The city council, in acquiring land or rights of way for the purposes mentioned in the foregoing paragraph of this Section 16 and/or for the purposes set forth in Section 3 of Article 12 of Chapter 68 of the Private Laws of North Carolina of 1913, in its discretion may proceed in accordance
with the foregoing provisions or, as an alternative method of procedure, in accordance with the provisions of G. S. 160-204 and G. S. 160-205, and Chapter 40, Article 2, and other applicable provisions, of the General Statutes of North Carolina."

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 22nd day of March, 1951.

H. B. 598

CHAPTER 348

AN ACT TO AMEND SECTION 2 OF CHAPTER 439 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATING TO THE AUDITOR OF MECKLENBURG COUNTY AND HIS DUTIES AS CLERK OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 439 of the Public-Local Laws of 1913 be and the same is hereby amended by adding the following at the end of said Section:

"Among the powers conferred upon said auditor by this Act shall be the power to perform the duties authorized and required by law to be performed by the register of deeds as ex officio clerk of the Board of Commissioners of Mecklenburg County, and it shall be the duty of said auditor to act as clerk of said board of commissioners. While performing such duties he shall be known as 'clerk of the board of commissioners'. All acts heretofore performed by the Auditor of Mecklenburg County as clerk of said board be and the same are hereby in all respects ratified and confirmed."

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 22nd day of March, 1951.

H. B. 606

CHAPTER 349

AN ACT TO TERMINATE THE BOARD OF WORLD WAR VETERANS LOAN ADVISERS AND TO DISCONTINUE ADMINISTRATION OF THE WORLD WAR VETERANS LOAN ACTS OF 1925, 1927 AND 1929.

The General Assembly of North Carolina do enact:

Section 1. It appearing from a report of the Board of Advisers of the World War Veterans Loan Fund under Acts which are codified in Article 4 of Chapter 143 of the General Statutes that by the 30th day of June,
1951, such Acts will be fully administered and that by said time the last to mature bonds issued under authority of said Acts will have been paid in full, and that thereafter there will be no administrative duties to be performed in connection with the said World War Veterans Loan Fund, the Board of Advisers of the World War Veterans Loan Fund provided for in G. S. 143-71 is authorized, empowered and directed to complete the administration of all duties imposed upon them by said Acts by the 30th day of June, 1951, and thereafter all duties, functions and responsibilities imposed by the said World War Veterans Loan Acts as set forth in Article 4 of Chapter 143 of the General Statutes entitled, "World War Veterans Loan Administration", shall terminate and thereafter the provisions of said laws shall have no further force and effect and the said Article 4 of Chapter 143 of the General Statutes shall be eliminated from such codification.

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

Sec. 3. This Act shall become effective from and after the 1st day of July, 1951.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 608

CHAPTER 350

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITY OF CHEROKEE COUNTY TO EXPEND CERTAIN NONTAX FUNDS GRANTED TO SAID COUNTY BY THE FEDERAL GOVERNMENT, FEDERAL AGENCIES AND CORPORATIONS FOR PURPOSES OF HEALTH, LAW ENFORCEMENT, UPKEEP OF COUNTY BUILDINGS, CARE OF INDIGENTS AND OTHER PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cherokee County is hereby authorized and empowered, in its discretion, to expend out of nontax funds which have heretofore been granted or paid to said county by the Federal Government, or any of its agencies or corporations, including the Tennessee Valley Authority, such an amount as it may deem wise, not exceeding thirty thousand dollars ($30,000.00) to promote the general health and welfare of said county and for certain objects, programs and purposes, which are hereby declared to be public purposes as follows:

For parks, recreation and related facilities; for fire protection to the extent that counties are authorized to participate by the General Statutes of North Carolina; for the upkeep and adornment of public cemeteries; for the care of indigents, including the indigent sick and hospitalization therefor; for the drainage of swamps, marshes and ponds for the control of diseases; to make surveys, studies and findings for the healthful location of sites for buildings and structures where many persons or employees will be concentrated together, and to make grants, subsidies, donations and subscriptions for the acquisition and purchase of such sites, and to make grants providing for water, sewerage and sanitary facilities in connection therewith; for the upkeep and maintenance of the county jail and courthouse;
for the necessary equipment and furnishing of county officers; for rabies control and purchase of vaccine; for law enforcement and radio equipment for the sheriff's office; for expenses in extradition proceedings.

Sec. 2. The authority herein granted shall be supplementary and additional to any legal and lawful authority heretofore granted to counties by the general laws of the State and shall not be construed as repealing any of said general laws or as limitations upon the authority granted under any of said general laws. The Board of Commissioners of Cherokee County, in its discretion, may make such expenditures or grants solely from funds in the Tennessee Valley Authority Account which consists of funds paid to said county by said authority to reimburse Cherokee County for damages resulting from the activities of the Tennessee Valley Authority.

Sec. 3. All expenditures heretofore made from the funds described in Sections 1 and 2 of this Act, and for the purposes and programs described in Section 1 of this Act are hereby authorized, validated, ratified and declared to be legal expenditures and payments.

Sec. 4. All laws and clauses of laws in conflict with this Act are here- by repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 610

CHAPTER 351

AN ACT TO AMEND SECTIONS 105-306(28); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN FORSYTH COUNTY; AND TO AUTHORIZE THE DIVISION OF TOWNSHIPS INTO GEOGRAPHICAL UNITS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Forsyth is hereby authorized and empowered to prescribe regulations of the type and form of oath, or declaration, and the manner of administering same to persons, firms and corporations listing property for taxation in Forsyth County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Authority is hereby granted to the Board of Commissioners for the County of Forsyth to divide any township in Forsyth County into two or more geographical units for tax listing purposes and to designate said geographical units by name or number. The Tax Supervisor of Forsyth County, with the approval of the Board of Commissioners, may appoint a list taker and assessor for each such geographical unit of a township.

Sec. 3. That the provisions of Sections 105-306(28); 105-308; 105-309 and 105-310 of the General Statutes of North Carolina shall not apply to the County of Forsyth and the County of Forsyth is hereby exempt therefrom.
Sec. 4. This Act shall apply only to Forsyth County.
Sec. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. 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 22nd day of March, 1951.

H. B. 615

CHAPTER 352

AN ACT TO AMEND SECTION 25 OF CHAPTER 5 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1941 PERTAINING TO THE CHARTER OF THE CITY OF LEXINGTON.

The General Assembly of North Carolina do enact:

Section 1. Section 25 of Chapter 5 of the Public-Local and Private Laws of 1941 is amended by adding to said Section after the figures "(117.50)." the following: "Each councilman of the City of Lexington, shall in addition thereto, receive ten dollars ($10.00) for each special or extra meeting of the council."

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 22nd day of March, 1951.

H. B. 619

CHAPTER 353

AN ACT CREATING THE OFFICES OF TWO SALARIED DEPUTY SHERIFFS FOR HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Haywood County is hereby authorized to appoint two salaried deputy sheriffs, one to be designated as chief deputy sheriff and the other as second deputy sheriff. The chief deputy sheriff shall be paid a salary of one hundred and fifty dollars ($150.00) per month and shall be paid fifty dollars ($50.00) a month as car allowance and shall also receive all fees as provided by law. The second deputy sheriff shall be paid a salary of one hundred and twenty-five dollars ($125.00) per month and shall be paid forty dollars ($40.00) a month as car allowance and shall also receive all fees as provided by law. The second deputy sheriff shall concern himself primarily with the performance of his duties in Clyde, Beaverdam and Pigeon Townships, but even though he is assigned primarily to such area, he shall nevertheless have authority to perform his duties and exercise his powers anywhere in the county.

Sec. 2. All salaries authorized pursuant to this Act shall be paid out of the general fund of the county and shall be paid only for services performed on and after April 1, 1951.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective April 1, 1951.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

H. B. 643

CHAPTER 354

AN ACT RELATING TO THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Pender County shall continue to consist of five (5) members and shall be nominated and elected by districts as now prescribed by law.

Sec. 2. At the general election for the year 1952, and quadrennially thereafter, the commissioners from Districts Nos. 1 and 4 shall be elected for terms of office of four years and at said election the commissioners from Districts Nos. 2, 3 and 5 shall be elected for terms of office of two years, and at the general election for the year 1954, and quadrennially thereafter, the members from Districts Nos. 2, 3 and 5 shall be elected for terms of office of four years.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. 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 22nd day of March, 1951.

H. B. 646

CHAPTER 355

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GREENE COUNTY TO FIX THE FEES CHARGED BY THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Greene County is hereby authorized, in its discretion, to fix the fees to be charged by the Clerk of the Superior Court and the Register of Deeds in Greene County for services rendered and duties performed by said officers: Provided, that the fees now allowed by the general law and any Public-Local or Private Acts applicable to Greene County shall continue to be in effect until said fees are changed by action of the board of commissioners in accordance with the provisions of this Act.

Sec. 2. No action of the Board of Commissioners of Greene County which results in changing the fees to be charged by the Clerk of the Superior Court or the register of deeds shall become effective until notice of such change has been published once each week for four successive weeks in a newspaper having a general circulation in Greene County, and posted at the courthouse and three other public places in Greene County for a period of four weeks.

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Sec. 3. This Act does not authorize the board of commissioners to change the amount assessed against the defendant or prosecuting witness in criminal cases and paid over to the Law Enforcement Officers’ Benefit and Retirement Fund as provided by G. S. 143-166, or the amount of the process tax as provided by G. S. 105-93.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1951.

S. B. 75

CHAPTER 356

AN ACT TO AMEND G. S. 14-107 SO AS TO PROHIBIT ANY PERSON, FIRM OR CORPORATION FROM AIDING AND ABETTING OR SOLICITING ANY PERSON, FIRM OR CORPORATION TO GIVE WORTHLESS CHECKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-107 is hereby amended by adding a new paragraph immediately following the first paragraph to read as follows:

"It shall be unlawful for any person, firm or corporation to solicit or to aid and abet any other person, firm or corporation to draw, make, utter or issue and deliver to any person, firm or corporation, any check or draft on any bank or depository for the payment of money or its equivalent, being informed, knowing or having reasonable grounds for believing at the time of the soliciting or the aiding and abetting that the maker or the drawer of the check or draft has not sufficient funds on deposit in, or credit with, such bank or depository with which to pay the same upon presentation.

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

S. B. 83

CHAPTER 357

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES SO AS TO PROHIBIT THE SALE OF CORN AT NIGHT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-345, to be numbered G. S. 14-345.1, to read as follows:

"G. S. 14-345.1. It shall be unlawful for any person to buy, sell, deliver, or receive, for a price, or for any reward whatever, any shelled or unshelled corn, in any quantity, between the hours of sunset and sunrise: Provided, however, that this Act shall not apply to the sale of corn at
Bertie, Wake, upon conviction, ratified. repealed.

Sec. 1 1/2. This Act shall apply only to the Counties of Halifax, Warren, Wake, Bertie, Nash, Hertford, Columbus, Edgecombe and Northampton.

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 23rd day of March, 1951.

S. B. 277  CHAPTER 358
AN ACT EXTENDING THE TERRITORIAL JURISDICTION OF THE POLICE OFFICERS IN THE TOWN OF LUMBERTON IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The authority of all law enforcement officers of the Town of Lumberton in Robeson County to make arrests, enforce the law, preserve the peace, serve all legal process and to exercise all lawful authority otherwise granted by law is hereby extended to include all areas and properties now owned or hereafter acquired by said town, including specifically, but not being limited to, the Meadowbrook City Cemetery, the Municipal Golf Course, the Municipal Airport, and McMillan's Beach on Lumbee River. This extension of the jurisdiction and authority of municipal law enforcement officers beyond the corporate limits of the Town of Lumberton shall include the right of such officers to transport prisoners or persons charged with violations of the law to, from, through or between any municipally owned areas or property.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 147  CHAPTER 359
AN ACT TO AMEND SECTION 122-65 OF THE GENERAL STATUTES RELATING TO THE TEMPORARY CONFINEMENT IN JAIL OF MENTALLY DISORDERED PERSONS SO AS TO AUTHORIZE THE TEMPORARY CARE OF SUCH PERSONS IN SOME OTHER PLACE.

The General Assembly of North Carolina do enact:

Section 1. Section 122-65 of the General Statutes is hereby rewritten to read as follows:

"122-65. Mentally disordered person temporarily committed. When any person is found to be mentally disordered under any of the provisions
of this Chapter, and he cannot be immediately admitted to the proper hospital, and such person is also found to be subject to such acts of violence as threatened injury to himself and danger to the community, and he cannot otherwise be properly restrained, he may be temporarily committed to a private hospital, county hospital, or other suitable place, or to the county jail until a more suitable provision can be made for his care."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 196

CHAPTER 360

AN ACT TO AMEND G. S. 20-154 RELATING TO HAND SIGNALS OF MOTOR VEHICLE DRIVERS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-154 of the General Statutes (1949 Cumulative Supplement) by rewriting the last sentence of subsection (b) thereof to read as follows:

"'All hand and arm signals shall be given from the left side of the vehicle and all signals shall be maintained or given continuously for the last one hundred feet traveled prior to stopping or making a turn.'"

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 255

CHAPTER 361

AN ACT TO AMEND CHAPTER 7, SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA TO CHANGE THE TERMS OF SUPERIOR COURT IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 7, Section 7-70 of the General Statutes of North Carolina be amended as follows:

(a) By striking out the paragraphs relating to the terms of the Superior Court in Caswell County and inserting in lieu thereof the following:

CASWELL—The second Monday after the first Monday in March, to continue for one week, for the trial of criminal cases; the fifth Monday after the first Monday in March, to continue for one week, for the trial of civil cases; the fourth Monday after the first Monday in September, to continue for one week, for the trial of civil cases; the tenth Monday after the first Monday in September, to continue for one week, for the trial of criminal cases.

Sec. 2. All laws and clauses of laws in conflict with this Act be, and the same are hereby, repealed.
Sec. 3. This Act shall be in full force and effect from and after May 1, 1951.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 328   CHAPTER 362

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm, or corporation to engage in the business of a professional bondsman, or surety, without first paying an annual license fee to the County of Caswell in the sum of fifty dollars ($50.00) each.

Sec. 2. Every person, firm or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule of financial condition with the Clerk of the Superior Court, and the financial responsibility of the obligor named in all bail or other bonds executed by said professional bondsman shall be approved by said clerk. When, in the opinion of said Clerk of the Superior Court, the financial condition of any professional bondsman is inadequate to justify acceptance of further bonds, he shall demand from such professional bondsman a deposit of security in such value as to secure the State in the collection of any forfeited penalty.

Sec. 3. The term "professional bondsman", as herein used, shall be construed to include any individual, group of individuals, or corporation who shall, for pay or profit, execute any bond for the release of any person or property from custody of law, or recognizance, who executes more than four bonds in one calendar year.

Sec. 4. It shall be unlawful for any professional bondsman to solicit business by or through any attorney at law, court official, or law enforcement officer, or to pay to, give, or lend to any said person or persons money or other things of value as pay or gratuity for such service.

Sec. 5. It shall be unlawful for any professional bondsman to solicit business directly or through another, in any jail, courthouse, courtroom, or other municipal or governmental building.

Sec. 6. It shall be unlawful for any professional bondsman, court official, or law enforcement officer to recommend to any person incarcerated or bailed, any particular attorney at law, or firm practicing law, or to advise such person with respect to the law or court procedure.

Sec. 7. No sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or the wife of any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, shall in any case become bail for any prisoner, for money or property. Nor shall any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or their wives, become bail as agents for any professional bondsman. Nor shall they recommend any particular professional bondsman.
Sec. 8. It shall be unlawful for any attorney, or court official, or law enforcement officer to accept any pay or gratuity from any professional bondsman for any service rendered, directly or indirectly, to said bondsman, except fees fixed by law or as compensation for professional services rendered in the customary practice of the legal profession.

Sec. 9. It shall be unlawful for any professional bondsman to charge or receive as compensation for his services to any person a sum in excess of ten per cent (10%) of the penalty on the first two hundred dollars ($200.00) and five per cent (5%) on all excess over two hundred dollars ($200.00) of any bond. A minimum charge of five dollars ($5.00) may be made. No person bailed shall be surrendered as provided by law during the pendency of his cause unless the professional bondsman shall return to such person one-fourth of the charge made and received by him for his services: Provided, however, no refund shall be required of said professional bondsman if such person, during the pendency of his cause, shall fail to make his appearance as required by his recognizance.

Sec. 10. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and upon conviction the court shall suspend or revoke the license of such professional bondsman for a period of two (2) years.

Sec. 11. Any Judge of the Superior Court holding courts in Caswell County or the judge of any court in Caswell County inferior to the Superior Court, other than a court of a justice of the peace, shall have the power and authority to inquire into the violation of any of the provisions of this Act and to revoke the license of any professional bondsman upon satisfactory proof of such violation, after said bondsman has been given an opportunity to be heard in his defense. Whenever any license has been revoked, it shall be unlawful to reissue said license to any person, firm, or corporation for a term of two (2) years after the revocation of same. The revocation of either municipal or county license shall automatically revoke any other license issued to said bondsman. Any professional bondsman whose license has been revoked by a judge of a court inferior to the Superior Court, as provided above, shall have the right to appeal said revocation to the Superior Court under such procedure as prevails in any of said courts for the perfection of appeals to the Superior Court. Each professional bondsman, or surety, shall file on or before the fifth day of each month a report of all bonds written during the previous month, including in the report the name of the person, offense charged, amount of bond and amount of compensation received. The professional bondsman, or surety, shall be required to swear to the report, and the same shall be filed in the office of the Clerk of the Superior Court of Caswell County for record purposes.

Sec. 12. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Sec. 13. This Act shall apply to Caswell County only.
In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

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H. B. 370  

CHAPTER 363

AN ACT TO REGULATE THE SALARIES OF CERTAIN OFFICIALS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the 1st day of January, 1951, the Sheriff of Montgomery County shall receive as compensation for his services an annual salary of thirty-six hundred dollars ($3,600.00), payable in 12 equal monthly installments, and in addition thereto shall receive the sum of eighty dollars ($80.00) per month as reimbursement for travel expense incurred in carrying out the duties of his office. The sheriff shall also receive all fees for the service of process as is now provided by law.

Sec. 2. The Sheriff of Montgomery County shall employ one full time deputy who shall receive as compensation for his services an annual salary of twenty-four hundred dollars ($2,400.00), payable in 12 equal monthly installments by the Board of County Commissioners of Montgomery County out of the general fund of said county.

Sec. 3.—The Jailer of Montgomery County shall receive as his compensation such an amount not to exceed two hundred dollars ($200.00) per month as may be fixed by the county commissioners of said county. In addition to the salary herein provided for, the Board of County Commissioners of Montgomery County may pay to the jailer an amount not less than twenty-five cents (25c) nor more than seventy-five cents (75c) for each meal served to each prisoner of said county.

Sec. 4. In all cases where a prisoner is held in jail pending trial in Montgomery County, there shall be, upon conviction of such prisoner, taxed in the bill of costs against him an amount of not more nor less than the actual cost of furnishing meals to such prisoners during such time as may be determined and fixed by the board of county commissioners under the provisions of Section 3 of this Act.

Sec. 5. Effective the 1st day of January, 1951, the Register of Deeds of Montgomery County shall receive an annual salary of thirty-six hundred dollars ($3,600.00), payable in 12 equal monthly installments.

Sec. 6. Effective the 1st day of January, 1951, the Register of Deeds of Montgomery County shall employ one full time deputy register of deeds who shall receive as compensation for his services an annual salary of twenty-four hundred dollars ($2,400.00), payable in 12 equal monthly installments by the Board of County Commissioners of Montgomery County out of the general fund of said county.

Sec. 7. Effective the 1st day of January, 1951, the Clerk of the Superior Court of Montgomery County shall receive an annual salary of thirty-six hundred dollars ($3,600.00), payable in 12 equal monthly installments, and in addition thereto shall receive an annual salary of four hundred dollars ($400.00) as full compensation for the performance of his duties as judge of the juvenile court and clerk of the recorder's court.

Sec. 8. Effective the 1st day of January, 1951, the Clerk of the Superior Court of Montgomery County shall employ one full time deputy Clerk of the Superior Court who shall receive as compensation for his services an
annual salary of twenty-four hundred dollars ($2,400.00), payable in 12
equal monthly installments by the Board of County Commissioners of Mont-
gomery County out of the general fund of said county.

Sec. 8½. The salaries, allowances, and fees, provided for in this Act
shall be in full compensation for the services of the officers named herein,
their deputies, or assistants, and any person who shall pay or receive any
compensation in addition to that authorized herein shall be personally
liable therefor; and any citizen or taxpayer may, in his own name for the
benefit of Montgomery County institute suit and recover the sum illegally
paid or received. No notice shall be required of the citizen or taxpayer
to the board of county commissioners prior to institution of suit. The citi-
zen or taxpayer so suing shall receive one-half (½) of the amount recov-
ered to indemnify him for his services.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 10. 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 23rd
day of March, 1951.

H. B. 415

CHAPTER 364

AN ACT TO AMEND ARTICLE 51 OF CHAPTER 14 OF THE GENERAL
STATUTES, RELATING TO PROTECTION OF THE GAME OF BASE-
BALL, SO AS TO MAKE THE ARTICLE APPLICABLE TO OTHER
ATHLETIC CONTESTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-373 is stricken out and the following is substituted
in lieu thereof:

"§14-373. If any person shall bribe, or offer to bribe, any player in
any athletic contest with intent to influence his play, action, or conduct
in any athletic contest, or if any person shall bribe, or offer to bribe,
any referee, umpire, or other official of any athletic contest, with intent
to influence his decision or bias his opinion or judgment, in relation to any
athletic contest, or if any person shall bribe, or offer to bribe, any mana-
ger, or other official of an athletic club, league, association, or institution,
young other name called, conducting said athletic contest, such person shall
be guilty of a felony, and, upon conviction shall be punished by imprison-
ment in the State Penitentiary for not less than one nor more than five
years."

Sec. 2. G. S. 14-374 is stricken out and the following is substituted in
lieu thereof:

"§14-374. If any player in any athletic contest shall accept, or agree
to accept, a bribe offered for the purpose of influencing his play, action,
or conduct in any athletic contest, or if any referee, umpire, or other offi-
cial of an athletic contest shall accept, or agree to accept, a bribe offered
for the purpose of influencing his decision or biasing his opinions, rulings,
or judgment, or if any manager or other official of an athletic club, league,
association, or institution shall accept, or agree to accept, any bribe offered for the purpose of inducing him to lose or cause to be lost any athletic contest, as set out in §14-373 of this Article, such player, manager, official, referee, or umpire shall be guilty of a felony, and, upon conviction, shall be punished by confinement in the State Penitentiary for not less than one nor more than five years.”

Sec. 3. G. S. 14-375 is stricken out and the following is substituted in lieu thereof:

“§14-375. To complete the offenses mentioned in §§14-373 and 14-374, it shall not be necessary that the player, manager, referee, umpire, or official shall, at the time, have been actually employed, selected, or appointed to perform his respective duties; it shall be sufficient if the bribe be offered, accepted, or agreed to with the view of probable employment, selection, or appointment of the person to whom the bribe is offered or by whom it is accepted. It shall not be necessary that such player, referee, umpire, manager, or other official actually play or participate in an athletic contest concerning which said bribe is offered or accepted; it shall be sufficient if the bribe be given, offered, or accepted in view of his or their possibly participating therein.”

Sec. 4. G. S. 14-376 is stricken out and the following is substituted in lieu thereof:

“§14-376. By a “bribe”, as used in this Article, is meant any gift, emolument, money or thing of value, testimonial, privilege, appointment or personal advantage, or in the promise of either, bestowed or promised for the purpose of influencing, directly or indirectly, any player, referee, manager, umpire, club or league official, to see which game an admission fee may be charged, or in which athletic contest any player, manager, umpire, referee, or other official is paid any compensation for his services. Said bribe as defined in this Article need not be direct; it may be such as is hidden under the semblance of a sale, bet, wager, payment of a debt, or in any other manner defined to cover the true intention of the parties.”

Sec. 5. G. S. 14-377 is stricken out and the following is substituted in lieu thereof:

“§14-377. If any player, manager, referee, umpire, club or league official shall commit any willful act of omission or commission in playing or directing the playing of an athletic contest with intent to cause the club, league, association, or institution with which he is affiliated to lose an athletic contest; or if any referee, umpire, or other official in an athletic contest shall commit any willful act connected with his official duties for the purpose and with the intent to cause an athletic club, league, association, or institution to win or lose an athletic contest which it would not otherwise have won or lost under the rules governing the playing of such contest, he or they shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the State Penitentiary for not less than one nor more than five years.”

Sec. 6. G. S. 14-378 is stricken out and the following is substituted in lieu thereof:
"§14-378. In all prosecutions under this Article, the venue may be laid in any county where the bribe herein referred to was given, offered, or accepted, or in which the athletic contest was carried on in relation to which the bribe was offered, given, or accepted, or the acts referred to in §14-377 were committed."

Sec. 7. G. S. 14-379 is stricken out and the following is substituted in lieu thereof:

"§14-379. Nothing in this Article shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager or other official by any person to encourage such manager, player, or other official to a higher degree of skill, ability, or diligence in the performance of his duties."

Sec. 8. G. S. 14-380 is repealed.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. 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 23rd day of March, 1951.

H. B. 434

CHAPTER 365

AN ACT TO FIX THE COMPENSATION OF THE TAX COLLECTOR AND TAX SUPERVISOR OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Tax Collector and Tax Supervisor of Caswell County shall receive a salary of two hundred dollars ($200.00) per month, payable out of the general fund of the county. In addition to said salary, he shall also receive a commission on certain taxes collected, which commission shall be computed by the board of county commissioners as follows:

Five per cent (5%) on all taxes collected over and above eighty-five per cent (85%) and less than ninety per cent (90%) of the ad valorem property tax levy, and ten per cent (10%) on all taxes collected over and above ninety per cent (90%) of the ad valorem property tax levy.

The tax collector and tax supervisor shall also receive a commission of ten per cent (10%) on all taxes collected for the year 1949, and any year prior thereto.

Whenever, after July 1, 1951, any tax on personal property becomes six months or more overdue, and whenever, after July 1, 1951, any tax on real property becomes one year or more overdue, and a visit is made to the delinquent taxpayer for the purpose of collecting taxes, a penalty of two dollars ($2.00) shall be added thereto in addition to all other penalties and interest now provided by law. Such penalty of two dollars ($2.00) shall, upon collection, be retained by the tax collector and tax supervisor as additional compensation.

All other fees and commissions allowed by law, except as herein provided, shall be paid in to the county general fund.
Sec. 2. The tax collector and tax supervisor shall also be paid the sum
of one hundred dollars ($100.00) per month for clerical hire, such payment
to be made from the county general fund.

Sec. 3. This Act shall apply only to Caswell County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 23rd
day of March, 1951.

H. B. 534

CHAPTER 366
AN ACT TO AMEND CHAPTER 33 OF THE GENERAL STATUTES
RELATING TO APPOINTMENT OF AN ANCILLARY GUARDIAN
FOR A NONRESIDENT INFANT OWNING REAL PROPERTY IN
THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 33 of the General Statutes is hereby amended by
inserting a new Section immediately following G. S. 33-31.1, to be num-
bered G. S. 33-31.2, and to read as follows:

"§33-31.2. Ancillary guardian for nonresident infant having real prop-
erty in this State.—Whenever it shall appear by petition, application, and
due proof to the satisfaction of any Clerk of the Superior Court of North
Carolina that:

(1) There is real property situated in the county of said clerk in which
a nonresident of the State of North Carolina has an interest or estate;

(2) That said nonresident is an infant and that a guardian has been
appointed and is still serving for him or her in the State of his or her
residence; and

(3) That such nonresident infant has no guardian in the State of North
Carolina:

Such Clerk of the Superior Court before whom such petition, applica-
tion and satisfactory proof is made shall thereupon be fully authorized and
empowered to appoint in his county an ancillary guardian, which guardian
shall have all the powers, duties and responsibilities with respect to the
estate of said infant in the State of North Carolina as guardians otherwise
appointed now have; and such ancillary guardian shall annually make an
accounting to the court in this State and remit to the guardian in the state
of the ward's residence any net rents of said real estate, or any proceeds
of sale, to the guardian of the state of residence of said infant.

Upon the appointment of an ancillary guardian in this State under this
Article, the Clerk of the Superior Court shall forthwith notify the Clerk
of the Superior, or other corresponding court of the county of the ward's
residence, and shall also notify the guardian in the state of the ward's
residence."

Sec. 2. G. S. 33-31, as the same appears in the 1949 Supplement to the
General Statutes, is hereby amended by inserting a comma immediately
following the word "guardian" in the first line and adding the words "or ancillary guardian appointed pursuant to G. S. 33-31.2,"

Sec. 3. This Act does not apply to pending litigation.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 373

CHAPTER 367
AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE PROTECTION FOR THE RARE VENUS FLY TRAP.

The General Assembly of North Carolina do enact:
Section 1. G. S. 14-129 is hereby amended by inserting between the word "any" and the word "trailing" as the same appear in line four of said Section the words "venus fly trap (Dionaea Muscipula)",

Sec. 2. Chapter 14 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 14-129 and immediately preceding G. S. 14-130 to be numbered G. S. 14-129.1 and to read as follows:
"G. S. 14-129.1—In order to prevent the extinction of the rapidly disappearing rare and unique plant known as the venus fly trap (Dionaea Muscipula), it shall be unlawful for any person, firm or corporation to sell or barter or to export for sale or barter, any venus fly trap plant or any part thereof. Any person, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court: Provided, this Section shall not apply to the sale or exportation of the venus fly trap plant for the purposes of scientific experimentation or study when such sale or export for such purposes has been authorized in writing by the Department of Conservation and Development."
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 399

CHAPTER 368
AN ACT REGULATING THE TERMS OF GRAND JURORS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:
Section 1. Chapter 95 of the Session Laws of 1945 is repealed.
Sec. 2. Chapter 296 of the Public-Local and Private Laws of 1941, regulating the terms of grand jurors in Randolph County, is hereby, in all respects, re-enacted.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 423    CHAPTER 369

AN ACT TO ABOLISH JURY TRIAL IN CRIMINAL CASES IN THE RECORDER’S COURT OF CALDWELL COUNTY AND TO TRANSFER CRIMINAL CASES IN WHICH JURY TRIAL IS REQUESTED TO THE SUPERIOR COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Chapter 7 of the General Statutes of North Carolina, as amended, as the same may be applicable to trial by jury in criminal cases in the Recorder’s Court of Caldwell County, be, and the same are hereby, repealed.

Sec. 2. In all criminal trials in the Recorder’s Court of Caldwell County, upon demand for a jury trial, by either the defendant or the prosecuting attorney, the recorder or judge of said court shall transfer said cause for trial to the Superior Court of Caldwell County, and the defendant shall be required to execute a new and justified bond in such amount as may be fixed by the recorder or judge of said county court, for the defendant’s appearance at the next term of the Superior Court of Caldwell County for the trial of criminal cases. The Superior Court of Caldwell County is hereby invested with full and complete jurisdiction to try, determine and dispose of all criminal cases transferred to said Superior Court by virtue of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 506    CHAPTER 370

AN ACT TO AMEND SECTION 119-41 OF THE GENERAL STATUTES TO PROVIDE FOR THE MARKING OF VEHICLES TRANSPORTING GASOLINE.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 119-41 of the General Statutes by inserting between the word “owner” and the words “of the” in line 32 of said Section the words “or lessee.”

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 23rd day of March, 1951.
H. B. 523

CHAPTER 371

AN ACT TO REQUIRE BONDING COMPANIES AND PROFESSIONAL BONDSMEN TO MAKE A DEPOSIT OF FUNDS WITH THE CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY TO GUARANTEE THE PERFORMANCE OF THEIR OBLIGATIONS.

The General Assembly of North Carolina do enact:

Section 1. All bonding companies or professional bondsmen who are engaged in the business of executing bail bonds or becoming sureties on the bonds or recognizances for the appearance of defendants in criminal actions or for the performance of any obligations required by the court on the part of the defendants in criminal actions before doing any business in Haywood County and before becoming surety upon any bonds or recognizances or assuming any obligations in any form whatsoever upon bail bonds requiring the appearance of defendants in criminal actions or requiring defendants in criminal actions to perform any obligations, shall deposit with the Clerk of the Superior Court of Haywood County the sum of one thousand dollars ($1,000.00) with the Clerk of the Superior Court of Haywood County shall constitute a condition precedent to the doing of any business in said county by said bonding companies of professional bondsmen and no bond, recognizance or obligation executed by said bonding company or companies or professional bondsmen shall be valid nor shall it be lawful for any charge to be made or compensation to be paid for any such bond or recognizance until said deposit of one thousand dollars ($1,000.00) is made with the Clerk of the Superior Court of Haywood County. A professional bondsmen or bonding company as used in this Act shall mean any person, firm, corporation or association who shall execute an appearance bond in consideration of the payment of a premium.

Sec. 2. The Clerk of the Superior Court of Haywood County shall keep said deposit in a special account showing the name of the person, firm or corporation who made the deposit, and the said funds shall be safeguarded and protected as any other funds paid into the office of the Clerk of the Superior Court by virtue of said office. The said sum of one thousand dollars ($1,000.00) so deposited with the Clerk of the Superior Court of Haywood County shall be liable for any obligations on the part of said bonding companies or professional bondsmen and upon execution being issued against said bonding companies or professional bondsmen and the same being returned unsatisfied, it shall be the duty of the Clerk of the Superior Court to apply said sum of one thousand dollars ($1,000.00) in payment of any judgment of record against said bonding companies or professional bondsmen to the extent of the payment of the principal, interest and costs thereon, and such application, when properly shown and receipted upon the judgment docket, shall constitute a discharge of liability on the part of said clerk for the handling of said funds. Said bonding companies or professional bondsmen shall, in addition to depositing the sum of one thousand dollars ($1,000.00) with the Clerk of the Superior Court of Haywood County, maintain on deposit at all times with said clerk the sum of one thousand dollars ($1,000.00).
Sec. 3. Any bonding company or professional bondsman making said deposit and wishing to withdraw same may do so by ceasing to do business in Haywood County and upon satisfying the Clerk of the Superior Court that all of its obligations by reason of bail bonds or recognizances outstanding against said bonding company or professional bondsman in Haywood County.

Sec. 4. This Act shall not apply to insurance companies or bonding companies which are licensed by the North Carolina Insurance Commissioner to do business in the State of North Carolina.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 571

CHAPTER 372

AN ACT TO AMEND G. S. 136-18 SO AS TO AUTHORIZE LANDSCAPING AND GENERAL PROTECTION OF HIGHWAYS AND CONSTRUCTION AND MAINTENANCE OF ROADSIDE PARKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-18 is hereby amended by rewriting subsection (i) as follows:

“(i) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, Federal agencies, civic bodies and individuals in the furtherance of these objectives. No such roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes and every use or attempted use of any such area for commercial purposes shall constitute a misdemeanor and each day's use shall constitute a separate offense.”

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 full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.
H. B. 596  

CHAPTER 373

AN ACT TO AMEND G. S. 28-120 SO AS TO INCREASE THE AMOUNT WHICH AN EXECUTOR OR ADMINISTRATOR MAY SPEND FOR A GRAVESTONE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-120 is hereby amended by striking out the words “one hundred dollars” in line 13 and inserting in lieu thereof the words and figures “four hundred dollars ($400.00),” and by striking out in lines 18 and 19 the words and figures “fifteen thousand dollars ($15,000.00)” and inserting in lieu thereof the words and figures “twenty-five thousand dollars ($25,000.00)”; and by striking out in line 21 the words and figures “five hundred dollars ($500.00)” and inserting in lieu thereof the words and figures “eight hundred dollars ($800.00).”

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 23rd day of March, 1951.

H. B. 599  

CHAPTER 374

AN ACT RELATING TO THE REVALUATION AND REASSESSMENT OF REAL PROPERTY FOR TAXATION IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners for Mecklenburg County shall postpone and defer the revaluation and reassessment of real property in said county for taxation for the year 1951.

Sec. 2. The Board of Commissioners for Mecklenburg County is hereby authorized and empowered in its discretion to revalue and reassess all of the real property in Mecklenburg County for taxation in either of the years 1952 or 1953, as said board may deem advisable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 4. 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 23rd day of March, 1951.

H. B. 605  

CHAPTER 375

AN ACT PERMITTING THE CITY OF SALISBURY TO CONVEY CERTAIN LAND TO ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The City of Salisbury be and it is hereby authorized and empowered to convey to Rowan County without consideration certain land
fronting approximately six hundred nineteen (619) feet on West Innes Street Extension for use as a site for a public health center.

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 23rd day of March, 1951.

H. B. 649    CHAPTER 376
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO PAY A REASONABLE BOUNTY FOR THE SCALP OF ANY WILDCAT, FOX OR HAWK.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Graham County is hereby authorized, in its discretion, to pay such bounty as it shall consider reasonable and proper for the scalp of any wildcat, fox or hawk killed in Graham County.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.

H. B. 668    CHAPTER 377
AN ACT RELATING TO THE MANNER OF THE ELECTION OF THE COUNTY COMMISSIONERS OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 329 of the Public-Local Laws of 1947 is hereby amended by striking therefrom Section 3 thereof. After the effective date of this Act the Board of County Commissioners of Caldwell County shall continue to consist of five members. Candidates for the office of County Commissioner in Caldwell County and members of the Board of County Commissioners in Caldwell County shall, as to residence qualifications, be subject only to those provided by the general law of the State with respect thereto.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1951.
S. B. 36

CHAPTER 378

AN ACT TO ENLARGE THE POWERS AND DUTIES OF THE STATE BOARD OF ALCOHOLIC CONTROL SO AS TO PROVIDE FOR BETTER AND STRICTER REGULATION AND ENFORCEMENT OF LAWS RELATING TO THE SALE AND DISTRIBUTION OF MALT BEVERAGES.

The General Assembly of North Carolina do enact:

Section 1. Every salesman for a wholesale distributor of malt beverages shall apply, by May 1, 1951, to the board for a wholesale salesman's permit to sell such beverages, and shall renew the permit by May 1 of each succeeding year thereafter. This shall be deemed to include salesmen stationed at the wholesaler's warehouse as well as route salesmen who sell and deliver malt beverages to retailers. All persons entering such employment after May 1, 1951, shall apply to the board in like manner for a salesman's permit.

Sec. 2. Such salesman shall be 21 years of age, a citizen of the United States, and no salesman's permit shall be issued to any person who has been convicted within two years preceding the filing of his application of violating the State or Federal Prohibition Laws, or who has been convicted of a felony or of any crime involving moral turpitude. No salesman's permit shall be issued to any person whose permit or license issued to him pursuant to the laws of this State or any other state to sell alcoholic beverages of any kind has been revoked during the two years next preceding the date of application for a permit.

Sec. 3. All persons holding a malt beverage salesman's license at the time of ratification of this Act shall be deemed to have complied with all the requirements of the board in filing application for a permit to sell malt beverages at wholesale, except in cases where the board upon investigation finds as a fact that the holder of such a license is an undesirable person to be engaged in the beer business.

Sec. 4. The board shall certify to the Department of Revenue the names, locations, and addresses of all persons to whom the board has issued wholesale salesmen's permits, and no license issued to an applicant shall be valid until the applicant has obtained a permit as provided by this Act.

Sec. 5. The board may suspend or revoke any permits issued by it if the salesman holding such permit is adjudged guilty by the board of violating any of the North Carolina laws or regulations pertaining to the sale of malt beverages; any person who shall engage in the wholesale sale or distribution of malt beverages as a salesman without a permit from and after May 1, 1951, shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Sec. 6. Each route salesman shall be responsible under this Act for all sales and deliveries of malt beverages by his helper.

Sec. 7. Permit holders cited for violation by the board shall have the right to a hearing as provided by law in G. S. 18-137.

Sec. 8. No wholesale distributor of malt beverages shall after May 1, 1951, employ as a salesman any person who does not have a salesman's
permit, and the permits of wholesale distributors violating the provisions of this Section shall be subject to revocation or suspension by the board.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect on and after April 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 61  
CHAPTER 379
AN ACT RELATING TO THE PROOF OF ATTESTED INSTRUMENTS AND PROVIDING FORMS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. Chapter 47 of the General Statutes is hereby amended by striking out G. S. 47-12 and inserting in lieu thereof the following Sections:

"G. S. 47-12.1 Proof of attested instrument by subscribing witness. Except as provided by G. S. 47-12.3, the execution of any instrument required or permitted by law to be registered, which has been witnessed by one or more subscribing witnesses, may be proved for registration before any official authorized by law to take proof of such an instrument, by a statement under oath of any such subscribing witness. Nothing in this Section in any wise affects any of the requirements set out in G. S. 52-12.

"G. S. 47-12.2. Proof of attested instrument by proof of handwriting. (a) If all subscribing witnesses have died or have left the State or have become of unsound mind or otherwise incompetent or unavailable, the execution of such instrument, except as provided by G. S. 47-12.3, may be proved for registration, before any official authorized by law to take proof of such an instrument, by a statement under oath that the affiant knows the handwriting of the maker and that the purported signature of the maker is in the handwriting of the maker, or by a statement under oath that the affiant knows the handwriting of a particular subscribing witness and that the purported signature of such subscribing witness is in the handwriting of such subscribing witness.

(b) Nothing in this Section in any wise affects any of the requirements set out in G. S. 52-12.

"G. S. 47-12.3. Subscribing witness incompetent when grantee or beneficiary. The execution of an instrument may not be proved for registration by a subscribing witness who is the grantee or beneficiary therein nor by proof of his signature as such subscribing witness. Nothing in this Section invalidates the registration of any instrument registered prior to April 9, 1935."

Sec. 2. Chapter 47 of the General Statutes is hereby amended by adding the following Section immediately following G. S. 47-13:

"G. S. 47-13.1. Certificate of officer taking proof of instrument. The person taking proof of an instrument pursuant to G. S. 47-12.1, G. S. 47-12.2 or 47-13 shall execute a certificate on or attached to the instrument being proved, certifying to the fact of proof, and such certificate shall be prima facie evidence of the facts therein certified."
Sec. 3. Article 3 of Chapter 47 of the General Statutes is hereby amended by inserting the following Sections immediately following G. S. 47-43:

"§ 47-43.1. Officer's certificate upon proof of instrument by subscribing witness. When the execution of an instrument is proved by a subscribing witness as provided by G. S. 47-12.1, the certificate required by G. S. 47-13.1 shall be in substantially the following form:

STATE OF ........................................

(Name of state)

.................................................. COUNTY

I, ..................................................., a .................................................., a .................................................., a

(Name of officer taking proof) (Official title of officer taking proof)

of .................................................. COUNTY, ........................................, certify that

(Name of state)

personally appeared before me this day,

(Name of subscribing witness)

and being duly sworn, stated that, in his presence, .................................................................

(Name of maker)

signed the foregoing instrument.

WITNESS my hand and official seal, this the .......... day of

................................................., 19........

(Month) (Year)

.................................................. (Signature of officer taking proof)

(Official title of officer taking proof)

My commission expires ..................................................

(Date of expiration of officer's commission)

"§ 47-43.2. Officer's certificate upon proof of instrument by proof of signature of maker. When the execution of an instrument is proved by proof of the signature of the maker as provided by G. S. 47-12.2 or as provided by G. S. 47-13, the certificate required by G. S. 47-13.1 shall be in substantially the following form:

STATE OF ........................................

(Name of state)

.................................................. COUNTY

I, ..................................................., a ..................................................

(Name of officer taking proof) (Official title of officer taking proof)

of .................................................. COUNTY, ........................................ certify that

(Name of state)

personally appeared before me this day,

(Name of person familiar with maker's handwriting)

and being duly sworn, stated that he knows the handwriting of
and that the signature to the foregoing instrument is the signature of ________________________________

WITNESS my hand and official seal, this the _________ day of ________________________________, 19________

_________________________ (Month) ___________________________ (Year)

______________________________ (Signature of officer taking proof)

______________________________ (Official title of officer taking proof)

My commission expires ________________________________ (Date of expiration of officer's commission)

"§ 47-43.3. Officer's certificate upon proof of instrument by proof of signature of subscribing witness. When the execution of an instrument is proved by proof of the signature of a subscribing witness as provided by G. S. 47-12.2, the certificate required by G. S. 47-13.1 shall be in substantially the following form:

STATE OF ________________________________

____________________________________ COUNTY

I, ___________________________________, a ________________________________ (Name of officer taking proof)

____________________________________ COUNTY, ________________________________ certify that

____________________________________ (Name of person familiar with handwriting of subscribing witness)

and being duly sworn, stated that he knows the handwriting of ________________________________, and that the signature of ________________________________, (Name of subscribing witness) (Name of subscribing witness) as a subscribing witness to the foregoing instrument is the signature of ________________________________ (Name of subscribing witness)

WITNESS my hand and official seal, this the _________ day of ________________________________, 19________

_______________________ (Month) ___________________________ (Year)

______________________________ (Signature of officer taking proof)

______________________________ (Official title of officer taking proof)

My commission expires ________________________________ (Date of expiration of officer's commission)

Sec. 3½. This Act does not apply to pending litigation.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 68

CHAPTER 380

AN ACT TO AMEND THE STATUTE RELATING TO THE PAYMENT TO THE CLERK OF THE SUPERIOR COURT OF MONEY OWED AN INTESTATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-68 is hereby amended by rewriting the Section to read as follows:

"G. S. 28-68.1. Payment to clerk of money owed intestate. (a) Any person indebted to an intestate may satisfy such indebtedness by paying the amount of the debt to the Clerk of the Superior Court of the county of the domicile of the intestate—

(1) If no administrator has been appointed, and

(2) If the amount owed by such person does not exceed $500.00, and

(3) If the sum tendered to the clerk would not make the aggregate sum which has come into the clerk's hands belonging to the intestate exceed $500.00.

(b) Such payments may not be made to the clerk if the total amount paid or tendered with respect to any one intestate would exceed $500.00, even though disbursements have been made so that the aggregate amount in the clerk's hands at any one time would not exceed $500.00.

(c) If a sum tendered pursuant to this Article would make the aggregate sum coming into the clerk's hands with respect to any one intestate exceed $500.00, the clerk shall appoint an administrator.

(d) If it appears to the clerk after making a preliminary survey that disbursements pursuant to subsection (a) of G. S. 28-68.3 would not exhaust funds received pursuant to G. S. 28-68.1, he may, in his discretion, appoint an administrator in such case.

"G. S. 28-68.2. Receipt of clerk. The receipt from the Clerk of the Superior Court of a payment purporting to be made pursuant to G. S. 28-68.1 is a full release to the debtor for the payment so made.

"G. S. 28-68.3. Disbursement by clerk. (a) If no administrator has been appointed, the Clerk of the Superior Court shall disburse the money received pursuant to G. S. 28-68.1 for the following purposes and in the following order:

(1) To pay the widow's year's allowance and children's year's allowance assigned in accordance with law:

(2) To pay any outstanding unsatisfied claims for funeral expenses.

(b) If any surplus remains after applying the funds as provided in subsection (a), the Clerk of the Superior Court shall appoint an administrator.

"G. S. 28-68.4. Transfer of funds to administrator; commissions. Whenever an administrator is appointed after a Clerk of the Superior Court has
received any money pursuant to G. S. 28-68.1, the clerk shall pay to the administrator all funds which have not been disbursed. The clerk shall receive no commission for making such payment to the administrator, and the administrator shall receive no commission for receiving such payment from the clerk.

"G. S. 28-68.5. G. S. 115-368 not affected. The provisions of G. S. 28-68.1 through G. S. 28-68.4 shall not be construed as modifying the provisions of G. S. 115-368, but are in addition thereto."

Sec. 2. Section 1 of Chapter 1033 of the Session Laws of 1949 is hereby amended by placing a period immediately before the words "and the balance" in next to the last line of Section 1, and by striking out the remainder of the Section, and by inserting in lieu thereof the following:

"If any surplus remains, the Clerk of the Superior Court shall appoint an administrator and pay the surplus to the administrator. The clerk shall receive no commission for making such payment to the administrator, and the administrator shall receive no commission for receiving such surplus from the clerk."

Sec. 2 1/2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 74  

CHAPTER 381

AN ACT RELATING TO PARTNERSHIPS AND RELATING TO DOING BUSINESS UNDER AN ASSUMED NAME.

The General Assembly of North Carolina do enact:

Section 1. (a) The Section title of G. S. 59-65 is hereby changed to read as follows: "Power of partner to bind partnership to third persons after dissolution; publication of notice of dissolution."

(b) G. S. 59-65 is hereby amended by rewriting the last four lines of paragraph (1) (b) (II) to read as follows:

"published at least once a week for four successive weeks in some newspaper qualified for legal advertising in each county in which the partnership business was regularly carried on, or if no such newspaper is published in the county, posted for thirty days at the courthouse and three other public places in the county."

Sec. 2. G. S. 59-78 is hereby amended by striking out the word "four" in the last line of the Section and inserting in lieu thereof the word "three".

Sec. 3. G. S. 59-85 is hereby amended to read as follows: "Sec. 59-85. Certificate to be filed; contents. (a) Before any person or partnership other than a limited partnership engages in business in any county in this State under an assumed name or under any designation, name or style other than the real name of the owner or owners thereof, or before a corporation engages in business in any county other than under its corporate name,
such person, partnership, or corporation must file in the office of the Clerk of
the Superior Court of such county a certificate giving the following
information:
(1) The name under which the business is to be conducted;
(2) The name and address of the owner, or if there is more than one
owner, the name and address of each.
(b) If the owner is an individual or a partnership, the certificate must
be signed and duly acknowledged by the individual owner, or by each part-
er. If the owner is a corporation, it must be signed in the name of the
corporation and duly acknowledged as provided by G. S. 47-41.
(c) Whenever a partner withdraws from or a new partner joins a part-
nership, a new certificate shall be filed.
(d) It is not necessary that any person, partnership, or corporation
file such certificate in any county where no place of business is maintained
and where the only business done in such county is the sale of goods by
sample or by traveling agents or by mail."
Sec. 4. G. S. 59-86 is hereby amended to read as follows:
"Sec. 59-86. Index of certificates kept by clerk. Each clerk of the Su-
perior Court of this State shall keep an index which will show alphabetically
every assumed name with respect to which a certificate is hereafter so filed
in his county.
For the indexing and filing of each such certificate he shall receive a
fee of twenty-five cents (25c).
Sec. 5. Chapter 59 of the General Statutes is hereby amended by adding
a new Section immediately following G. S. 59-86, to be numbered G. S.
59-86.1, and to read as follows:
"G. S. 59-86.1. Copy of certificate prima facie evidence. A copy of such
certificate duly certified by the Clerk of the Superior Court in whose office
it has been filed shall be prima facie evidence of the facts required to be
stated therein."
Sec. 6. G. S. 59-88 is hereby amended by rewriting the Section to read
as follows:
"Sec. 59-88. Violation of article a misdemeanor; civil penalty. (a) Any
person, partner or corporation failing to file the certificate as required by
this article—
(1) Shall be guilty of a misdemeanor, and upon conviction thereof shall
be punished by a fine of not more than fifty dollars ($50.00) or imprison-
ment for not more than thirty days, and
(2) Shall be liable in the amount of fifty dollars ($50.00) to any person
demanding that such certificate be filed if he fails to file the certificate
within seven days after such demand. Such penalty may be collected in a
civil action therefor.
(b) The failure of any person to comply with the provisions of this
Article does not prevent a recovery by such person in any civil action
brought in any of the courts of this State."
Sec. 7. Article 4 of Chapter 51 of the General Statutes is hereby
amended by changing the number of the article to "14" and by transferring
the article to Chapter 66 of the General Statutes, and by changing the
numbers of the Sections so that G. S. 59-85, 59-86, 59-87 and 59-88 shall be G. S. 66-68, 66-69, 66-70 and 66-71, respectively.

Sec. 8. Chapter 66 of the General Statutes is hereby amended by inserting at the end thereof the words "Art. 15. Person trading as 'Company' or 'Agent'!", and G. S. 59-89 is hereby amended by changing the number of the Section to G. S. 66-72 and by transferring the Section so that it will be a part of Article 15 of Chapter 66.

Sec. 9. Chapter 59 of the General Statutes is hereby amended by adding the following Section, to be numbered G. S. 59-84.1, thereto:

"G. S. 59-84.1. Partnership to comply with 'assumed name' statute. Every partnership other than a limited partnership shall comply with, and be subject to, the provisions of Articles 14 and 15 of Chapter 66 of the General Statutes in all cases in which the same are applicable."

Sec. 10. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing laws of the State prescribing any punishment for any acts omitted or committed shall continue in effect with respect to all such acts committed or omitted prior to July 1, 1951.

Sec. 10½. This Act does not apply to pending litigation.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 86

CHAPTER 382

AN ACT TO AMEND G. S. 143-166 RELATING TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

The General Assembly of North Carolina do enact:

Section 1. Amend subsection (d) of G. S. 143-166 by adding at the end of said subsection (d) a new sentence which shall read as follows: "The board of commissioners shall have authority to determine the membership eligibility or status of any member or applicant of any and all of those who come within the categories of law enforcement officers named in subsection (m) of this Section in accordance with general rules and regulations adopted by the board and the decision of the board of commissioners as to such membership eligibility or status shall be final."

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 27th day of March, 1951.

318
S. B. 230  CHAPTER 383
AN ACT TO AMEND G. S. 106-465, TO PROVIDE FOR OPTIONAL NONPARTICIPATING MEMBERSHIPS IN TOBACCO BOARDS OF TRADE.

The General Assembly of North Carolina do enact:

Section 1. That Section 465 of Chapter 106 of the General Statutes of North Carolina be and the same is hereby amended by inserting between the fifth and sixth paragraphs of said Section and immediately after the fifth paragraph reading as follows: "Membership, in good standing, in a local board of trade shall be deemed a reasonable requirement by such board of trade as a condition to participating in the business of operating a tobacco warehouse or the purchase of tobacco at auction therein.", the following additional new paragraph:

"Membership in the several boards of trade may be divided into two categories:
A. Warehousemen
B. Purchasers of leaf tobacco other than warehousemen—

Purchasers of leaf tobacco may be: (1) Participating or (2) nonparticipating. The holder of a membership as a purchaser of leaf tobacco shall have the option of becoming, upon written notice to the board of trade, either a participating or a nonparticipating member. Individuals, partnerships, and/or corporations who are members of tobacco boards of trade, established under this Act or coming within the provisions of this Act, as nonparticipating members shall not participate in or have any voice or vote in the management, conduct, activities, allotment of sales time, and/or hours, the fixing of dates for the opening or closing of tobacco auction markets, or in any other manner or respect. Individuals, partnerships, and/or corporations who are such nonparticipating members in any of the several tobacco boards of trade shall not be responsible or liable for any of the acts, omissions or commissions of the several tobacco boards of trade."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 237  CHAPTER 384
AN ACT TO FIX THE FEES OF THE REGISTER OF DEEDS AND THE CLERK OF THE SUPERIOR COURT OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the 1st of March, 1951, the fees to be charged by the Register of Deeds of Montgomery County shall be as hereinafter set out: Provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:
(1) Recording regular form deeds, one dollar and twenty-five cents ($1.25).
(2) Recording irregular form deeds, one dollar and fifty cents ($1.50), for the first 500 words and thereafter 15c per 100 words or fraction thereof.
(3) Recording regular form deeds of trust, two dollars ($2.00).
(4) Recording irregular form deeds of trust, two dollars and fifty cents ($2.50).
(5) Recording Federal Land Bank and F. H. A. deeds of trust, four dollars and fifty cents ($4.50).
(6) Recording conditional sales contract, short form, one dollar ($1.00).
(7) Recording conditional sales contract, long form, one dollar and twenty-five cents ($1.25).
(8) Recording conditional sales contract, extra length of forms, one dollar and twenty-five cents ($1.25).
(9) Recording regular N. C. chattel mortgage, thirty-five cents (35c).
(10) Recording F. S. A. crop liens, one dollar and twenty-five cents ($1.25).
(11) Recording Carthage production credit liens, one dollar and twenty-five cents ($1.25).
(12) Recording irregular chattel mortgages, seventy-five cents (75c).
(13) Recording all other instruments, one dollar ($1.00) for first 300 words and fifteen cents (15c) per all additional 100 words or fraction thereof.
(14) Recording all building and loan deeds of trust in county, two dollars and twenty-five cents ($2.25).
(15) Certified copies of birth certificates, fifty cents (50c) each.
(16) Certified copies of marriage certificates, fifty cents (50c) each.
(17) Certified copies of all other instruments to be the same as recording fees.
(18) Cancellation of mortgages and deeds of trust, twenty-five cents (25c) each.
(19) Cancellation of chattel mortgage, fifteen cents (15c) each.
(20) Issuing delayed birth certificates, one dollar ($1.00) each.
(21) Mount Gilead long form chattels, seventy-five cents (75c).
(22) National Cash Register Co. chattels, one dollar and twenty-five cents ($1.25).

Sec. 2. Effective the 1st of March, 1951, the fees of the Clerk of the Superior Court of Montgomery County shall be as hereinafter set out: Provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

Advanced cost, any court .............................................. $7.00
Advertising and selling under mortgage in lieu of bond, real estate ......................................................... 2.00
Personal property ....................................................... 1.00
Affidavit, including jurat and certificate .......................... .50
Appeal from justice of peace or from any court inferior to the Superior Court ............................................. 4.00
Docketing same ........................................................... .25
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**Appeal from clerk to judge** ........................................ 4.00
**Appeals to Supreme Court** ........................................ 4.00
**Arrest, order** .................................................. 1.00
**Attachment, order in** ........................................... 1.00

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Auditing account of receiver, executor, administrator, guardian or other trustee, required to render accounts,</td>
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<tr>
<td>If not over $300.00</td>
<td>1.00</td>
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<tr>
<td>Over $300.00 to $1,000.00</td>
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<td>Over $1,000.00</td>
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<tr>
<td>Auditing final accounts of administrators, guardians and other trustees required to render account, three-fourths of one per cent (% of 1%) of all sums not exceeding one thousand dollars ($1,000.00), total not to exceed fifty dollars ($50.00).</td>
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<td>Auditing and recording final accounts of commissioners appointed to sell real estate, one-half (%) of the fees allowed for auditing and recording final accounts of executors.</td>
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<tr>
<td>Bills of cost, preparing</td>
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<tr>
<td>Bond on undertaking, including justification</td>
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</tr>
<tr>
<td>Canceling notice of lis pendens</td>
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<tr>
<td>Capias, each defendant</td>
<td>1.50</td>
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<tr>
<td>Caveat to a will, entering and docketing same for trial</td>
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<tr>
<td>Certificate, including certificate on indictment</td>
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<td>Commission, issuing</td>
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<tr>
<td>Continuances, criminal cases for each defendant</td>
<td>.30</td>
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<tr>
<td>County tax when jury empaneled</td>
<td>6.00</td>
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<tr>
<td>Cross-indexing names of parties to an action</td>
<td>.25 each name</td>
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<th>Description</th>
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<tr>
<td>Docketing lis pendens</td>
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<tr>
<td>Docketing judgment in civil and criminal cases, each</td>
<td>1.50</td>
</tr>
<tr>
<td>Docketing summons</td>
<td>.50</td>
</tr>
<tr>
<td>Empaneling jury</td>
<td>.25</td>
</tr>
<tr>
<td>Execution and return thereon, including docketing</td>
<td>1.00</td>
</tr>
<tr>
<td>Certifying return to clerk of any county where judgment is docketed</td>
<td>.25</td>
</tr>
<tr>
<td>Filing all papers, for each case</td>
<td>.50</td>
</tr>
<tr>
<td>Filing and recording report of sales by commissioners or trustees</td>
<td>2.00</td>
</tr>
<tr>
<td>Guardian, appointment of, including taking bond and justification</td>
<td>3.50</td>
</tr>
<tr>
<td>Indexing judgment, one cross index book (regardless of number of parties)</td>
<td>.25 each party</td>
</tr>
<tr>
<td>Indexing liens in lien book</td>
<td>.25</td>
</tr>
<tr>
<td>Indexing lis pendens</td>
<td>.25</td>
</tr>
<tr>
<td>Service Description</td>
<td>Fee</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Indictment, each defendant</td>
<td>1.00</td>
</tr>
<tr>
<td>Docketing</td>
<td>.25</td>
</tr>
<tr>
<td>Injunction, order for, including taking bond or undertaking and justification</td>
<td>1.00</td>
</tr>
<tr>
<td>Judgment final, in term time, civil action, each defendant</td>
<td>1.50</td>
</tr>
<tr>
<td>Judgment final, against each defendant, criminal action</td>
<td>2.00</td>
</tr>
<tr>
<td>Judgment final, before clerk</td>
<td>1.00</td>
</tr>
<tr>
<td>Judgment by confession, without notice, all service</td>
<td>5.00</td>
</tr>
<tr>
<td>Judgment in favor of widow's year's support</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing same</td>
<td>.25</td>
</tr>
<tr>
<td>Judgment nisi, entered against a defaulting witness or juror, or bail bond or recognizance</td>
<td>1.00</td>
</tr>
<tr>
<td>Jury tax,</td>
<td></td>
</tr>
<tr>
<td>Civil action</td>
<td>5.00</td>
</tr>
<tr>
<td>Criminal action</td>
<td>4.00</td>
</tr>
<tr>
<td>Justification of sureties on any bond or undertaking except otherwise provided (each)</td>
<td>.50</td>
</tr>
<tr>
<td>Letters of administration, including bond and justification of sureties</td>
<td>3.50</td>
</tr>
<tr>
<td>Maiden name restored, after absolute divorce</td>
<td>1.00</td>
</tr>
<tr>
<td>Motions, entry and record of, civil and criminal action, each</td>
<td>.25</td>
</tr>
<tr>
<td>Notices, for each name over one in same paper</td>
<td>.10</td>
</tr>
<tr>
<td>Notifying solicitors of removal of guardian</td>
<td>1.00</td>
</tr>
<tr>
<td>Order enlarging time for pleading in special proceedings and civil actions</td>
<td>.25</td>
</tr>
<tr>
<td>Order of arrest, each defendant</td>
<td>1.00</td>
</tr>
<tr>
<td>Order of registration of a deed or other writing, which has been approved or acknowledged in another county, or before a judge, justice, notary or other officer (except chattel mortgage)</td>
<td>.25</td>
</tr>
<tr>
<td>Postage</td>
<td></td>
</tr>
<tr>
<td>Presentment, each person presented</td>
<td>$ .25</td>
</tr>
<tr>
<td>Probate of a short lien bond, or lien bond and chattel mortgage combined</td>
<td>.15</td>
</tr>
<tr>
<td>Probate of a deed or other writing, except as otherwise provided, proved by a witness, including the certificate</td>
<td>.25</td>
</tr>
<tr>
<td>Probate of a deed, or other writing, acknowledged by the signers or makers, including all except married women, who acknowledged at the same time, with the certificate thereto</td>
<td>.25</td>
</tr>
<tr>
<td>Probate of a deed or other writing, executed by a married woman, for her acknowledgment and private examination, with certificate thereto</td>
<td>.25</td>
</tr>
<tr>
<td>Probate of a will in common form and letters testamentary</td>
<td>3.50</td>
</tr>
<tr>
<td>Process tax</td>
<td>2.00</td>
</tr>
<tr>
<td>Recognizance, each party where no bond is taken</td>
<td>.50</td>
</tr>
<tr>
<td>Recording and copying papers, per copy sheet</td>
<td>.25</td>
</tr>
<tr>
<td>Registering trained nurses, including certificate of registration</td>
<td>.50</td>
</tr>
<tr>
<td>Recording certificate of incorporation</td>
<td>5.00</td>
</tr>
</tbody>
</table>
Resignation of guardian, relinquishment of right to administer
or to qualify as executor, receiving, filing and noting same... .25
Seal of office when necessary .......................................... .50
Subpoena, each name ....................................................... .30
Summons, in civil action or special proceeding, including all
names therein .............................................................. 1.50
For each copy thereof ...................................................... .25
Docketing ........................................................................... .50
Transcript of judgment ....................................................... 1.00
Transcript of any matter of record or paper on file,
per copy sheet .................................................................... 25
Warrant .............................................................................. 1.00

Three per cent (3%) commission on all cash, not exceeding five hun-
dred dollars ($500.00) deposited with the clerk by virtue of his office and
one per cent (1%) commission on all excess over five hundred dollars
($500.00). The commissions referred to above shall not be charged on U. S.
Government Bonds or other securities.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 4. 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 March, 1951.

S. B. 251

CHAPTER 385

AN ACT TO EXTEND THE RIGHT OF EMINENT DOMAIN TO MU-
NIPICALITIES FOR THE PURPOSE OF ACQUIRING CEMETERIES
ADJOINING MUNICIPAL CEMETERIES AND FOR THE PURPOSE
OF CONFERRING UPON MUNICIPALITIES THE AUTHORITY TO
ACQUIRE NECESSARY RIGHTS FOR THE PERPETUAL CARE OF
SUCH CEMETERIES.

WHEREAS, many municipalities have acquired and established municipal
cemeteries, which said cemeteries are located outside of the corporate limits
of such municipalities; that in many instances, cemeteries or graveyards
border upon, are located contiguously to and adjoin these municipal ceme-
teries; that in many instances, these adjoining cemeteries are owned by pri-
vate individuals or by various undertaking establishments who are merely
interested in the sale of burial plots or lots; that in other instances, these
cemeteries or graveyards have been almost abandoned and for long periods
of time, there have been few burials in said cemeteries in an intermittent
manner; and

WHEREAS, these cemeteries and graveyards adjoining such municipal
cemeteries have no perpetual care plan or program for beautifying the
graves and for the care and preservation of same and for the creation of
necessary curbing, walkways and other features that make for a well-
ordered cemetery; that in many instances, said cemeteries have grown up
in weeds and underbrush and the graves are beginning to fall in with
defaced monuments and the near relatives of those interred in said ceme-
teries and graveyards have moved away to other states and to other com-
munities; and

WHEREAS, all civilized peoples and races reverence and respect the
burial place of their dead, and such cemeteries should be adorned and dec-
orated and should, as far as possible, be cared for and should have the
usual ornamentals that denote respect for the dead and show a sense of
reverence for the last abode of their mortal bodies: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Part 9 of Article 18 of Chapter 160 of the General Statutes
is hereby amended by adding thereto a new Section which shall be design-
nated as § 160-260.1, which said new Section shall read as follows:

"§ 160-260.1. Right to condemn and take over cemeteries adjoining mu-
ncipal cemeteries. When, in the opinion of the governing authority of any
city or town, it is deemed advisable and desirable to acquire and take over
any cemetery, graveyard or burial place adjoining any cemetery heretofore
established by any city or town, then such governing authority of said city
or town shall have the right to take over or acquire by condemnation or
the right of eminent domain such adjoining cemetery, graveyard or burial
place and in the acquisition of such adjoining cemetery, graveyard or burial
place, the governing authority of any city or town shall exercise such
authority according to the procedure and rights set forth in Article 1 and
Article 2 of Chapter 40 of the General Statutes entitled "Eminent Domain",
as amended. The governing authority of such city or town shall have the
right to acquire the title in fee simple to such adjoining cemetery, grave-
yard or burial place, and, in addition, shall have the right to establish
perpetual care for such adjoining cemetery or cemeteries, including the right
to adopt rules and regulations for decorating and beautifying said ceme-
teries, establishing walkways, care of graves and any and all other things
necessary to be done for the care, preservation and upkeep of such ceme-
teries. As used in this Section, the word "adjoining" shall be construed to
mean not only cemeteries immediately adjacent to, bordering on or con-
tiguous to the boundaries of a cemetery already established by a city or
town but also shall include other cemeteries, graveyards and burial places
which are immediately connected together successively or in a series of con-
tiguous tracts or boundaries, and which when taken together constitute one
unified body or tract of land."

Sec. 2. Further amend Part 9 of Article 18 of Chapter 160 of the Gen-
eral Statutes by adding thereto another new Section, which said Section
shall be designated as § 160-260.2 and shall read as follows:

"§ 160-260.2. Right to condemn easement for perpetual care. In lieu
of acquiring by condemnation a title in fee simple to the adjoining ceme-
teries as set forth in § 160-260.1, the governing authorities of said cities
or towns shall have the right to condemn or acquire an easement or privi-
lege for the purpose of establishing a system of perpetual care for such
adjoining cemeteries. In condemning or acquiring such easement or privi-
lege, the authority and procedure conferred by Articles 1 and 2 of Chapter
40 of the General Statutes entitled "Eminent Domain", as amended, shall
be used for such purpose and shall be applicable to the exercise of the acquisition of the easement or privilege herein established. The proceedings under this Section shall be limited to the acquisition of an easement or privilege for establishing perpetual care of such adjoining cemeteries, and the governing authority of any city or town exercising such rights shall have the authority to make reasonable rules and regulations for the decoration, adornment and upkeep of said adjoining cemeteries and to establish a perpetual care system or plan for such purpose. The word "adjoining", as used in this Section, shall be construed and defined in the same way and manner as construed and defined in § 160-260.1. The governing authority of any city or town shall have the right to discontinue or take a non-suit in such condemnation proceedings, whether exercised under § 160-260.1 or under this Section, at any time prior to the entering of said final order or decree in such proceedings. Any condemnation proceedings instituted under this Section shall not divest any person, firm or corporation of any title held in fee simple but shall confer upon the governing authority of such city or town the right to establish perpetual care as herein set forth. The authority to acquire such adjoining cemeteries as set forth in § 160-260.1, as well as the authority to acquire the easement or privilege set forth in this Section, and the exercise of same, are declared to be for a public purpose, and the governing authority of such city or town is authorized to expend public funds for such acquisition and for such perpetual care."

Sec. 2½. This Act does not apply to any cemetery to which Article 7 of Chapter 65 of the General Statutes is applicable.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 March, 1951.

S. B. 268

CHAPTER 386

AN ACT TO AMEND G. S. 136-37 RELATING TO THE APPORTIONMENT BETWEEN MUNICIPALITIES OF HIGHWAY FUNDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-37 is hereby amended by adding a comma after the word "census" in the 10th line of said Section and adding the following:

"adjusted to take care of any cities or towns incorporated after the taking of the last census,"

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 full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
S. B. 280

CHAPTER 387

AN ACT TO AMEND CHAPTER 926 OF THE SESSION LAWS OF 1947 RELATING TO THE CHARLOTTE FIREMEN’S RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 926 of the Session Laws of 1947 is amended by adding a period following the word “members” in line five and by striking out in lines five, six, and seven the following language: “after having successfully passed their six months probationary period.”

Sec. 2. Section 3 of Chapter 926 of the Session Laws of 1947 is amended by inserting in the last line after the words “twenty-five years” and before the word “and” the following: “and who has paid into the system his percentage of earnings as provided for in Section 5 hereof for twenty-five years; provided, however, this clause shall be effective from and apply only to members joining the system after the date of the ratification of this Act.”.

Sec. 3. The first paragraph of Section 4 of the Session Laws of 1947 is amended by inserting after the words “three years.” and before the word “Any” in next to the last line, the following: “Thereafter, their successors to be appointed or elected as hereinbefore provided, for a term of three years.”

Sec. 4. Section 5 of Chapter 926 of the Session Laws of 1947 is amended by inserting before the words “The City of Charlotte” in the first line, the following: “Each member shall pay and”, and in the fifth line thereof after the word “earnings”, insert the words “in payment thereof,”.

Sec. 5. Section 5 of Chapter 926 of the Session Laws of 1947 is amended by adding at the end of the first full paragraph and before subsection (a) the following:

“In the event any member of this retirement system shall enter the Armed Forces of the United States, the City of Charlotte shall contribute on each payroll period, a sum equal to the applicable percentage hereinbefore provided, based upon the pay grade of such employee in the fire department, and the City of Charlotte is hereby authorized, upon proper action by its city council, to make contributions up to, but not exceeding such applicable percentage, by and on behalf of such employee or employees who may enter the Armed Forces of the United States, and the benefits of such payments shall inure to the benefit of such employee as though made by such employee under the provisions of this Act: Provided, however, if an employee shall fail to return to his position in the Charlotte Fire Department within ninety (90) days from the date he first becomes eligible for discharge from the Armed Forces, he shall lose all privileges and rights insofar as the Charlotte Firemen’s Retirement Fund is concerned, except a return of contributions made by him, not including any payments by the City of Charlotte for or on his behalf, and provided further, that an employee returning from the Armed Forces to the Charlotte Fire Department shall pass a satisfactory physical examination by a physician(s) designated for such purpose by the board of trustees.”

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Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 March, 1951.

S. B. 281

CHAPTER 388

AN ACT TO AUTHORIZE THE ISSUANCE OF PERMANENT REGISTRATION PLATES FOR VEHICLES OWNED BY RURAL FIRE DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-84 of the General Statutes (1949 Cumulative Supplement) by adding at the end thereof the following:

"The provisions of this Section are hereby made applicable to vehicles owned by a rural fire department, agency or association."

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 282

CHAPTER 389

AN ACT TO PERMIT THE NORTH CAROLINA MEDICAL CARE COMMISSION TO MAKE CONTRIBUTIONS OF FUNDS FOR INDIGENT PATIENTS HOSPITALIZED IN APPROVED PRIVATE HOSPITALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-119, as the same appears in the 1949 Cumulative Supplement of the General Statutes, is hereby amended by striking out the semicolon that appears after the word "corporations" and before the word "and" in line 17 of the second paragraph of said § 131-119 and by inserting in lieu thereof a comma, and after said comma the following: "and to such privately owned and operated hospitals as may be approved by the North Carolina Medical Care Commission;".

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
S. B. 287  CHAPTER 390
AN ACT TO AMEND CHAPTER 897 OF THE 1949 SESSION LAWS OF NORTH CAROLINA RELATING TO THE RECORDER'S COURT FOR CARY, MEREDITH AND HOUSE CREEK TOWNSHIPS, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 6 of Chapter 897 of the 1949 Session Laws of North Carolina be, and the same is hereby, amended to read as follows:

"Sec. 6. The court shall hold sessions on the second and fourth Tuesdays of each month at such place in the Town of Cary as may be designated by the commissioners of said town: Provided, however, that from time to time and whenever the commissioners of said town and the recorder of said court shall deem it necessary and expedient by reason of the amount of business to come before said court, said commissioners, with the approval of the recorder, may increase or decrease the number of regular sessions to be held during each month for any number of months; each session of said court shall begin on a Tuesday and shall continue, and said court shall remain in session, as many days as may be necessary to dispatch the business coming before said court. Said commissioners shall cause to be published in some newspaper of general circulation in Wake County a notice of any such additional sessions to be held during each month, which notice shall be published at least once each week for two weeks immediately preceding the first of any such additional sessions of court so ordered pursuant to the provisions of this Section. No notice shall be required of any decrease in the number of sessions to be held during each month."

Sec. 2. That Section 18 of Chapter 897 of 1949 Session Laws of North Carolina, be and the same is hereby, amended, to read as follows:

"Sec. 18. In all civil actions and matters where this court has jurisdiction and where a justice of the peace does not have jurisdiction, the plaintiff in such action may bring an original suit either in said recorder's court as prescribed by this Act or in the Superior Court of Wake County, at his election; and when a justice of the peace does have jurisdiction, the plaintiff may bring suit before a justice of the peace or in said recorder's court as he may desire. The procedure in said court shall, so far as practicable, conform to the procedure in the Superior Courts of the State. Appeals from judgments rendered in civil actions in this court shall be to the Superior Court of Wake County, and the procedure shall be as on appeals from a judgment of a justice of the peace."

Sec. 3. That Section 20 of Chapter 897 of 1949 Session Laws of North Carolina be, and the same is hereby, amended to read as follows:

"Sec. 20 (a) Whenever any defendant in any criminal action shall be bound over to this court upon a finding of probable cause by a committing magistrate or upon waiver of preliminary examination by a committing magistrate and such defendant shall demand, before trial, a trial of the facts by jury, the recorder forthwith shall bind or commit such defendant as hereinafter set forth to be done upon probable cause found to appear at the next succeeding term of the Superior Court of Wake County for the trial of criminal cases.
(b) In all other criminal actions wherein any defendant shall demand, before trial, a trial of the facts by jury, the recorder shall make examination as upon examination before a committing magistrate and if it shall appear to him that no offense has been committed by any person or that there is no probable cause for charging the defendant therewith, he shall discharge the defendant; but if it shall appear to him that an offense has been committed, and that there is probable cause to believe the defendant to be guilty thereof, he shall bind such defendant in new bond or recognizance with sufficient security to appear at the next succeeding term of the Superior Court of Wake County for the trial of criminal cases, and in default of such bond or recognizance, such defendant shall be committed to the common jail of Wake County to await trial as aforesaid: Provided, in all capital offenses such defendant shall be committed to the common jail of said county without bond.

(c) Trial in the Wake County Superior Court of any defendant bound or committed for trial in said Superior Court under subparagraphs (a) or (b) of this Section shall be de novo.

(d) Any party to a civil action in this court shall, upon demand before trial in cases within the jurisdiction of a justice of the peace, or before answer filed in cases exceeding the jurisdiction of a justice of the peace, be entitled to a trial of the cause by a jury of six men, upon depositing with the clerk of said court fifteen dollars ($15.00) in all cases, the said jurors to be drawn as hereinafter provided. The Commissioners of the Town of Cary shall prepare a jury box and a list of qualified voters of Cary, Meredith and House Creek Townships qualified to serve as jurors as now provided by law for the Superior Court, and turn said box and list of jurors over to said court, which box shall have two compartments as now provided by law for a jury box, and the recorder shall have custody of the only key to the side of the box containing the list of qualified jurors who have not been drawn out or served, and the clerk of said court shall have custody of the only key to the other side of the box. Such jurors shall be drawn in open court by a child of not over ten years of age and the list given to the Marshal of the Town of Cary, served by him or by a policeman of the Town of Cary, or by any officer duly authorized by the recorder, and the case set for trial at a time fixed by the court, giving the marshal or the officer serving the same sufficient time to serve said jurors. The number of jurors in each case where a jury is demanded shall be twelve. Said jury list shall be revised by the Commissioners of the Town of Cary every two years, as now provided by law for the jury list of the Superior Courts: Provided, that by consent of all parties to the action, a jury may be summoned without being drawn from the box, and said jury fee of fifteen dollars ($15.00) to be taxed against the losing party as part of the cost. The plaintiff and the defendant shall each have the right to challenge peremptorily two jurors and others for cause as now allowed by law in the Superior Court. The compensation allowed jurors shall be one dollar ($1.00) per day."
Sec. 4. That Section 23 of Chapter 897 of 1949 Session Laws of North Carolina be, and the same is hereby, amended by adding at the end thereof the following:

"The Clerk of the Town of Cary is hereby authorized and empowered to take affidavits, to issue and sign warrants and to take and accept appearance and recognizance bonds in like manner as the clerk of said court."

Sec. 5. That Section 24 of Chapter 897 of 1949 Session Laws of North Carolina be, and the same is hereby, amended by adding at the end thereof the following:

"Any witness fee derived from the trial of any case in this court which fee shall now or hereafter remain in the hands of said clerk for a period of sixty (60) days after trial without demand therefor by the person entitled thereto shall be paid by said clerk to the Town of Cary for the use of the general fund of the Town of Cary."

Sec. 6. That all laws and clauses of laws in conflict with this Act be, and they are hereby, repealed.

Sec. 7. 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 March, 1951.

S. B. 290  

CHAPTER 391

AN ACT TO AMEND G. S. 115-85 SO AS TO INCREASE TO THIRTY ACRES THE SIZE OF TRACTS WHICH MAY BE ACQUIRED FOR PUBLIC SCHOOL SITES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-85 is hereby amended by striking out in line fourteen and the last line the words "ten acres" and inserting in each place in lieu thereof the words "thirty acres".

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 297  

CHAPTER 392

AN ACT TO AMEND G. S. 20-125 IN RESPECT TO HORNS AND WARNING DEVICES ON MOTOR VEHICLES USED BY POLICE, FIRE DEPARTMENTS AND AMBULANCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-125 is hereby amended by rewriting subsection (b) thereof so as to read as follows:

"(b) Every vehicle owned and operated by a police department or by a fire department, either municipal or rural, or by a fire patrol, whether such fire department or patrol be a paid organization or a voluntary asso-
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Association, and every ambulance used for answering emergency calls, shall be equipped with special lights, bells, sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor Vehicles.

"The operators of all such vehicles so equipped are hereby authorized to use such equipment at all times while engaged in the performance of their duties and services, both within their respective corporate limits and beyond.

"In addition to the use of special equipment authorized and required by this subsection, the chief and one assistant chief of any police department or of any fire department, whether the same be municipal or rural, paid or voluntary, are hereby authorized to use such special equipment on privately owned vehicles operated by them while actually engaged in the performance of their official or semi-official duties or services either within or beyond their respective corporate limits."

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 302

CHAPTER 393

AN ACT RELATING TO COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Edgecombe County is hereby authorized to fix the compensation of the chairman and other members of said board, not to exceed the maximums set out below, to be paid out of the general fund of the county:

Chairman: $75.00 per month;
Other members of the board: $50.00 per month;
Mileage allowance to and from each meeting attended: 7c per mile.

Sec. 2. The compensation fixed by the board pursuant to this Act shall be in lieu of all other compensation for the services of the chairman of the board, and the other members.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 27th day of March, 1951.
S. B. 314  

CHAPTER 394

AN ACT AUTHORIZING THE QUALIFIED VOTERS OF THE CITY OF GREENSBORO TO DETERMINE WHETHER OR NOT LIQUOR CONTROL STORES SHALL BE ESTABLISHED IN THE CITY OF GREENSBORO, AND SETTING OUT THE METHOD OF OPERATION AND THE DISPOSITION OF NET REVENUE.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Greensboro may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the City of Greensboro, order an election to be held on the question of whether or not city liquor control stores may be operated in the City of Greensboro, and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in the City of Greensboro, but if a majority of the votes cast in said election shall be against the operation of said liquor control stores, no such stores shall be set up or operated in the City of Greensboro under the provisions of this Act.

Sec. 2. The City Council of the City of Greensboro may submit the question herein above mentioned and call a special election for the purpose of submitting said question on or after June 5, 1951, in the event said special election is called the same shall be held and conducted on the date fixed by the City Council of the City of Greensboro. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, “For City Liquor Control Stores,” “Against City Liquor Control Stores.” Those favoring setting up and operating liquor stores in the City of Greensboro shall mark in the voting square to the left of the words, “For City Liquor Control Stores,” printed on the ballot and those opposed to city liquor control stores shall mark in the voting square to the left of the words, “Against City Liquor Control Stores.” Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to general elections for the City Council of the City of Greensboro, and the cost thereof shall be paid from the General Fund of the City of Greensboro.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast “Against City Liquor Control Stores,” the city liquor control board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same, and within said three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city.
Sec. 4. If the operation of city liquor control stores is authorized under the provisions of this Act, the City Council of the City of Greensboro shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Greensboro Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and the governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors shall be named by the City Council of the City of Greensboro. Any vacancy shall be filled by the city council for the unexpired term. Compensation of the members of said city control board shall be fixed by the City Council of the City of Greensboro.

Sec. 5. The said City of Greensboro Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said City of Greensboro Board of Alcoholic Control and the operation of any city liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include City of Greensboro Board of Alcoholic Control. The City of Greensboro Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 6. The City of Greensboro Board of Alcoholic Control shall at the end of each quarterly period following the establishment of liquor control stores deduct the necessary expenses of the operation of such stores, and shall retain a sufficient and proper working capital, the amount to be deter-
mined by the board; and the entire net profits derived from the operation of liquor control stores in the City of Greensboro shall be paid as follows:

(a) Of such net profits 5% shall be used by said board for law enforcement as provided by General Statutes 18-45-(0). Any law enforcement officer appointed by said board shall have all of the powers provided for law enforcement officers by said G. S. 18-45-(0).

(b) Twenty-five per cent (25%) of said net profits shall be apportioned and paid into the General Funds of Guilford County and the municipal corporations located in said county, until they may or shall establish alcohol control stores, other than the City of Greensboro, on a straight per capita basis. It is the purpose of this subsection to provide that the citizens of Guilford County and the governmental units therein, other than the City of Greensboro, shall share proportionately, on a population basis, with respect to the said twenty-five per cent (25%) of the net profits from the operation of such store or stores.

(c) 70% of said net profits shall be paid to the Tax Collector of the City of Greensboro and may be used by the City of Greensboro in the operation of the water and sewer system of the city, for debt service, for the general fund, or for any public purpose.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed and particularly Chapter 424, Public-Local Laws of 1937, and Chapter 1233, Session Laws of 1949.

Sec. 8. 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 March, 1951.

S. B. 320  CHAPTER 395
AN ACT TO AMEND G. S. 55-42, RELATING TO CONVEYANCES BY CORPORATIONS OWNED BY THE UNITED STATES GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-42 is hereby amended by rewriting the Section to read as follows:

"Sec. 55-42. Conveyances by corporations owned by the United States Government. The Home Owners Loan Corporation and any corporation, the majority of whose stock is owned by the United States Government, may convey lands, and/or other property which is transferable by deed which is duly executed by either an officer, manager, or agent of said corporation, sealed with the common seal and has attached thereto a signed and attested resolution under seal of the board of directors of said corporation authorizing the said officer, manager or agent to execute, sign, seal and attest deeds, conveyances and/or other instruments. This Section shall be deemed to have been complied with if an attested resolution is recorded separately in the office of the register of deeds in the county where the land lies, which said resolution shall be applicable to all deeds executed subsequently thereto and pursuant to its authority."
“All deeds, conveyances or other instruments which have been executed prior to March 15, 1951, in the manner prescribed above, if otherwise sufficient, shall be valid, and shall have the effect to pass the title to the real and/or personal property described therein.

“To the extent as modified in this Section the provisions of 55-40 shall not apply to conveyances executed by the corporations herein referred to.”

Sec 1½. This Act shall not apply to pending litigation.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 323

CHAPTER 396

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICERS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Board of County Commissioners of Columbus County shall receive as compensation for their services the sum of ten dollars ($10.00) per day on all days while the board is in session attending to official business of said county. In addition thereto, said members shall receive mileage now provided by law.

Sec. 2. Section 2 of Chapter 1073 of the Session Laws of 1945 is amended by striking out in line two of said Section the words “twenty-one hundred dollars” and inserting in lieu thereof the words and figures “three thousand dollars ($3,000.00)”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 325

CHAPTER 397

AN ACT TO ESTABLISH A LAW LIBRARY FOR THE PUBLIC OFFICIALS AND COURTS IN ROWAN COUNTY.

WHEREAS, the establishment and maintenance of a law library for the use of the officials of Rowan County and Judges, Solicitors and other officers of the courts of said county is necessary and essential in the interests of the most efficient administration of justice in the courts, and

WHEREAS, it is desired to provide for the proper books, furnishings, supplies, equipment, furniture and records necessary for the establishment and maintenance of said library; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby established in Rowan County a law library to be known as the Rowan County Law Library, which shall be kept and maintained as provided by this Act, for the County of Rowan and the use of the officials of said county and the officers of the courts held therein.
Sec. 2. The Clerk of the Superior Court of Rowan County, the Secretary to the Board of County Commissioners of Rowan County, and the President of the Bar Association of Rowan County and their successors in office are hereby constituted the custodians of all books, furnishings, supplies, equipment, furniture and records of the law library.

Sec. 3. All books, furnishings, supplies, equipment, furniture and records of said library shall be the property of the County of Rowan, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, furnishings, supplies, equipment, furniture and records as may be deemed reasonably necessary and proper for the said library.

Sec. 4. The Clerk of Superior Court of Rowan County shall ex officio be the librarian of said law library and shall receive as compensation therefor the sum of fifteen ($15.00) dollars per month, for his services as librarian, payable from the funds collected by said clerk as hereinafter provided. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the aforesaid custodians who shall prescribe all rules and regulations for the government and management of said law library.

Sec. 5. In order to provide a fund for the purchase of a law library, furnishings, supplies, equipment, furniture and records therefor, and salary of said librarian, the sum of one ($1.00) dollar shall be taxed as costs and collected by the Clerk of Superior Court of Rowan County in each and every criminal case and each and every civil case wherein final disposition of said case is made by trial or otherwise in the Rowan County Court or in the Superior Court of Rowan County after the ratification of this Act, except in such cases in which said county is adjudged to pay all costs. The revenue received therefrom shall be set apart in a fund to be known and designated as the Law Library Fund, and said fund shall be deposited by the Clerk of the Superior Court in a bank in Rowan County.

Sec. 6. From the funds so collected as provided in Section 5 of this Act it shall be the duty of the Clerk of the Superior Court of Rowan County to purchase and pay for such volumes and sets of books, furnishings, supplies, equipment, furniture and records therefor as shall be recommended by a committee of three members of the Rowan County Bar Association to be appointed annually by the President of the Rowan County Bar Association. In order to immediately provide for said library and to carry out the intent and purpose of this Act, the Clerk of the Superior Court of Rowan County shall, with the approval and consent of the custodians, enter into such contracts and agreements and make such purchases as may be necessary to equip and furnish said library, to be paid for out of funds to be collected or collected pursuant to Section 5 of this Act. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Rowan County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund and make an annual report thereof to the Board of County Commissioners of Rowan County.
Sec. 7. All laws and clauses of laws in conflict herewith regarding the disposition of costs received by the office of the Clerk of the Superior Court of Rowan County are hereby repealed.

Sec. 8. This Act shall be in force and effect from and after July 1, 1951. In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 330  
CHAPTER 398
AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF FOUNTAIN IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chief of Police and each and every member of the Police Department of the Town of Fountain in Pitt County are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Fountain as are now exercised by police officers within the corporate limits of said town.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 331  
CHAPTER 399
AN ACT TO PROVIDE ADDITIONAL ALLOWANCE FOR CLERICAL HIRE IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to all sums now authorized by law for clerical hire in the office of the Clerk of the Superior Court of Surry County, the board of county commissioners is hereby authorized, in its discretion, to appropriate an additional sum, not to exceed two thousand four hundred dollars ($2,400.00), annually, for additional clerical hire in said office.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 332  
CHAPTER 400
AN ACT TO AMEND CHAPTER 949 OF THE SESSION LAWS OF 1949, RELATING TO THE ELECTION OF A COUNSELLOR FOR THE DOMESTIC RELATIONS AND JUVENILE COURT OF MECKLENBURG COUNTY AND TO FIX HIS COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 949 of the Session Laws of 1949 is amended by striking out from the quoted portion thereof the clause or phrase beginning with the words “said counsellor” in the fifth line of said
CHAPTER 401

AN ACT TO FIX SALARIES OF OFFICERS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The sheriff shall receive a salary of three hundred fifty dollars ($350.00) per month payable as now required by law, in addition to his fees and emoluments he is now receiving.

Sec. 2. His chief deputy in addition to his fees, shall receive one hundred fifty dollars ($150.00) per month paid by the county commissioners as required by law.

Sec. 3. The register of deeds shall receive instead of his fees three hundred dollars ($300.00) per month, paid monthly by the county commissioners, as the law requires; on the first Monday in each month he shall list under oath all fees and commissions, etc., that he has collected in the preceding month and turn same over to the Treasurer of Mitchell County.

Sec. 4. The Clerk of the Superior Court shall receive the sum of one hundred fifty dollars ($150.00) per month, in addition to his fees as allowed by law, and the sum of twenty-five dollars ($25.00) per month as Juvenile Judge of Mitchell County.

Sec. 5. The county accountant shall receive a salary of three hundred dollars ($300.00) per month to be paid out of the general fund to be paid by the board of commissioners by monthly installments.

Sec. 6. The county accountant is allowed a clerk whose salary shall not exceed one hundred fifty dollars ($150.00).

Sec. 7. Section 3, Chapter 495 of Session Law 1947 is hereby repealed.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
CHAPTER 402
AN ACT TO AMEND CHAPTER 327 OF THE SESSION LAWS OF 1947 IN RESPECT TO COMPENSATION OF THE COUNTY COMMISSIONERS AND JURORS IN WILKES COUNTY.

The General Assembly of North Carolina do enact:
Section 1. Chapter 327 of the Session Laws of 1947 is hereby amended by striking out the words and figures "six dollars ($6.00)" in line three of Section 5 of said Chapter and inserting in lieu thereof the words and figures "seven dollars ($7.00).

Sec. 2. Chapter 327 of the Session Laws of 1947 is hereby further amended by rewriting Section 6 of the same to read as follows:
"The per diem for jury service in Wilkes County shall be four dollars ($4.00) per day, together with travel allowance at the rate of five cents (5c) per mile while traveling between their respective residences and the place of holding the court, said mileage to be computed over the usual route of public travel."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 27th day of March, 1951.

CHAPTER 403
AN ACT RELATING TO THE COMPENSATION OF THE SHERIFF, CLERK OF SUPERIOR COURT, THE REGISTER OF DEEDS AND THE COUNTY COMMISSIONERS OF WILKES COUNTY AND PROVIDING ADDITIONAL OFFICE PERSONNEL THEREFOR.

The General Assembly of North Carolina do enact:
Section 1. The Sheriff of Wilkes County shall receive an annual salary of five thousand one hundred dollars ($5,100.00), payable in equal monthly installments, and, in addition thereto, he shall receive a monthly travel and expense allowance of twenty-five dollars ($25.00), both the salary and expense allowance to be retroactive to January 1, 1951.

Sec. 2. The Chief Deputy Sheriff of Wilkes County shall receive an annual salary of three thousand dollars ($3,000.00), payable in equal monthly installments, retroactive to January 1, 1951.

Sec. 3. In addition to the deputies heretofore employed under the Sheriff of Wilkes County, the sheriff may employ two additional paid deputies at an annual salary of two thousand dollars ($2,000.00) each, payable in equal monthly installments.

Sec. 4. The office clerk in the sheriff's office of Wilkes County shall receive an annual salary of one thousand five hundred dollars ($1,500.00), payable in equal monthly installments, retroactive to January 1, 1951.

Sec. 5. The Clerk of the Superior Court of Wilkes County shall receive an annual salary of three thousand six hundred dollars ($3,600.00), payable in equal monthly installments, retroactive to January 1, 1951.
Sec. 6. The Board of County Commissioners of Wilkes County is here- 
by authorized and directed to appropriate annually out of general county 
funds for the use of the office of the Clerk of the Superior Court the sum 
of three thousand six hundred dollars ($3,600.00) to be used by the Clerk 
of the Superior Court, in his discretion, for the employment of clerical 
or other assistance in said office.

Sec. 7. The Register of Deeds of Wilkes County shall receive an annual 
salary of three thousand six hundred dollars ($3,600.00), payable in equal 
monthly installments, retroactive to January 1, 1951.

Sec. 8. The Board of County Commissioners of Wilkes County is here- 
by authorized and directed to appropriate annually out of general county 
funds for the use of the office of the register of deeds the sum of three 
 thousand six hundred dollars ($3,600.00) to be used by the register of 
deeds, in his discretion, for the employment of clerical or other assistance 
in said office.

Sec. 9. The salaries and allowances provided in this Act shall be paid 
out of general county funds and shall be in addition to and not in lieu of 
other fees or commissions provided by law.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby 
repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th 
day of March, 1951.

S. B. 352  CHAPTER 404

AN ACT AMENDING CHAPTER 416 OF THE PUBLIC-LOCAL LAWS 
OF 1939, AS AMENDED, RELATING TO MINIMUM JAIL FEES IN 
WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 416 of the Public-Local Laws of 1939, as amended, 
is hereby further amended by rewriting Section 2 of said Chapter so as 
to read as follows:

"Sec. 2. That the County Commissioners of Wilkes County are hereby 
authorized, empowered and directed to appropriate from the general funds 
of said county to the Sheriff of Wilkes County a minimum of one dollar 
and twenty-five cents ($1.25) per day for each and every prisoner im- 
prisoned or kept in said jail."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th 
day of March, 1951.
H. B. 107

CHAPTER 405

AN ACT TO ASSENT TO THE PROVISIONS OF THE ACT OF CONGRESS WHICH PROVIDES THAT THE STATE OF NORTH CAROLINA SHALL RECEIVE AID IN FISH RESTORATION AND MANAGEMENT PROJECTS FROM THE UNITED STATES GOVERNMENT.

WHEREAS, The Congress of the United States has established a tax upon sports fishing equipment under the provisions of Section 3406 of the Internal Revenue Code, which tax will be paid by fishermen buying sports fishing equipment in this State; and

WHEREAS, Public Law 681, 81st Congress, provides for the apportionment of the revenue derived from this tax among the various states, and establishes as a prerequisite that the participating states must have assented to the provisions of Public Law 861, 81st Congress; and

WHEREAS, the assenting to the provisions of this Public Law 861, 81st Congress, by the State of North Carolina will not effect any major change of policy in fish restoration and management practices in this State; and

WHEREAS, it is desired that North Carolina shall benefit from the Federal funds to be made available to this State upon its assenting to the provisions of Public Law 861, 81st Congress: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. Assent is hereby given to the provisions of the Act of Congress entitled "An Act to Provide that the United States shall aid the States in Fish Restoration and Management Projects, and for other Purposes," approved August 9, 1950 (Public Law 681, 81st Congress), and the Wildlife Resources Commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said Act of Congress, in compliance with said Act and rules and regulations promulgated by the Secretary of the Interior thereunder; and no funds accruing to the State of North Carolina from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Wildlife Resources Commission and for the protection, propagation, preservation, and investigation of fish and game.

Sec. 2. Nothing in this Act shall be construed to prohibit the exercise of any of the powers granted to the Wildlife Resources Commission under the provisions of Chapter 263 of the Session Laws of 1947.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
CHAPTER 406
AN ACT TO REQUIRE OPERATORS OF TAXICABS TO GIVE PROOF OF ABILITY TO RESPOND IN DAMAGES FOR ACCIDENTS.

The General Assembly of North Carolina do enact:

Section 1. A. Within 30 days after the ratification of this Act every person, firm or corporation engaging in the business of operating a taxicab or taxicabs within a municipality shall file with the governing board of the municipality in which such business is operated proof of financial responsibility as hereinafter defined.

No governing board of a municipality shall hereafter issue any certificate of convenience and necessity, franchise, license, permit or other privilege or authority to any person, firm or corporation authorizing such person, firm or corporation to engage in the business of operating a taxicab or taxicabs within the municipality unless such person, firm or corporation first files with said governing board proof of financial responsibility as hereinafter defined.

Within thirty days after the ratification of this Act, every person, firm or corporation engaging in the business of operating a taxicab or taxicabs without the corporate limits of a municipality or municipalities, shall file with the board of county commissioners of the county in which such business is operated proof of financial responsibility as hereinafter defined.

No person, firm or corporation shall hereafter engage in the business of operating a taxicab or taxicabs without the corporate limits of a municipality or municipalities in any county unless such person, firm or corporation first files with the board of county commissioners of the county in which such business is operated proof of financial responsibility as hereinafter defined.

B. As used in this Act proof of financial responsibility shall mean a certificate of any insurance carrier duly authorized to do business in the State of North Carolina certifying that there is in effect a policy of liability insurance insuring the owner and operator of the taxicab business, his agents and employees while in the performance of their duties against loss from any liability imposed by law for damages including damages for care and loss of services because of bodily injury to or death of any person and injury to or destruction of property caused by accident and arising out of the ownership, use or operation of such taxicab or taxicabs, subject to limits (exclusive of interests and costs) with respect to each such motor vehicle as follows: Five thousand dollars ($5,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ten thousand dollars ($10,000.00) because of bodily injury to or death of two or more persons in any one accident, and one thousand dollars ($1,000.00) because of injury to or destruction of property of others in any one accident.

C. Every person, firm or corporation who engages in the taxicab business and who is a member of or participates in any trust fund or sinking fund, which said trust fund or sinking fund is for the sole purpose of paying claims, damages or judgments against persons, firms or corporations
engaging in the taxicab business and which trust fund or sinking fund is approved by the governing body of any city or municipality with a population of over 50,000, shall be deemed a compliance with the financial responsibility provisions of this Act.

Provided, however, that in the case of operators of 15 or more taxicabs, the limits (exclusive of interests and costs), with respect to each such motor vehicle shall be as follows: Ten thousand dollars ($10,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, twenty thousand dollars ($20,000.00) because of bodily injury to or death of two or more persons in any one accident, and one thousand dollars ($1,000.00) because of injury to or destruction of property of others in any one accident.

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 27th day of March, 1951.

H. B. 150

CHAPTER 407

AN ACT TO AUTHORIZE THE GOVERNOR, WITH THE APPROVAL OF THE COUNCIL OF STATE, TO CONVEY TO THE UNITED STATES OF AMERICA A TRACT OF LAND PURCHASED FOR THE MOORE'S CREEK NATIONAL MILITARY PARK.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Secretary of State, with the approval of the Council of State, are hereby authorized and empowered to convey to the United States of America the tract of land referred to in Chapter 917 of the Session Laws of 1947 and Section 1 of said Act as being "Tract No. 1 consisting of 12.23 acres more or less, from the tract known as the Henry Tract", which has heretofore been purchased by the Commission created by said Chapter 917 for the purpose of conveyance to the Federal Government to enlarge Moore's Creek National Military Park in Pender County. The said conveyance shall be made without consideration to the United States of America for the purpose of being added to and used as a part of Moore's Creek National Military Park.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
H. B. 288  

CHAPTER 408  

AN ACT FIXING PER DIEM COMPENSATION FOR MEMBERS OF THE BOARD OF CONSERVATION AND DEVELOPMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-7 is hereby amended by striking out the words “Five dollars ($5.00) per diem” and substituting therefor the words “Seven dollars ($7.00) per diem”.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 300  

CHAPTER 409  

AN ACT TO REPEAL CHAPTER 98 OF THE SESSION LAWS OF 1949, RELATING TO THE KEEPING OF BEARS IN CAPTIVITY IN SWAIN COUNTY.

WHEREAS, the Attorney General has ruled that Chapter 98 of the Session Laws of 1949 is unconstitutional: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 98 of the Session Laws of 1949 as the same applies to Swain County be, and the same is hereby, repealed.

Sec. 2. Section 2 of said Chapter 98 of the Session Laws of 1949 is hereby rewritten so that the same shall hereafter read as follows: “Sec. 2. This Act shall apply only to Jackson County.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 343  

CHAPTER 410  

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE JUDGE AND PROSECUTING ATTORNEY OF THE PERSON COUNTY CRIMINAL COURT AND TO FIX THEIR SALARIES.

The General Assembly of North Carolina do enact:

Section 1. The Judge and Prosecuting Attorney of the Person County Criminal Court now holding said offices shall continue to hold the same until the next regular election to be held in Person County wherein county officers are elected and until their successors are elected and qualified.

Sec. 2. At the next primary and general election held in Person County for county officers, and biennially thereafter, there shall be nominated and elected in said county a Judge and Prosecuting Attorney of the Person County Criminal Court who shall hold office for a term of two years and until their successors are elected and qualified.

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The election for said officers shall be held in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of said county.

Sec. 3. Effective upon the election and qualification of the Judge of the Person County Criminal Court, the Judge and his successors in office shall receive an annual salary of two thousand dollars ($2,000.00), payable in 12 equal monthly installments. Effective upon the election and qualification of the Prosecuting Attorney of said court, the Prosecuting Attorney and his successors in office shall receive an annual salary of one thousand seven hundred dollars ($1,700.00), payable in 12 equal monthly installments.

Sec. 4. Officers elected under the provisions of this Act shall qualify and take office on the first Monday in December following their election. Vacancies occurring in either of said offices shall be filled by the Board of County Commissioners for the unexpired term.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 March, 1951.

H. B. 419  CHAPTER 411

AN ACT TO AUTHORIZETHE GOVERNING BODY OF ANY MUNICIPALITY IN THIS STATE TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF SUCH MUNICIPALITY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, the governing body of any municipality in the State of North Carolina may, in its discretion, by ordinance, create and establish a bird sanctuary within the territorial limits of such municipality. "Provided no ordinance of any governing body of any municipality adopted pursuant hereto may protect any birds classed as predatory by the Wild Life Resources Commission or by the General Statutes of North Carolina nor may the protection of such ordinance extend to Pigeons, Crows, Starlings or English Sparrows."

Sec. 2. Upon the creation and establishment of a bird sanctuary by any municipality in this State under the provisions of Section 1 of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits of such municipality. Any person violating the provisions of an ordinance passed by any municipality under the provisions of Section 1 of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
H. B. 422  CHAPTE R 412

AN ACT RELATING TO DEPUTY SHERIFFS, ASSISTANCE FOR THE
CLERK OF THE SUPERIOR COURT, AND THE JAILER'S FEES IN
CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-180 is hereby amended by adding a new paragraph
at the end thereof to read as follows:

"In Caldwell County the board of county commissioners is authorized
to fix jailer's fees at any sum it may see fit, not to exceed one dollar and
fifty cents ($1.50) per day per prisoner."

Sec. 2. The Board of County Commissioners of Caldwell County is here-
by authorized, in its discretion, to fix the number of salaried deputy sheriffs,
to be appointed by the sheriff, and to fix the compensation, travel, expense
allowance, automobiles, uniforms, or other necessary expenses for said
deputy sheriffs, to be paid out of the general fund of the county, and to
have all fees turned over to the county, to be placed in the general fund,
in lieu of salaries and expense.

Sec. 3. The Board of County Commissioners of Caldwell County is here-
by authorized, in its discretion, to fix the number of and compensation
for assistant or deputy clerks of the Superior Court and to fix the allow-
ances to be made available to the Clerk of the Superior Court for clerical
or secretarial assistance.

Sec. 4. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th
day of March, 1951.

H. B. 426  CHAPTE R 413

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES RE-
LATING TO THE GRANTING AND RENEWAL OF LICENSES OF
EMBALMERS AND FUNERAL DIRECTORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-207, as it appears in the 1949 Cumulative Supple-
ment to the General Statutes, is amended by striking out the word "or" in
line 19 between the comma following the word "school" and the word "two"
and inserting in lieu thereof the word "and".

Sec. 1½. G. S. 90-207, as the same appears in the 1949 Cumulative Sup-
plement of the General Statutes of North Carolina, is hereby amended by
adding the following proviso at the end of said Section:

"Provided, that whenever any person applying for a license under this
Article who has served the whole or any part of the apprenticeship of prac-
tical experience required under this Section and whose apprenticeship has
been interrupted by service in any branch of the Armed Services of the
United States, then in all such cases, the applicant shall be given credit for

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the time served in such apprenticeship as fully in all respects as if such service in the Armed Forces had not caused an interruption in the period of practical experience required under this Section."

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 27th day of March, 1951.

H. B. 455

CHAPTER 414

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE RECORDER'S COURT OF RANDOLPH COUNTY TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-228 shall not apply to the Recorder's Court of Randolph County.

Sec. 2. In all trials in Recorder's Court of Randolph County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall transfer said trial to the Superior Court of Randolph County and the defendant shall execute a new bond in such amount as named by the recorder for his appearance at the next term of the Superior Court for Randolph County held for the trial of criminal cases.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 457

CHAPTER 415

AN ACT AMENDING G. S. 7-70 IN RESPECT TO TERMS OF COURT IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-70 is hereby amended by rewriting the provisions thereof establishing the terms of court to be held in Surry County so that said provisions shall read as follows:

"Surry—Eighth Monday before the first Monday in March to continue for one week; third Monday before the first Monday in March to continue for one week; seventh Monday after the first Monday in March to continue for one week; second Monday after the first Monday in September to continue for one week; eleventh Monday after first Monday in September to continue for one week; fifteenth Monday after the first Monday in September to continue for one week; all the above terms to be for the trial of criminal and civil cases."
Seventh Monday before the first Monday in March to continue for one week; second Monday before the first Monday in March to continue for two weeks; eighth Monday after the first Monday in March to continue for one week; thirteenth Monday after the first Monday in March to continue for one week; eighth Monday before the first Monday in September to continue for two weeks; third Monday after the first Monday in September to continue for two weeks; all the above terms to be for the trial of criminal and civil cases."

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 463

CHAPTER 416

AN ACT TO AMEND G. S. 7-70, RELATING TO THE TERMS OF SUPERIOR COURT IN ALEXANDER COUNTY IN THE FIFTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Alexander County in the Fifteenth Judicial District is rewritten to read as follows:

"Alexander—First Monday in February, to continue for two weeks, for the trial of civil and criminal cases; first Monday in April, to continue for one week, for the trial of civil and criminal cases; fourth Monday in September, to continue for two weeks, for the trial of civil and criminal cases. For these terms of court, the Chief Justice may assign a judge to hold the same from among the regular, special, or emergency judges."

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 27th day of March, 1951.

H. B. 496

CHAPTER 417

AN ACT TO FIX THE COMPENSATION OF CERTAIN COUNTY OFFICIALS OF BLADEX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after July 1st, 1951, the Sheriff of Bladen County shall be paid a salary of thirty-four hundred dollars ($3,400.00) per annum, payable in equal monthly installments, and in addition thereto shall receive all of the fees and other official commissions now allowed by law for the office of sheriff. On and after July 1st, 1951, the Sheriff of Bladen County shall also receive the sum of six hundred dollars ($600.00) per annum for travel expense, payable in equal monthly installments.
Sec. 2. On and after July 1st, 1951, the Register of Deeds of Bladen County shall be paid a salary of three thousand dollars ($3,000.00) per annum, which said salary shall be full and complete compensation for said register of deeds for his official services. The Register of Deeds of Bladen County shall collect all fees, charges, commissions and any and all other sums which shall come into his hands by virtue of his office and shall pay the same into the General Fund of the County of Bladen.

Sec. 3. On and after July 1st, 1951, the Clerk of the Superior Court of Bladen County shall be paid a salary of thirty-four hundred dollars ($3,400.00) per annum, payable in equal monthly installments, and in addition thereto said clerk shall be paid, on and after July 1st, 1951, the sum of six hundred dollars ($600.00) per annum, payable in equal monthly installments, for his services as judge of the juvenile court of said county. All fees, charges, official commissions and any other sums of money collected by said Clerk of the Superior Court or paid into his hands by virtue of his office shall be collected, accounted for and paid into the General Fund of the County of Bladen.

Sec. 4. The Salaries authorized by this Act shall be paid out of general county funds in equal monthly installments, the first such installment to be paid on July 1st, 1951, for the preceding month, and equal installments to be paid on the first of each succeeding month.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 546

CHAPTER 418

AN ACT TO PROVIDE FOR THE APPOINTMENT, AND TO FIX THE SALARY, OF A CLERK FOR THE COUNTY ACCOUNTANT AND TAX COLLECTOR OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Accountant and Tax Collector of Graham County is hereby authorized to appoint a clerk to assist him in the performance of his duties. Said clerk shall be paid a salary of one hundred twenty-five dollars ($125.00) per month from the general fund of Graham County. This sum shall be payable retroactively to January 1, 1951, and shall be in addition to all other sums now authorized by law for clerk hire and office expense in the office of the County Accountant and Tax Collector of Graham County.

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
AN ACT TO FIX FEES IN GUILFORD COUNTY FOR THE SHERIFF, THE REGISTER OF DEEDS AND THE TAX SUPERVISOR, AND TO AMEND G. S. 2-28 SO AS TO EXCLUDE GUILFORD COUNTY FROM ITS APPLICATION.

The General Assembly of North Carolina do enact:

Section 1. Fees and commissions charged for services rendered by the Sheriff of Guilford County and his deputies, by the register of deeds of said county, and his deputies and assistants, and the tax supervisor of said county, and his deputies and assistants, shall be those set out in the following Sections, provided that if no fee or commission for the performance of any duty is fixed by this Act, the fee or commission fixed by the General Statutes of North Carolina for the performance of such duty shall be the fee charged for the performance of such duty in Guilford County.

Sec. 2. Fees for sheriff and his deputies:
(a) Arrest ....................................................... $2.50
(b) Serving Summons ........................................... 2.00
(c) Serving Capias ............................................. 2.50
(d) Serving Subpoena ......................................... .75
(e) Serving Claim and Delivery ................................ 3.50
(f) Serving Execution ......................................... 2.00
(g) Commission for collecting money under execution: 5% on first $200.00 and 2½% on excess of $200.00.
(h) Taking bond ............................................... 1.00
(i) Summoring a juror .......................................... .75
(j) Laying Off Homestead and/or personal property exemption .................................................. 3.00
(k) Posting notices ............................................. .50
(l) Levying an attachment ..................................... 3.50
(m) Jailer's fees, services under G. S. 153-180 .................. 2.00

Sec. 3. Fees for register of deeds, deputies and assistants:
(a) Registering plats .......................................... 2.00
(b) Registering Chattel Mortgages, including the instruments mentioned and described in General Statutes 2-28, together with probate and acknowledgments, containing not more than three copy sheets, $0.80, each additional copy sheet $0.10, and the fees prescribed in G. S. 2-28 shall not be applicable to Guilford County.
(c) Filing in duplicate in lieu of recording Chattel Mortgages and Conditional Sales Contracts $0.80.

Sec. 4. Fees for tax supervisor, deputies and assistants:
(a) Levying on personal property for taxes .................. 1.00
(b) Sales of personal property for taxes ..................... 1.00
(c) Serving Notice of Government for taxes .................. 1.00

Sec. 5. G. S. 2-28 is hereby amended by inserting the word "Guilford" immediately preceding the word "Harnett".

Sec. 6. This Act shall apply to Guilford County only.
Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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 March, 1951.

H. B. 558

CHAPTER 420

AN ACT REQUIRING PROFESSIONAL BONDSMEN IN LEE COUNTY TO DEPOSIT WITH THE CLERK OF THE SUPERIOR COURT THE SUM OF TWO THOUSAND DOLLARS AS EVIDENCE OF SOLVENCY.

The General Assembly of North Carolina do enact:

Section 1. Every professional bondsman or other person, firm or corporation furnishing for any valuable consideration any bail, bond, guaranty or security for the appearance, attendance, conduct or compliance of any defendant or witness in any criminal action before any court in Lee County shall, before giving any such bond or entering upon any such undertaking, deposit with the Clerk of the Superior Court of Lee County, and thereafter maintain on deposit as a condition to engaging in any such activity, the sum of two thousand dollars ($2,000.00) in cash, a certified check or negotiable bonds in an equal amount.

Sec. 2. The deposit herein required to be made and maintained with the Clerk of the Superior Court shall be subject at all times to forfeiture in whole or in part whenever it shall be made to appear to the satisfaction of the Clerk of the Superior Court, upon motion of the solicitor or the prosecuting attorney of any court in Lee County, that the person making such deposit is bound as principal or surety upon any bond or undertaking in any criminal action in any such court, and that a final order of forfeiture has been entered in respect to such bond or undertaking and that the same is still outstanding and unpaid. Any forfeiture in whole or in part of any such deposit made with the clerk shall be applicable in satisfaction of any outstanding bond or undertaking of the person making such deposit to the extent to which a final order of forfeiture has been entered as to such bond or undertaking.

Sec. 3. This Act shall not apply to insurance companies or bonding companies which are licensed by the North Carolina Insurance Commissioner to do business in the State of North Carolina.

Sec. 4. The provisions of this Act are in addition to and not exclusive of other remedies provided by law.

Sec. 5. This Act shall apply only to Lee County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
AN ACT TO INCREASE THE SALARIES OF CERTAIN OFFICERS IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the 1st of July, 1951, the salaries of the Sheriff, his full time Deputy Sheriff, the Clerk of the Superior Court and the Register of Deeds of Alexander County are each increased in the amount of fifty dollars ($50.00) per month over and beyond that now fixed by law as compensation for said officers. The salary increases herein provided for shall be paid from the general fund of Alexander County.

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 27th day of March, 1951.

AN ACT PROVIDING FOR THE BIENNIAL ELECTION OF THE RECORDER AND THE PROSECUTING ATTORNEY OF THE MUNICIPAL RECORDER'S COURT OF THE CITY OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. In the general election of municipal officers for the City of Greenville, to be held in the year 1951, there shall be elected by city wide vote a recorder and a prosecuting attorney for the Municipal Recorder's Court of the City of Greenville.

Sec. 2. Following the first election provided herein, the election of a recorder and prosecuting attorney shall be called, held, declared, certified and otherwise conducted biennially at the time of the general municipal election, in accordance with the provisions of the Charter of the City of Greenville governing the election of municipal officers, and the recorder and prosecuting attorney so elected shall serve for terms of two years or until their respective successors are elected or appointed and qualified.

Sec. 3. In the event of a vacancy in the office of recorder or prosecuting Attorney of the Municipal Recorder's Court of the City of Greenville, such vacancy shall be filled by appointment by the Board of Aldermen of the City of Greenville for the unexpired portion of the two-year term.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
H. B. 575

CHAPTER 423

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE COMMUNITY OF RURAL HALL IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within a radius of one-half (½) mile of the Moravian Church in the community of Rural Hall in Forsyth County is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the above described area except English Sparrows, Great Horned Owls, Cooper’s Hawks, Sharp-shinned Hawks, Crows and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 583

CHAPTER 424

AN ACT TO AMEND G. S. 33-23 AUTHORIZING GUARDIANS TO CULTIVATE LANDS OF WARDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 33-23 is amended by adding after the word “child” in the first line thereof the words “or any person standing in loco parentis or any member of the family of such child with whom such child resides”.

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

Sec. 3. This Act shall become effective from and after July 1, 1951.

In the General Assembly read three times and ratified; this the 27th day of March, 1951.

H. B. 601

CHAPTER 425

AN ACT TO REGULATE THE FEES OF JUSTICES OF THE PEACE IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The various justices of the peace of Gaston County shall be allowed the following fees and expenses, namely:

Civil Actions

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuing Summons</td>
<td>$ .75</td>
</tr>
<tr>
<td>Trial and Judgment</td>
<td>1.50</td>
</tr>
<tr>
<td>Entering Judgment</td>
<td>.50</td>
</tr>
<tr>
<td>Transcript</td>
<td>.25</td>
</tr>
<tr>
<td>Issuing summons and affidavit</td>
<td>1.00</td>
</tr>
</tbody>
</table>
Judgment .......................................................... 1.50
Entering Judgment and transcript ............................. .50
Issuing Execution ............................................... 1.00
Appeal fee (civil action, including Bond) .................... 1.00
Removal to another Magistrate ............................... .50
Claim and Delivery ............................................ 3.00
Attachment ..................................................... 3.50
Widows year allowance ....................................... 3.00
Jury trial and drawing Jury ................................... 3.00

Criminal Actions
Affidavit and Issuing Warrant .................................. 1.00
Accepting Bond ................................................ .50
Recognizance ................................................... .50
Trial and Judgment ............................................. 1.50
Subpoena, each ................................................ .25
Removal and Order to J. P. or Recorder's Court .......... .50
Making report to Safety Department Motor Vehicle Violations .50
Entering Judgment ............................................. .50

Sec. 2. Chapter 129 of the Public Local Laws of 1919, insofar as the same pertains to Gaston County and insofar as the same is in conflict with any of the provisions of this Act, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1st, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 607

CHAPTER 426
AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after July 1, 1951, the chairman and the members of the Board of County Commissioners of Yancey County shall each receive the sum of twenty-five dollars ($25.00) per month to be paid out of the general funds of Yancey County as full compensation for their official services. No sum shall be paid in advance of services rendered by the chairman and members of the board of commissioners of said county.

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.
AN ACT RELATING TO THE SALARY OF THE JUDGE OF THE RECORDER’S COURT OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Judge of the Recorder’s Court of Camden County shall be paid, out of the general county funds, an annual salary of twelve hundred dollars ($1,200.00), payable in equal monthly installments, the first such payment to be made on July 1, 1951, for the preceding month, with payments in an equal amount to be made on the first of each succeeding month.

Sec. 2. In all criminal cases coming before the Recorder’s Court of Camden County there shall be included in the bill of costs, the sum of one dollar ($1.00) as an additional arrest and jail fee, to be charged and collected as provided by law for other items of cost in criminal cases, and to be paid over to the general county fund as a partial offset to the increased cost of law enforcement in Camden County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

AN ACT TO AMEND SECTION 15 OF CHAPTER 22 OF THE PRIVATE LAWS OF 1935, RELATING TO PAY OF MEMBERS OF THE LEXINGTON UTILITY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 15 of Chapter 22 of the Private Laws of 1935 is amended by inserting in line five after the word “Lexington.” the following: “Each member of said commission shall receive in addition thereto the sum of ten dollars ($10.00) for each special or extra meeting.”

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 27th day of March, 1951.

AN ACT FIXING THE SALARIES OF CERTAIN OFFICIALS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the County Board of Commissioners of Haywood County shall be paid for his services as chairman of the board and as county manager, in equal monthly installments, the sum of three thou-
and six hundred dollars ($3,600.00) per year in lieu of all other compensation provided therefor by law.

Sec. 2. The Tax Collector of Haywood County shall be paid the sum of three thousand six hundred dollars, ($3,600.00) per year in equal monthly installments in lieu of all other compensation provided by law.

Sec. 3. Each member of the Board of County Commissioners of Haywood County other than the chairman shall be paid nine hundred dollars ($900.00) per year in equal monthly installments in lieu of all other compensation now provided by law except that on or after April 1, 1951, the members of the board of county commissioners shall not be paid any compensation for sitting as members of the board of equalization and review.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective April 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 621  CHAPTER 430
AN ACT TO AMEND SECTION 152-5 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE FEES OF THE CORONER IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 152-5 of the General Statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

"In Rockingham County the coroner shall receive the following fees in addition to the necessary expenses paid to him for burying a pauper over whom an inquest has been held: For each investigation of a death or deaths, fifteen dollars ($15.00), and for each additional day necessarily devoted to such investigation, fifteen dollars ($15.00) per day. For each inquest, twenty dollars ($20.00)."

Sec. 2. This Act shall apply only to Rockingham County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 627  CHAPTER 431
AN ACT TO AMEND CHAPTER 403 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1939, RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 403 of the Public-Local and Private Laws of 1939 is amended by striking out in line two of said Section the words and figures "four thousand ($4,000.00)" and inserting in lieu thereof the words and figures "four thousand five hundred ($4,500.00)".
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 27th day of March, 1951.

H. B. 628

CHAPTER 432

AN ACT TO REGULATE AND FIX THE FEES OF JUSTICES OF THE PEACE OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Justices of the Peace of Surry County shall receive the following fees and none other:

Issuing summons, seventy-five cents (.75) where there is only one defendant and the sum of twenty cents (.20) for each additional defendant;

Trial and judgment, one dollar and fifty cents ($1.50);

Docketing judgments, twenty-five cents (.25);

Issuing subpoena, fifteen cents (.15) for each witness;

Taking affidavit in any proceeding, fifty cents (.50);

Jury trial and verdict, one dollar ($1.00);

Issuing execution, twenty-five cents (.25);

Return notice of appeal, fifty cents (.50);

Warrant of arrest in criminal action, one dollar and fifty cents ($1.50);

Warrant of commitment, fifty cents (.50);

Issuing claim and delivery, including summons, affidavit, bond, order for seizure of property, trial of issues joined, three dollars and fifty cents ($3.50);

Issuing attachment papers, including application affidavit, bond, order of levy and seizure, judgment of trial, three dollars and fifty cents ($3.50);

Recognizance of witnesses, ten cents (.10) for each name: Provided not more than three witnesses shall be recognized except in cases of felonies;

Affidavit and order of removal, fifty cents (.50);

Capias and order, one dollar ($1.00);

Probate or acknowledgment of deed or other instrument in writing required or admitted to registration, twenty-five cents (.25) for each signer thereof;

Taking of any bond, twenty-five cents (.25);

Allotting widow's years' allowance, one dollar and fifty cents ($1.50);

The taking of depositions, twenty cents (.20) for each copy sheet;

Garnishment for taxes, fifty cents (.50);

Issuing notices, twenty cents (.20) for each copy.

Filing and docketing lien, seventy-five cents (.75).

Sec. 2. That all laws and clauses of laws in conflict herewith are 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 March, 1951.
H. B. 630 CHAPTER 433
AN ACT TO FIX THE ALLOWANCE ALLOWED FOR FEEDING PRISONERS IMPRISONED IN THE CASWELL COUNTY JAIL.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 706 of the Session Laws of 1949 is hereby amended by adding at the end of said Section 1 another sentence which shall read as follows:

“The Board of County Commissioners of Caswell County shall allow the Sheriff of Caswell County, or other proper officer having custody and charge of the county jail, a sum not exceeding one dollar and thirty-five cents ($1.35) per day per prisoner for meals for such prisoner or prisoners while confined in the county jail, and said amount shall be taxed in the bill of costs collected and paid into the general fund of the county as above provided.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 637 CHAPTER 434
AN ACT TO AMEND G. S. 7-70, RELATING TO THE TERMS OF THE SUPERIOR COURT OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The paragraph of G. S. 7-70 fixing the terms of the Superior Court of Craven County, as the same appears on page 82 of the Supplement to the General Statutes of North Carolina, is hereby amended by rewriting said paragraph to read as follows:

“Cra—Craven—Eighth Monday before the first Monday in March and the thirteenth Monday after the first Monday in March, for the trial of civil cases and criminal cases; the first Monday in September, to continue for two weeks, for the trial of civil cases and criminal cases; fifth Monday after the first Monday in March for the trial of civil cases and criminal cases; fifth Monday before the first Monday in March to continue for one week for the trial of civil cases only; fourth Monday before the first Monday in March for the trial of civil cases only; third Monday before the first Monday in March for the trial of civil cases and criminal cases; fourth Monday after the first Monday in September and eleventh Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases only; tenth Monday after the first Monday in September for the trial of civil cases and criminal cases; tenth Monday after the first Monday in March for the trial of civil cases only. If the judge regularly holding the courts for the Fifth Judicial District is not available to hold the term beginning on the tenth Monday after the first Monday in September or the second week of the term beginning the first Monday in September, the Chief Justice of the Supreme Court shall assign a judge to hold the same from among the regular or special Superior Court Judges.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 645
CHAPTER 435
AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE COUNTY COURT OF GREENE COUNTY TO THE SUPERIOR COURT UPON DEMAND FOR A JURY TRIAL.

The General Assembly of North Carolina do enact:

Section 1. Whenever a demand shall be made for a jury trial in any criminal case in the County Court of Greene County, North Carolina, the judge of said court shall transfer the said case to the Superior Court of said county, to be heard in the Superior Court upon the warrant in such case, and the Superior Court is given jurisdiction to hear and determine such case upon such transfer.

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 27th day of March, 1951.

H. B. 657
CHAPTER 436
AN ACT TO PROVIDE FOR THE APPOINTMENT, SALARY, AND DUTIES OF AN ASSISTANT SOLICITOR FOR THE FOURTEENTH JUDICIAL DISTRICT TO ASSIST IN THE PROSECUTION OF THE CRIMINAL DOCKET IN THE SUPERIOR COURT OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Mecklenburg County is hereby authorized and empowered, in its discretion, to appoint a competent attorney of Mecklenburg County to assist the Solicitor of the Fourteenth Solicitorial or Judicial District in the prosecution of the criminal docket of the Superior Court of Mecklenburg County; provided, that no one shall be appointed assistant solicitor under this Act, unless and until he shall have first been recommended and nominated for the office by the Solicitor of the Fourteenth Solicitorial or Judicial District. The Solicitor of the Fourteenth Solicitorial or Judicial District is hereby authorized to designate the duties of such assistant solicitor.

Sec. 2. The first term of the office of said assistant solicitor shall begin on the 1st day of July, 1951, and end on the 30th day of June, 1952. Thereafter the terms of said office shall begin on the 1st day of July in each year and end on the 30th day of June in the following year.
Sec. 3. At the end of the term of office of any such assistant solicitor, the Board of Commissioners of Mecklenburg County, in its discretion, may leave the office unfilled for the ensuing term or any portion thereof; but this provision shall not prevent said commissioners from appointing an assistant solicitor upon recommendation and nomination of the solicitor at any time when the office is unfilled under the provisions of this Section; and any such appointment shall be for the remainder of the term ending on the next ensuing 30th day of June.

Sec. 4. The salary of such assistant solicitor shall be fixed by the Board of Commissioners of Mecklenburg County at such sum as they may deem proper, which salary shall be paid from the general fund of said county.

Sec. 5. This Act shall apply only to Mecklenburg County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after the 1st day of July, 1951.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. B. 660  

CHAPTER 437

AN ACT TO AMEND G. S. 7-70, RELATING TO THE TERMS OF SUPERIOR COURT IN PERSON COUNTY IN THE TENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Person County in the Tenth Judicial District is amended by striking out line four of said portion the word “fourth” and inserting in lieu thereof the word “first”.

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 27th day of March, 1951.

H. B. 667  

CHAPTER 438

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF THE CITY OF MONROE AND UNION COUNTY TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. In the trial of any case in the Recorder's Court of the City of Monroe and Union County, whenever the prosecuting attorney representing the State, or any party, either plaintiff or defendant, shall demand a trial by jury, the recorder shall transfer such case to the Superior Court of Union County, and the parties to any such action shall execute new
bonds for their costs, or for their appearance at the next term of said Superior Court, in such amounts as the recorder may determine.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

S. B. 199  

CHAPTER 439  

AN ACT TO AMEND SECTIONS 153-102 AND 160-389 OF THE GENERAL STATUTES, THEREBY EXTENDING THE TIME WITHIN WHICH BONDS AUTHORIZED BY COUNTIES AND MUNICIPALITIES MAY BE ISSUED.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of Section 153-102 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by substituting "July 1st, 1950" for "July 1st, 1948," in line four of said paragraph; by substituting "July 1st, 1951," for "July 1st, 1949," in line five of said paragraph; by substituting "July 1st, 1953" for "July 1st, 1951," in line seven of said paragraph; and by substituting "June 30th, 1953" for "June 30th, 1951" in line 13 of said paragraph.

Sec. 2. The second paragraph of Section 160-389 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by substituting "July 1st, 1950" for "July 1st, 1948," in line four of said paragraph; by substituting "July 1st, 1951" for "July 1st, 1949," in line five of said paragraph; by substituting "July 1st, 1953" for "July 1st, 1951," in line seven of said paragraph; and by substituting "June 30th, 1953" for "June 30th, 1951," in line 13 of said paragraph.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1951.

S. B. 200  

CHAPTER 440  

AN ACT TO AMEND SECTIONS 160-390 AND 160-391 (BEING PORTIONS OF THE MUNICIPAL FINANCE ACT), AND SECTION 153-103 (BEING A PORTION OF THE COUNTY FINANCE ACT) OF THE GENERAL STATUTES, TO PROVIDE FOR THE ISSUANCE OF BONDS OF AN ISSUE AT ONE TIME OR FROM TIME TO TIME IN SERIES.

The General Assembly of North Carolina do enact:

Section 1. That the last sentence of Section 160-390 of the General Statutes shall be and the same is hereby amended to read as follows:
"The bonds authorized by a bond ordinance, or by two or more bond ordinances if the bonds so authorized shall be consolidated into a single issue, may be issued either all at one time as a single issue or from time to time in series, and different provisions may be made for different series."

Sec. 2. That Section 160-391 of the General Statutes shall be and the same is hereby amended to read as follows:

"Sec. 160-391. Bonded debt payable in installments. The bonds of each issue or of each series shall mature in annual installments, the first of which installments shall be made payable not more than three years after the date of the bonds of such issue or of such series, and the last within the period determined and declared pursuant to Section 160-382 of this subchapter. If the bonds so authorized shall be issued at one time as a single issue, no such installment shall be more than two and one-half times as great in amount as the smallest prior installment of such issue. If the bonds so authorized shall be issued in series, the total amount outstanding after the issuance of any particular series shall mature so that the total amount of such bonds maturing in any fiscal year shall not be more than two and one-half times as great in amount as the smallest amount of such outstanding bonds which mature in any prior fiscal year, and the first installment of the bonds of any series subsequent to the first series may mature more than three years after the date of the bonds of the first series. This Section shall not apply to funding or refunding bonds."

Sec. 3. That Section 153-103 of the General Statutes shall be and the same is hereby amended to read as follows:

"Sec. 153-103. Bonded debt payable in installments. The bonds authorized by a bond order, or by two or more bond orders if the bonds so authorized shall be consolidated into a single issue, may be issued either all at one time as a single issue or from time to time in series and different provisions may be made for different series. The bonds of each issue or of each series shall mature in annual installments, the first of which installments shall be made payable not more than three years after the date of the bonds of such issue or of such series, and the last within the period determined and declared pursuant to Section 153-80 of this subchapter. If the bonds so authorized shall be issued at one time as a single issue, no such installment shall be more than two and one-half times as great in amount as the smallest prior installment of such issue. If the bonds so authorized shall be issued in series, the total amount outstanding after the issuance of any particular series shall mature so that the total amount of such bonds maturing in any fiscal year shall not be more than two and one-half times as great in amount as the smallest amount of such outstanding bonds which mature in any prior fiscal year, and the first installment of the bonds of any series subsequent to the first series may mature more than three years after the date of the bonds of the first series. This Section shall not apply to funding or refunding bonds."

Sec. 4. The provisions of this Act shall apply to the bonds of any county or municipality heretofore authorized, notwithstanding the fact that a part of such authorized bonds may have heretofore been issued.
Sec. 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

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 28th day of March, 1951.

S. B. 263

CHAPTER 441

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE TOWN OF FARMVILLE AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE TOWN OF FARMVILLE FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of promoting the orderly growth, expansion and development of the Town of Farmville and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the Town of Farmville and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the Governing Body of the Town of Farmville is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the Governing Body of the Town of Farmville to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the Town of Farmville, but, also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the Town of Farmville as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the Governing Body of the Town of Farmville is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the Town of Farmville and vested in its Governing Body by the Charter of the Town of Farmville and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the Town of Farmville to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the Town of Farmville.

Sec. 2. That at the time the Governing Body of the Town of Farmville authorizes the Planning Board of the Town of Farmville to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one mile in all directions, said governing body shall ap-
point four (4) residents of the territory beyond the corporate limits of the Town of Farmville and within one mile thereof to serve as members of the Town of Farmville's Planning Board in addition to the regularly appointed members. The additional members of the planning board so appointed who are residents of the territory beyond the corporate limits shall have equal rights and privileges with the other members of the Town of Farmville's Planning Board only in matters pertaining to the zoning of the territory surrounding and beyond the corporate limits of the Town of Farmville within a distance of one mile in all directions thereof, and the term of office of the members who are residents of the territory beyond the corporate limits shall terminate at the time a zoning ordinance for the territory beyond the corporate limits of the Town of Farmville is enacted by the Governing Body of the Town of Farmville.

Sec. 3. The governing body is further authorized in order to properly enforce the provisions of any planning or any zoning ordinances that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure that a permit be obtained therefor from the Building Inspector of the Town of Farmville. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the Governing Body of the Town of Farmville for the area whereon the structure is to be situate. No fee shall be charged for such permit.

Sec. 4. That the provisions of this Act shall apply only to the Town of Farmville and to the territory within the corporate limits of the Town of Farmville and that territory beyond and surrounding the corporate limits of the Town of Farmville for a distance of one mile beyond the same in all directions.

Sec. 5. The Governing Body of the Town of Farmville, shall enact no ordinance or ordinances under the provisions of this Statute without first holding a public hearing.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 7. 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, 1951.

S. B. 419  

CHAPTER 442  

AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The hereinafter named persons are hereby appointed members of the County Board of Education of Johnston County, who shall from and after April 1, 1951 constitute the Board of Education of Johnston County and shall serve for terms as herein set forth, namely:
(1) Julius D. Corbitt, who shall serve until the first Monday in April, 1957, or until his successor is chosen and qualified.
(2) Aubrey Austin, who shall serve until the first Monday in April, 1957, or until his successor is chosen and qualified.
(3) James Earp, who shall serve until the first Monday in April, 1955, or until his successor is chosen and qualified.
(4) P. B. Chamblee, who shall serve until the first Monday in April, 1953, or until his successor is chosen and qualified.
(5) Conrad Parker, who shall serve until the first Monday in April, 1953, or until his successor is chosen and qualified.

Sec. 2. The members so appointed shall qualify by taking the oath of office within 30 days after the date of ratification of this Act and shall hold office for the respective terms specified in Section 1 of this Act.

Sec. 3. The per diem and mileage of the members of said board shall be paid out of the State School Fund in accordance with the schedule of payments provided by law.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1951.

H. B. 124

CHAPTER 443

AN ACT AUTHORIZING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO PAY FROM NET REVENUES RECEIVED FROM TIMBER AND PULPWOOD SOLD ON STATE FORESTS A PERCENTAGE TO COUNTIES IN WHICH SUCH FORESTS ARE LOCATED, IN LIEU OF TAXES, AMENDING G. S. 113-34.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-34 be amended by adding at the end of the first paragraph of said Section the following:

"That the Department of Conservation and Development of the State of North Carolina in lieu of payment to any county of the ad valorem taxes provided for above is authorized and empowered in its discretion to pay to any county in which is located any State forest, as a severance tax, such percentage or part of the net proceeds of revenues received and collected by such said department, as may be determined by them, and as agreed upon by them and the board of county commissioners of any county in which such State forest is located, as shall be approximately equal to the ad valorem taxes levied on the property at the time such property was acquired by the State from the cutting and removal of timber and pulpwood from State forests located in the county to which the payment is made. Such payments can be made to such counties on lands owned by the State and used for State forests, or lands leased by the State from which it has the right to cut and remove such timber and pulpwood: Provided, if removed from any State forest leased or acquired from the Federal government, the terms of the lease or instrument of acquisition from the
Federal government pertaining to such matters shall be in all respects com-
plied with. The Department of Conservation and Development is required
to determine by resolution adopted by them, and as agreed upon by them
and the board of county commissioners of any county in which there is
located any leased State forest, the years which such severance taxes in
lieu of ad valorem taxes shall be paid and be in effect, notice of which
shall be given to the county or counties concerned therein prior to the first
day of January of the year such severance taxes shall be substituted for
such ad valorem taxes."

Sec. 1½. This Act shall not apply to Swain County.

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 full force and effect from and after its
ratification.

In the General Assembly read three times and ratified, this the 28th
day of March, 1951.

H. B. 145

CHAPTER 444

AN ACT TO CREATE A COMMISSION TO PROMOTE THE DEVELOP-
MENT OF THE BUGGS ISLAND AREA IN NORTHEASTERN
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a commission to be known as the
"Buggs Island Development Commission". The commission hereby created
shall consist of 10 members to be appointed by the Governor. One member
of said Commission shall be a resident of Vance County; one member shall
be a resident of Granville County and one member shall be a resident of
Warren County and four members shall be appointed from the eastern sec-
tion of North Carolina as members at large, one member shall be appointed
from the membership of the Wildlife Resources Commission, one member
shall be appointed from the membership of the Board of Conservation and
Development, and one member shall be appointed from the membership of
the North Carolina Recreation Commission. The members appointed from
the Board of Conservation and Development, and the Wildlife Resources
Commission and the North Carolina Recreation Commission shall serve as
ex officio members of the commission created by this Act, and shall serve
on this commission in such capacity only during the tenure of their terms
as members of the Board of Conservation and Development and the Wild-
life Resources Commission and the North Carolina Recreation Commission
respectively. Of the other seven members to be appointed to this commis-
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sion two shall serve for two years, two shall serve for four years, and three
shall serve for six years and as the terms of these commissioners expire,
the Governor shall thereafter appoint members of the commission to serve
for terms of six years. The Governor shall accept resignations of members
of the commission and shall appoint members to serve the unexpired terms
of those caused by resignation, death or otherwise. Members of the com-
mision created by this Act shall be appointed by the Governor on or
before the first of July, 1951.
Sec. 2. The commission shall at its first meeting elect a chairman, a vice-chairman and a secretary. The chairman and the vice-chairman shall all be members of the commission, but the secretary need not be a member of the commission. These officers shall perform the duties usually pertaining to such offices and when elected shall serve for a period of one year, but may be re-elected. In case of vacancies by resignation or death, the office shall be filled by the commission for the unexpired term of said officer. The commission shall meet at such times and places as may be designated by its chairman and may also be called at such times as may be requested by any three members of the commission. The commission shall adopt such other rules, regulations and by-laws governing the operation of the commission as it shall deem necessary. Five members of the commission shall constitute a quorum for the transaction of business.

Sec. 3. The commission shall endeavor to promote the development of the Buggs Island area situated in northeastern North Carolina, and it shall be the duty of the commission to study the development of this area and to recommend to the Department of Conservation and Development, and the Wildlife Resources Commission and the North Carolina Recreation Commission policies that will promote the development of this area to the fullest extent possible for the benefit and enjoyment of the citizens of North Carolina and of the Nation. It shall confer with the various departments, agencies, commissions and officials of the Federal Government and the governments of the adjoining states in connection with the development of this Buggs Island area. It shall also advise and confer with any other State officials or agencies or departments in the State of North Carolina that may be directly or indirectly concerned in the development of the resources of this area, but it shall not in any manner take over or supplant any agencies of their work in this area except so far as is expressly provided for in this Act. It shall also advise and confer with various interested individuals, organizations or agencies that are interested in developing this area and shall use its facilities and efforts in formulating, developing and carrying out overall programs for the development of the area as a whole. It shall have full power and authority to confer with any similar commission created or acting in that part of the area lying in the State of Virginia for the purpose of working out uniform practices and plans affecting the entire area in both states.

Sec. 4. The commission shall make a biennial report to the Governor covering its work up to January 1st preceding each Session of the General Assembly. It shall also file any such suggestions or recommendations as it deems proper with the Department of Conservation and Development, the Wildlife Resources Commission and the North Carolina Recreation Commission in respect to such matters as might be of interest to or affect such department or commission.

Sec. 5. The actual travel and subsistence expenses incurred by the ex officio members of the commission shall be paid from the funds of the respective agencies. The other members of the commission shall receive their necessary traveling expenses incurred while attending meetings of the commission and also such additional traveling expenses in connection with the
business of the commission as shall be approved by the Director of the Budget, which expenses shall be paid from funds of the commission created by this Act when such funds have been provided from the sources herein-after referred to.

Sec. 6. The Boards of County Commissioners of the Counties of Granville, Vance and Warren and the municipalities within these counties are authorized and empowered in their discretion to make annual contributions to the commission for the purpose of defraying the necessary expenses of operation and the commission is authorized and empowered to accept grants or donations from any interested citizens or from any State or Federal agency.

Sec. 7. The Wildlife Resources Commission and the Department of Conservation and Development and the North Carolina Recreation Commission are authorized and empowered to include in their budget request for funds to aid and support the work of the commission.

Sec. 8. All laws and clauses of laws in conflict with this Act are here-by repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1951.

H. B. 420

CHAPTER 445

AN ACT TO PERMIT THE GOVERNING BODY OF THE CITY OF LENOIR TO ESTABLISH A SYSTEM OF PARKING METERS AND TO USE A PART OF THE PROCEEDS FROM THE SAME FOR THE MAINTENANCE AND OPERATION OF RECREATIONAL FACILITIES AND TO ASSIST IN SUPPORTING AND MAINTAINING THE CALDWELL COUNTY LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of regulation and limitation of vehicular traffic and parking in the City of Lenoir, the governing body of the City of Lenoir is authorized and empowered, in its discretion, to enact ordinances providing for a system of parking meters in said municipality which shall be designed to promote traffic regulation and requiring a reasonable deposit not in excess of five cents (5c) per hour from those who park vehicles in those areas in said City of Lenoir, in which it is determined by the governing body that the congestion of traffic or vehicular traffic is such that the public convenience and safety demands regulation.

Sec. 2. That proceeds derived from the use of such parking meters in the City of Lenoir shall be set up and maintained in a special account and fund and used for the establishment and maintenance of such parking meters and for making such regulations effective; and in addition there-to, a portion of said proceeds derived from the parking meters, not to exceed fifty per cent (50%), of the total proceeds, may be used for any general municipal purpose that may be designated by the governing body of the City of Lenoir, which may include establishment and maintenance of recreational facilities in the City of Lenoir, including playgrounds and
parks, and the governing body may in its discretion contribute a portion of the funds derived from the fifty per cent (50%) of the deposits from parking meters to the support of the Caldwell County Library.

Sec. 3. Nothing contained in Chapter 20, or Chapter 136, of the General Statutes of North Carolina shall be construed as in any way effecting the validity of parking meters established in the City of Lenoir or the fees required in the use thereof.

Sec. 4. If the governing body of the City of Lenoir shall find it advisable to use a portion of the funds derived from parking meter deposits as provided in Section 2 of this Act, or if it shall determine that it is for the best interests of the system that it be supervised and directed by a recreation commission, then such governing body may create such commission by ordinance, to be known as the “Lenoir Recreation Commission”, and may vest it with the authority to provide, maintain and operate the recreational system with authority to employ a director, supervisors and play leaders and such other officers or employees as may be deemed best within the budget provided for the commission by the governing body of the City of Lenoir. The board or commission may be vested with such powers and duties as to the governing board of the City of Lenoir may deem proper.

Sec. 5. The commission, if such be set up by the governing body of the City of Lenoir shall consist of five members, of whom the mayor shall be an ex officio member, two members to be appointed for a period of one year, and two members for a period of two years. Upon expiration of their original terms of office each succeeding term shall be for a period of two years. The members shall serve without compensation, and may be removed for cause by the governing body of the City of Lenoir. Vacancies in the commission shall be filled by appointments by the governing body of the City of Lenoir. The recreation commission shall at its first meeting elect a chairman and such other officers as it may be deemed proper for the conduct of its business, and shall adopt rules to govern its procedure. Rules and regulations may be adopted from time to time for the purpose of governing the use of parks, playgrounds and recreational facilities.

Sec. 6. The recreation commission may accept grants, leases, loans and devises of real estate or gift of money or other personal property, or any donation to be applied, principal or income for either temporary, immediate or permanent recreational use, provided, however, that if the acceptance of any grant or devise of real estate, or gift or bequest of money or other personal property will in any way subject the unit to expense for improvement or maintenance, the acceptance thereof shall be subject to the approval of the governing body of the City of Lenoir.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. An emergency existing with respect to the matters hereinbefore set forth and the public interest requiring it, this Act shall become effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1951.
CHAPTER 446

AN ACT REGULATING THE OPERATION OF MOTOR VEHICLES IN CERTAIN BEACH AREAS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to operate any motor vehicle in excess of 15 miles per hour on that portion of the beach between the high and low tidewater line extending from Lockwood’s Folly Inlet South to Shallotte Inlet in Brunswick County. This Section shall not apply to the operation of fire, police, and ambulance motor vehicles.

Sec. 2. It shall be unlawful for any person to operate any motor vehicle in excess of 15 miles per hour on that portion of the beach between the high and low tidewater line extending from Caswell Beach South to Lockwood’s Folly Inlet in Brunswick County.

This Section shall not apply to the operation of commercial motor vehicles nor to police, fire, and ambulance motor vehicles.

Sec. 3. Any person violating the provisions of Section 1 or Section 2 of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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, 1951.

CHAPTER 447

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. Wherever in any Act, general, local, public-local, special or private, the word “town” is used as part of the phrase “town of Sanford” or is used in lieu of such phrase to refer to the town of Sanford, such word insofar as it is so used is hereby stricken out and the word “city” inserted in lieu thereof.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1951.
S. B. 188

CHAPTER 448

AN ACT TO REWRITE ARTICLE 19A OF CHAPTER 130 OF THE GENERAL STATUTES RELATING TO THE PREVENTION OF THE SPREAD OF TUBERCULOSIS.

The General Assembly of North Carolina do enact:

Section 1. Article 19A of Chapter 130 of the General Statutes, as the same appears in the Cumulative Supplement of 1949, is hereby rewritten so that the same shall hereafter read as follows:

"Art. 19A. Prevention of Spread of Tuberculosis.

§ 130-225.1. Health officer to cause suspects to be examined. When any health officer shall have reasonable grounds to believe that any person has tuberculosis in an active stage or in a communicable form, and who will not voluntarily seek a medical examination, then it shall be the duty of such health officer to order such person, either orally or in writing, to undergo an examination by a physician qualified in chest diseases or at some State or county sanatorium for tuberculosis or at some clinic or hospital approved by the North Carolina State Board of Health for such examinations. The health officer and the person suspected of having tuberculosis shall, if possible, agree upon the time and place of examination, but if no satisfactory time and place can be arranged by agreement, then the health officer shall fix a reasonable time and place for such examination, and it shall be the duty of such suspected person to present himself or herself for examination at such time and place as ordered by the health officer. The examination shall include an X-ray of the chest, a sufficient number of microscopical examinations of sputum, and such other forms and types of examinations as shall be approved by the North Carolina State Board of Health. If, upon such examination, it shall be determined that such person has tuberculosis in an active stage or in a communicable form, then it shall be the duty of such tuberculous person, as soon as he or she can reasonably do so, to arrange for admission of himself or herself as a patient in one of the State sanatoriums for tuberculosis, or in one of the county sanatoriums for tuberculosis or in some private hospital or in the ward of a private hospital maintained and operated for the treatment of tuberculous patients, or when there is no danger to the public or to other individuals as determined by the health officer, he or she may receive treatment at home."

"§ 130-225.2. Precautions necessary pending admission to the hospital. Whenever it has been determined that any person has tuberculosis in an active stage or in a communicable form, and such person is not immediately admitted as a patient in any State sanatorium for tuberculosis, county sanatorium for tuberculosis or in any private hospital or ward of a private hospital maintained for the treatment of tuberculosis, it shall be the duty of the county health officer to instruct such person as to the precautions necessary to be taken to protect the members of such person's household or the community from becoming infected by tuberculosis communicated by such person, and it shall be the duty of such tuberculous person to conduct himself and to live in such a manner as not to expose members of his family..."
or household, or any other person with whom he may be associated to danger of infection, and said health officer shall investigate from time to time for the purpose of seeing if said instructions are being carried out in a reasonable and acceptable manner. Any person shall be guilty of a misdeemeanor who shall wilfully fail to do any of the following acts:

(a) Wilfully fail and refuse to present himself or herself to any private physician qualified in chest diseases, hospital, clinic, county sanatorium or State sanatorium for an examination for tuberculosis at such time and place as ordered by the health officer or at such time and place agreed upon between such suspected person and the health officer.

(b) Wilfully fail and refuse to present himself or herself for admission as a patient to any State sanatorium, county sanatorium, provided such facilities are available, or private hospital or ward of a private hospital maintained and operated for the treatment of tuberculous persons when such action is found by the health officer to be necessary for the prevention of spread of the disease, in accordance with the provisions of Section 130-225.1.

(c) Wilfully fail or refuse to follow the instructions of the health officer as to the precautions necessary to be taken to protect the members of his or her household or any member of the community or any other person with whom he or she may be associated from danger of infection by tuberculosis communicated by such person.

If any person shall be convicted of any of the violations set forth in paragraphs (b) and (c) immediately above or shall enter a plea of guilty thereto when charged with such violations, then such person shall be imprisoned in the prison department of the North Carolina Sanatorium or if the defendant is a female, such female shall be imprisoned in the hospital section of the woman's division of the State's prison until provision is made for caring for female prisoners at the North Carolina Sanatorium. The period of imprisonment shall be for a period of two years. The Medical Superintendent of the State Sanatorium, upon signing and placing among the permanent records of the North Carolina Sanatorium a statement to the effect that such person may be discharged without danger to the health or life of others, or for any other reason stated in full which he may deem adequate and sufficient, may discharge the person so committed at any time during the period of commitment. He shall report each such discharge, together with a full statement of the reasons therefor, at once to the health officer serving the territory from which the person came and to the board of trustees or other controlling authority of such sanatorium and to the prison division of the State Highway and Public Works Commission. The court may suspend judgment, however, if such convicted person shall be hospitalized in a county sanatorium and shall remain there until discharged by the medical superintendent or controlling authority of any county sanatorium. The medical superintendent of the North Carolina Sanatorium, with the advice and consent of the Commissioner of Paroles, where he finds in an occasional and rare instance that a person committed to the prison division of the State Sanatorium has obeyed the rules and regulations of such division or department for a period of not less than sixty (60) days
may, in his discretion, have the authority to transfer any patient who, in his judgment, will conform to the rules of the sanatorium, from the prison division to the central or main sanatorium, and the medical superintendent shall be responsible for his care and custody. The medical superintendent of any State sanatorium or the medical superintendent or controlling authority of any county sanatorium are hereby authorized, empowered and directed to transfer and deliver to the United States Veterans Bureau or other appropriate department or bureau of the United States Government or to the representative or agent of such veterans bureau or other department or bureau of said Government any inmate or convicted tuberculous person, being soldiers or sailors or other members of the Armed Forces who have served at any time in any branch of the Military or Naval Forces of the United States, who are now in or may hereafter be committed to said prison division or who may be admitted to any State sanatorium or county sanatorium."

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

S. B. 231

CHAPTER 449

AN ACT TO AMEND G. S. 162-6 RELATING TO FEES TO BE CHARGED BY THE SHERIFF OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-6, as amended, is hereby further amended by adding the following provisions at the end thereof.

Sec. 2. The fees and expenses to be charged by the Sheriff of Forsyth County for services rendered by him shall be as hereinafter set out:

(a) Executing summons or any other writ or notice, one dollar and fifty cents ($1.50), for each defendant.

(b) Arrest of a defendant in a civil action and taking bail, including attendance to justify, and all services connected therewith, two dollars ($2.00).

(c) Arrest of a person indicted, including all services connected with the taking and justification of bail, two dollars and fifty cents ($2.50).

(d) Imprisonment of any person in a civil or criminal action, one dollar ($1.00); and release from prison, one dollar ($1.00).

(e) Executing subpoena on a witness, seventy-five cents (75c).

(f) Executing any instanter capias the sum of two dollars ($2.00).

(g) Conveying a prisoner to or from another county within the State of North Carolina, or, conveying a prisoner to and from any prison or place outside the State of North Carolina, in either instance, going and returning, ten cents (10c) per mile and other necessary expenses, and for prisoner's guard, if any necessary, the sum of five dollars ($5.00) per day, or any part thereof.

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(h) For allotment of widow's year's allowance, one dollar and fifty cents ($1.50).

(i) In claim and delivery for serving the original papers on each defendant, one dollar and fifty cents ($1.50), and for taking the property claimed, three dollars ($3.00) with the actual cost of keeping the same until discharged by law.

(j) Collecting executions for money in civil actions, five per cent (5%) of the amount collected up to five hundred dollars ($500.00), and an additional two and one-half per cent (2½%) on any amount in excess of five hundred dollars ($500.00), said commissions to be charged and collected on all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff.

(k) Advertising a sale of property under execution at each public place required, one dollar ($1.00).

(1) Seizing specific property under order of a court, or executing any other order of a court or judge, not specifically provided for, except orders or processes of the Forsyth County Juvenile Court, the sum of three dollars ($3.00).

(m) Taking any bond or undertaking, including furnishing the blanks, one dollar ($1.00).

(n) The actual expense of keeping all property seized under process or order of court, the amount of same to be approved by the court.

(o) Summoning a jury for an inquisition of lunacy, or such other similar type or proceedings requiring a jury, and for any other proceedings before the Clerk of the Superior Court requiring a jury, for each person summoned, one dollar ($1.00).

(p) Summoning a grand or petit jury, for each person summoned, seventy-five cents (75c), and seventy-five cents (75c) for each person summoned on the special venire.

(q) Serving any writ or other process with the aid of the county, a fee of two dollars ($2.00).

(r) All just fees paid to any printer for any advertisement required by law to be provided.

(s) Bringing up a prisoner upon habeas corpus, to testify or answer to any court, or before any judge, two dollars and fifty cents ($2.50), and all necessary expenses for such services, and ten cents (10c) per mile going and coming for a prisoner, and all necessary expenses for any guard actually employed and necessary.

(t) For summoning and qualifying appraisers, and for performing all duties in laying off homesteads and personal property exemptions, or either, five dollars ($5.00), to be included in the bill of costs.

(u) For levying an attachment, two dollars ($2.00).

(v) For attendance to qualify jurors to lay off dower, or commissioners to lay off year's allowance, two dollars and fifty cents ($2.50); and for attendance to qualify commissioners for any other purpose, two dollars and fifty cents ($2.50).

(w) Executing a deed for land or any interest in land sold under execution, three dollars ($3.00) to be paid by the purchaser.
(x) Service of writ of ejectment, three dollars ($3.00).
(y) For every execution, either in civil or criminal cases, a fee of one dollar and fifty cents ($1.50), for each defendant.

Sec. 3. That when a fee to be charged by the Sheriff of Forsyth County is not set forth or fixed herein, such fee shall be charged as is now provided by law. All fees, commissions and expenses, as herein set forth, shall be collected, accounted for and paid by the Sheriff to Forsyth County.

Sec. 4. That this Act shall apply only to Forsyth County.

Sec. 5. That all laws and clauses of laws, and in particular, Chapter 582 of the Public-Local Laws of 1917 Session of the North Carolina General Assembly, in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after the 1st day of April 1951.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

H. B. 142

CHAPTER 450

AN ACT TO AMEND G. S. 113-102 TO PROHIBIT THE TAKING OF GAME FROM PUBLIC HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-102 is hereby amended by adding a new paragraph at the end thereof to be numbered 4, and to read as follows:

"4. It shall be unlawful for any person to take, or attempt to take, by the use of firearms, any game bird or animal from the right of way of any public highway, roadway, or other publicly maintained thoroughfare, and that this Act shall apply only to the Counties of Duplin and Pender."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

H. B. 488

CHAPTER 451

AN ACT TO PROVIDE FOR AN ALCOHOLIC REHABILITATION PROGRAM IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County and the Board of Aldermen of the City of Elizabeth City are each authorized to appropriate out of the net profits they respectively receive from the operation of alcoholic beverage control stores in said county, in their discretion, not more than five per cent (5%) thereof for the fiscal year beginning July 1, 1951, and ending June 30, 1952, and not more than ten per cent (10%) thereof for each succeeding fiscal year, for medical treatment, hospitalization and care of persons addicted to alcohol.
Sec. 2. For the purposes of carrying out this Act, there is hereby created the Pasquotank County Alcoholic Rehabilitation Committee, which shall consist of S. Wade Marr, Chairman, J. Wesley Foremen and R. L. Garrett, who shall serve for the term of two years from the effective date of this Act. Their successors shall be appointed biennially thereafter for two-year terms by joint action of the Board of County Commissioners of Pasquotank County and the Board of Aldermen of the City of Elizabeth City, and vacancies for unexpired terms shall also be filled by joint action of said boards. Said committee shall administer this Act and make all necessary arrangements for securing medical treatment, hospitalization and care of alcoholics. Upon presentment of claims for goods furnished or services rendered, pursuant to the authorization of said committee, the Board of County Commissioners of Pasquotank County and the Board of Aldermen of the City of Elizabeth City shall each pay one-half of said claims out of the appropriations by this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

H. B. 559  
CHAPTER 452

AN ACT TO AMEND ARTICLE 24, CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA, AND CHAPTER 950 OF THE SESSION LAWS OF 1947, AND CHAPTER 618 OF THE SESSION LAWS OF 1945, AS THE SAME RELATE TO THE ESTABLISHMENT OF MUNICIPAL RECORDER'S COURT AS IT APPLIES TO SUCH COURT IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-190 and G. S. 7-191 are hereby amended by adding the following paragraph at the end of each of said Sections:

"Notwithstanding any other provisions of this Section, the territorial jurisdiction of any Municipal Recorder's Court established in the City of Burlington shall not extend beyond the corporate limits of the City of Burlington."

Sec. 2. Sections 2, 3, 4, 5 and 6 of Chapter 618 of the Session Laws of 1945, and Sections 2, 3 and 4 of Chapter 950 of the Session Laws of 1947, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.
H. B. 578  
CHAPTER 453  
AN ACT TO AMEND CHAPTER 87 OF THE GENERAL STATUTES RELATING TO GENERAL CONTRACTORS.  
The General Assembly of North Carolina do enact:  
Section 1. G. S. 87-4, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by striking out the following words which appear in lines three, four, and five of said Section: “whose salary shall not exceed forty-eight hundred dollars ($4,800.00) per annum,”.  
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 29th day of March, 1951.  

H. B. 689  
CHAPTER 454  
AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF WENDELL.  
The General Assembly of North Carolina do enact:  
Section 1. The Chief of Police and each and every member of the Police Department of the Town of Wendell in Wake County are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Wendell as are now exercised by police officers within the corporate limits of said town.  
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 3. This Act shall become effective upon its ratification.  
In the General Assembly read three times and ratified, this the 29th day of March, 1951.  

H. B. 692  
CHAPTER 455  
AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF SAINT PAULS TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF SAINT PAULS.  
The General Assembly of North Carolina do enact:  
Section 1. The authority of police officers of the Town of Saint Pauls to make arrests, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include all territory within one mile of the corporate limits of the Town of Saint Pauls.  
Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.  
Sec. 3. This Act shall become effective July 1, 1951.  
In the General Assembly read three times and ratified, this the 29th day of March, 1951.  

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CHAPTER 456


The General Assembly of North Carolina do enact:

Section 1. All sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County or of any municipality or taxing district therein, made during the years 1949 and 1950, on any date subsequent to or different from the date prescribed by law and all certificates of sale executed or issued pursuant to and in accordance with such sale be, and the same are hereby, confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

Sec. 2. All settlements and adjustments of taxes heretofore made by or under authority of the Board of Commissioners of Robeson County or by or under authority of the governing board of any municipality in Robeson County, be, and the same are hereby, confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. The provisions of this Act shall not apply to pending litigation.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

CHAPTER 457

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF MAXTON TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE CERTAIN TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF MAXTON.

The General Assembly of North Carolina do enact:

Section 1. The authority of police officers of the Town of Maxton to make arrests, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include certain territory within one mile of the corporate limits of the Town of Maxton: Provided, however, that the authority and jurisdiction of the police of Maxton shall in no case extend beyond the Robeson County line.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.
H. B. 698  CHAPTER 458
AN ACT TO PROVIDE FOR THE RECORDING OF ANNUAL ACCOUNTS AND SETTLEMENTS BY EXECUTORS, ADMINISTRATORS, COLLECTORS, TRUSTEES AND GUARDIANS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be a sufficient recording of annual accounts by executors, administrators, collectors, trustees and guardians whenever an original and a copy of such account shall be filed in the office of the Clerk of the Superior Court and the original account be audited and approved and placed in a permanent type binder.

Sec. 2. That it shall be a sufficient recording of settlements by executors, administrators, collectors, commissioners, trustees and guardians whenever an original and a copy of an account for settlement shall be filed in the office of the Clerk of the Superior Court and the original of the account for settlement be audited and approved and placed in a permanent type binder.

Sec. 2½. That the accounts mentioned in Section 1 and the settlements mentioned in Section 2 of this Act shall be made upon paper approved by the clerk, shall be uniform in size, and the binders shall be uniform in shape and dimensions.

Sec. 3. This Act shall apply to Buncombe County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 29th day of March, 1951.

H. B. 749  CHAPTER 459

The General Assembly of North Carolina do enact:

Section 1. Section 1 of said Act be, and is hereby, amended by inserting after the word "Act" in line six of paragraph 2 of said Section 1 the following: "At the expiration of the term of the civil service commission on March 15, 1953, the member of the commission elected by the classified service shall be elected and serve for a period of one year, and thereafter his successor shall be elected and serve for a period of three years. The third member of the commission, selected by the other two members, shall be selected and serve for a period of two years, and thereafter his successor shall be selected and serve for a period of three years. The member of the commission, selected by the Governing Body of the City of Asheville, shall serve for a period of three years, and thereafter his successor shall be selected and serve for a period of three years."
Sec. 2. Section 2 of said Act be, and is hereby, amended by inserting after the last word therein, to wit: "department" the following: "clerk and deputy clerks of the police court."

Sec. 3. Section 3 of said Act be, and is hereby amended by inserting after paragraph two, the following: "For positions requiring technical, scientific knowledge or where the State of North Carolina, or the City of Asheville requires a license before such work can be performed and there is no one on the eligible list qualified for the particular position the commission may certify when the applicant has been examined otherwise, and proper investigation has been made as to his residence, age, health, qualifications and moral character, for appointment to the rank or position designated and in such cases a maximum age limit of 40 years shall apply instead of the maximum age limit otherwise set forth herein."

Sec. 4. All of subsection (i) of Section 4 of said Act be, and is hereby, repealed and the following inserted in lieu thereof: "When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the position. If there are no such lists, and any ranking position is vacant, the procedure shall be as follows:

If the position as chief of police is vacant, the person with the next highest rank shall act as chief of police. If any ranking position in the detective squad is vacant, the person with the next highest rank shall act and if all are equal in rank the person with the greatest seniority in service shall act in the vacancy. If there is any other vacancy on the detective squad the person with the greatest seniority in service shall act in the vacancy. If any ranking position on the uniform squads is vacant, the person with the greatest seniority in service and on the squad where the vacancy exists, shall act in the vacant position.

If the position as chief of the fire department is vacant, the assistant chief with the greatest seniority in service shall act as chief of the fire department. If any other ranking position is vacant, the person in the next highest rank with the greatest seniority in service shall act in the vacant position.

If the person with the greatest seniority in service declines to act in the vacant position, the person with the second greatest seniority in service and so on down their respective sequence of seniority, shall act in the vacant position. If there is more than one with the same seniority in service, the chief shall choose between the ones creating the tie in seniority.

No one shall act in any ranking position for a period longer than 60 days. In the meantime, the civil service commission shall hold competitive examinations and certify to the appointing authority, the name of the person highest on the eligible list for permanent appointment."

Sec. 5. Section 4 of said Act be, and is hereby, amended by inserting after subsection (j) the following subsections:

"(k) The sick leave period shall not be construed as creating a vacancy. If any ranking officer is sick, his or her position shall be filled by the procedure specified in Section 3, subsection (i). If a member of the classified
service is sick beyond his or her sick leave period, and the position has been filled, he or she shall, upon being released from the pension board, immediately return to duty, and assume his or her former position. The name of the officer relinquishing the promotion shall again be placed highest on the eligible list for that rank. If a person is sick for a period longer than one year, and then returned to duty, the civil service commission may reclassify such person as to position or rank.

(1) When a new position is to be created, the governing body of the city shall notify the civil service commission; and the civil service commission shall announce and hold a competitive examination and certify to the governing body the name of the person highest on the eligible list. The Governing Body of the City of Asheville shall forthwith appoint such person to such position.

(m) Whenever a temporary appointment shall be made to fill a position without rank, the civil service commission shall certify to the appointing power the person highest on the eligible list."

Sec. 6. Section 8 of said Act be, and is hereby, amended by striking all of paragraph 2 beginning after the word “Court” in line 15 of said paragraph and inserting in lieu thereof the following:

“That the presiding judge thereof, without the aid of a jury, shall proceed to hear and determine the employee’s guilt or innocence of the charges filed against him, the reasonableness of the judgment imposed by the civil service commission with power in the court to sustain or overrule the decision of the civil service commission or to remand the proceedings for further action consistent with the orders of the court.”

Sec. 7. All of paragraph 1 of Section 10 beginning with the word “Appointments” and ending with the word “position” be, and is hereby, repealed and the following inserted in lieu thereof:

“Appointments to Vacant Positions; Certification from lists. Whenever a position in the classified service becomes vacant not by promotion but by increase in force creating position for a new patrolman or fireman, the Governing Body of the City of Asheville shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class in either the police or fire department to which a vacancy exists, who is willing to accept employment, the Governing Body of the City of Asheville shall forthwith appoint such person to such vacant position.”

Sec. 8. Paragraph 2 of Section 10 be, and is hereby, amended by striking out in line 2 the following: “a temporary appointee” and inserting in lieu thereof the following: “a person acting in a vacancy.”

Sec. 9. Section 20 of said Act be, and is hereby, amended by inserting after the last paragraph thereof, the following:

“The term “appointing power” shall be construed as the power placed with the city manager, by the city council, and the mayor, the city manager may delegate this authority to the director of the department of public safety.
“The term “uniformed personnel” shall be construed as all the male and female persons in both the police and fire departments that are required to wear the standard uniforms in the performance of their duty.

“The term “detective” shall be construed as all male and female persons in the detective department from and including the chief of detectives.

“The terms “clerical, court attaches, special inspectors, electricians, mechanics, shall be construed as any male or female person in either department who by their special work may or may not wear uniforms but who will be considered a part of the department in which they are most closely allied.

“The term “rank” shall be construed as any person holding a position in a pay bracket higher than senior patrolman or senior fireman.

“The term “seniority” shall be construed as the total time in the police or fire departments as shown on the approved seniority list adopted and made permanent December 13, 1949.

“The term “certification” shall be construed as that process of entering upon the minutes of the civil service commission; that person’s seniority shall begin from the date of this certification.

“The term “squad” shall be construed as a group of individuals assigned to work in a common effort and under a certain specified ranking officer.”

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

H. B. 757  CHAPTER 460

AN ACT TO EXTEND THE POWER OF POLICE OFFICERS OF THE TOWN OF EDENTON TO INCLUDE ALL AREAS OR TERRITORY WITHIN FIVE HUNDRED YARDS OF THE PRESENT CORPORATE BOUNDARY LINES OF THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

Section 1. All police and law enforcement officers of the Town of Edenton are hereby authorized to exercise the powers of arrest, to preserve the peace, and to serve criminal process at any point within five hundred (500) yards of the corporate boundary lines of the Town of Edenton.

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 29th day of March, 1951.
H. B. 786

CHAPTER 461

AN ACT AMENDING CHAPTER 585 OF THE PUBLIC-LOCAL LAWS OF 1937, AS AMENDED BY CHAPTER 650 OF THE SESSION LAWS OF 1947, RELATING TO THE DISTRIBUTION OF PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL STORES IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 585 of the Public-Local Laws of 1937, as amended by Chapter 650 of the Session Laws of 1947, is hereby amended by striking out the words "shall not expend more than," appearing in lines two and three thereof, as the same appears in Chapter 650 of the Session Laws of 1947, and inserting in lieu thereof the words "shall expend at least". That said Section 2 be further amended by adding at the end thereof the following: "Public safety, public health, public sanitation and public buildings and equipment."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1951.

S. B. 6

CHAPTER 462

AN ACT TO AMEND SECTION 163-143 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO RECOUNTING OF BALLOTS IN PRIMARY AND GENERAL ELECTIONS.

(Applicable only to Halifax and Brunswick Counties.)

The General Assembly of North Carolina do enact:

Section 1. That Section 163-143 of the General Statutes of North Carolina be amended by repealing all of said Section and substituting the following in lieu thereof:

"Section 163-143. Recount of ballots in a primary or general election. When a county board of elections is of the opinion that a recount of the ballots in one or more precinct boxes is necessary and advisable to determine the correct vote received by any one or more candidates in any primary or general election, then the county board of elections shall have the power and authority to order a recount of the ballots in any one or more precincts in the county, which recount shall be done under such rules and regulations as may be adopted and established by the county board of elections not inconsistent with any rules or regulations adopted by the State Board of Elections relating thereto.

"Whenever, in any primary or general election, the difference in the vote between the candidate receiving the highest vote and the candidate receiving the second highest vote for any county or township office is not over one per cent (1%) of the total vote cast for said candidates for said office, then upon the request for a recount by the can-
candidate receiving the second highest vote for said office, made in writing to
the county board of elections at or prior to the meeting of the county board
to canvass the votes cast for said candidates in said primary or election,
the county board of elections shall grant the request of said candidate for
a recount of the ballots cast for said office in each of the voting precincts
in the county. The candidate so requesting a recount of the ballots shall
not be required to serve any prior notice of said request upon the candidate
receiving the highest vote. When such written request for a recount has
been filed with the chairman or secretary of a county board of elections
then the county board of elections shall thereupon proceed to canvass the
returns for all candidates, and if the difference in the total vote is one
per cent (1%) or less between the candidate or candidates having the
highest vote and the next highest vote for said office, the county board of
elections shall then set a time for conducting a public recount which shall
begin within three days after the county board canvasses said vote and
shall continue until the recount is completed in all of the boxes in the
county. The precinct officials of the precinct being recounted shall be
present and participate in said recount in the presence of any candidate or
candidates who wish to be present, or any representative of such candi-
dates.

"It shall be the duty of the registrar of each precinct to seal and lock
all the ballot boxes immediately upon the completion of the counting of
the ballots on the night of the primary or general election, so that no
ballots may be put in or taken from any of said boxes, and the registrar
shall be responsible for the safekeeping of said ballot boxes in a sealed
and locked condition from the time the boxes are sealed and locked after
the completion of the counting until the same are delivered on the canvass
day to the county board of elections for the county canvassing of the votes.
Should a recount be requested the county board shall see that the boxes
are secured in such manner as will preserve the integrity of the ballot
boxes until they are actually opened by the county board of elections at
the time and place decided upon by the board for said recount, and the
candidates who may be affected by the recount shall be given such proper
and sufficient notice of the time and place of said recount as to enable them
to be present to witness the opening of the boxes and the recount of the
votes. The registrars and judges of election shall likewise be notified by
the county board of elections to be present when said ballot boxes in their
particular precinct are opened and recounted. During the time elapsing
between the delivery of the ballot boxes to the county board of elections and
the obtaining of them for the recount, the key to the said ballot boxes
shall remain in the possession of the registrar, who during said period
of time shall not have access to said ballot boxes. The county board of
elections shall likewise cause said ballot boxes to be secured in such
manner as to assure their integrity until after the recount is properly
made."

Sec. 2. That any county or precinct election official who fails to com-
ply with the provisions of this Act shall be subject to removal from office
by either the State or County Board of Elections.
Sec. 3. This Act shall apply only to Halifax and Brunswick Counties.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 45

CHAPTER 463

AN ACT FIXING THE SALARIES AND EXPENSE OF CERTAIN OFFICIALS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Coroner of Brunswick County shall receive as compensation for his services the sum of ten dollars ($10.00) per day for each day he is engaged in the performance of his duties as coroner. In addition thereto, the coroner shall receive seven cents (7c) per mile for travel expense necessarily incurred in the performance of his official duties.

Sec. 2. The Register of Deeds of Brunswick County shall receive an annual salary of three thousand dollars ($3,000.00), payable in 12 equal monthly installments. The deputy register of deeds of said county shall receive an annual salary of seventeen hundred dollars ($1,700.00), payable in 12 equal monthly installments. The register of deeds shall serve as clerk ex officio to the board of county commissioners, in addition to his other duties.

Sec. 3. The Clerk of the Superior Court of Brunswick County shall receive an annual salary of thirty-three hundred dollars ($3,300.00), payable in 12 equal monthly installments. The salary herein provided for the Clerk of the Superior Court of said county shall be in full compensation for the performance of his duties as Clerk of the Superior Court, clerk of the recorder’s court and judge of the juvenile court of said county. The assistant Clerk of the Superior Court of Brunswick County shall receive an annual salary of nineteen hundred dollars ($1,900.00), payable in 12 equal monthly installments.

Sec. 4. The Tax Collector of Brunswick County shall receive an annual salary of three thousand dollars ($3,000.00), payable in 12 equal monthly installments. The deputy tax collector of said county shall receive an annual salary of seventeen hundred dollars ($1,700.00), payable in 12 equal monthly installments.

Sec. 5. The County Auditor of Brunswick County shall be paid an annual salary of thirty-three hundred dollars ($3,300.00), payable in 12 equal monthly installments. The salary herein fixed for the county auditor of said county shall be in full compensation for his services as county auditor and county tax supervisor. The deputy auditor shall receive an annual salary of seventeen hundred dollars ($1,700.00) payable in 12 equal monthly installments.

Sec. 6. The Judge of the Recorder’s Court of Brunswick County shall receive an annual salary of sixteen hundred dollars ($1,600.00), payable in 12 equal monthly installments. The solicitor of said court shall be paid
an annual salary of fifteen hundred dollars ($1,500.00), payable in 12 equal monthly installments.

Sec. 7. The Sheriff of Brunswick County shall receive an annual salary of thirty-three hundred dollars ($3,300.00), payable in 12 equal monthly installments. In addition to the salary fixed herein for the sheriff, he shall be paid the sum of six hundred dollars ($600.00) per annum as travel expense incurred in the performance of his official duties in the County of Brunswick, and in addition thereto shall receive the sum of seven cents (7c) per mile for travel expense incurred for travel outside of the county while in the performance of his official duties.

Sec. 8. The Sheriff of Brunswick County is authorized and empowered to employ two field deputies at a monthly salary of two hundred twenty-five dollars ($225.00) each. The sheriff is also authorized to employ an office deputy who shall serve as jailer and who shall be paid a salary of one hundred eighty dollars ($180.00) per month plus jail fees, and in addition thereto shall receive the sum of one hundred seventy-five cents ($1.75) per day for feeding each prisoner. The sheriff of said county is authorized to employ a night watchman for the jail at a monthly salary of sixty dollars ($60.00). The deputies herein provided for shall, in addition to the salaries herein fixed, be entitled to all fees allowed and collected in civil cases. All arrest, witness, and other fees allowed and collected in criminal cases shall be turned over to the Clerk of the Superior Court of said county for deposit in the general fund.

Sec. 9. Superior Court jurors shall receive mileage at the rate of seven cents (7c) per mile for one round trip to the courthouse and return home when summoned by the sheriff of the county. All other officials of the county shall receive seven cents (7c) per mile incurred in the performance of their official duties for necessary travel outside of the county.

Sec. 10. The County Commissioners of Brunswick County shall employ a janitor for said county who shall receive an annual salary of seventeen hundred dollars ($1,700.00), payable in 12 equal monthly installments. It shall be the duty of the janitor to perform janitorial services in the courthouse and in all other county offices located at the county seat of said county.

Sec. 11. The Board of County Commissioners of Brunswick County, in their discretion, may from time to time increase or decrease the salaries provided for in this Act in an amount of not to exceed ten per cent (10%): Provided, that when such increases or decreases are made, the same shall be applied to all employees of Brunswick County including the officials named in this Act.

Sec. 12. The salaries and fees herein fixed shall be in full compensation for all duties performed by the officials herein named.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. 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 30th day of March, 1951.
S. B. 191

CHAPTER 464

AN ACT TO PROVIDE FOR THE COMPENSATION OF ELECTION OFFICIALS FOR THEIR SERVICES IN CONNECTION WITH MUNICIPAL ELECTIONS OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That Section 44 of Chapter 1184 of the Session Laws of North Carolina 1949, being the charter of the City of Raleigh, be hereby stricken out and a new Section 44 is hereby substituted therefor reading and being as follows:

"Sec. 44. Compensation of election officials. Notwithstanding the provisions of any other law, special or general, the registrars and the judges of the election shall receive for their services such compensation as shall be fixed by the Wake County Board of Elections, and the proper officials of the City of Raleigh shall pay such compensation as shall be so fixed by said county board of elections, but the pay of the registrars shall not exceed the sum of six dollars ($6.00) each day for the Saturdays they are required to be at the polling places for the purpose of registering voters, nor shall the pay of the registrars exceed the sum of twelve dollars ($12.00) for their services on the day of the election; and the judges of election shall not be paid more than twelve dollars ($12.00) for their services on the day of election nor more than six dollars ($6.00) each per day for their services on any other day; provided, that the Wake County Board of Elections may allow the registrars and the judges compensation, not exceeding six dollars ($6.00) each per day, for their attendance upon the meeting of the board of canvassers; provided further, that in case a new registration of voters shall be ordered for any election, the Wake County Board of Elections may allow each of the registrars, as additional compensation, the sum of three cents (3c) for each name registered in such new registration, and when such additional compensation is allowed by the Wake County Board of Elections it shall be the duty of the proper officials of the City of Raleigh to make payment thereof to the various registrars."

Sec. 2. That the provisions of this Act shall apply only to the City of Raleigh.

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

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

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 247

CHAPTER 465

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWN OF WAKE FOREST IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the Town of Wake Forest is hereby declared to be a bird sanctuary.
Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of said town except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharpshinned Hawks, Crows, Pigeons and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 264

CHAPTER 466

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF FARMVILLE THROUGHOUT ALL OF FARMVILLE TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the jurisdiction of the police officers of the Town of Farmville is hereby extended so as to include all of Farmville Township. Thereby extending the jurisdiction of the police officers over the same territory as the mayor's court now has jurisdiction to try cases.

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

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 30th day of March, 1951.

S. B. 274

CHAPTER 467

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWN OF FARMVILLE IN PITTS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the Town of Farmville is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of said town except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharpshinned Hawks, Crows, Pigeons and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

388
S. B. 291  CHAPTER 468
AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 of the General Statutes of North Carolina fixing the terms of the Superior Court in Hertford County, as the same appears in the 1949 Supplement to the said General Statutes, is hereby amended by striking out the words “fifth Monday before the first Monday in September” appearing in lines four and five of the said paragraph and by inserting in lieu thereof the words “the last Monday in July for one week.”

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 293  CHAPTER 469
AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS OF 1923, THE SAME BEING THE CHARTER OF THE CITY OF GREENSBORO, WHEREBY THE CORPORATE LIMITS OF THE CITY OF GREENSBORO ARE ALTERED SO AS TO INCLUDE THEREIN CERTAIN PROPERTIES AND SO AS TO EXCLUDE THEREFROM CERTAIN PROPERTIES.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 37, Private Laws of 1923, as amended, the same being the Charter of the City of Greensboro, is hereby further amended as follows: Section 2 (a) of said Chapter 37, Private Laws 1923, is hereby amended so that the corporate limits of the City of Greensboro, as defined in said Chapter 37, Private Laws 1923, are hereby altered so as to include therein the following described territories, to wit:

A. Beginning at a point on the corporate line of City of Greensboro as it now exists, said point being referenced by coordinates 31343.74 North and 23806.79 West, and being the point where the North line of the subdivision of Proximity Manufacturing Company, a plat of said subdivision being recorded in the office of the Register of Deeds for Guilford County in Plat Book 14 at page 43, intersects said corporate line, and running thence along the North line of said subdivision North 74 degrees and 34 minutes East 1080.13 feet to a point; thence with the North line of said subdivision and beyond South 87 degrees and 53 minutes East 4110.36 feet to a point in said corporate line; thence South 20 degrees 41 minutes and 30 seconds West 486.89 feet to a corner of said corporate line; thence North 86 degrees 19 minutes and 30 seconds West 4986.94 feet to the point of beginning.

B. Beginning at a point on the corporate line of the City of Greensboro, said point being NO3-40E 1020 feet from the northwest intersection
of Fernwood Drive and the City of Greensboro corporate line, and running thence N86-20W 150 feet to the northwest corner of lot number 14, block 5, section 1-A of the subdivision of Guilford Hills; thence S03-40W 1368 feet to a point, said being the northwest corner of lot number 5, block 6, section 1-A of said subdivision; thence S3-39W 211.89 feet to a point, the northwest corner of lot number 8, block 6, section 1-A of said subdivision; thence S05-05W 153.55 feet to a point, the northwest corner of lot number 10, block 6, section 1-A of said subdivision; thence S07-35W 133.92 feet to a point, the northwest corner of lot number 12, block 6, section 1-A of said subdivision; thence S10-34W 222.75 feet to a point in the North line of Cornwallis Drive, said point being the southwest corner of lot 14, block 6, section 1-A of said subdivision; thence southwardly 71 feet, more or less, to a point in the southern margin of Cornwallis Drive, said point being the northwest corner of lot number 1, block 11, section 1-A of said subdivision; thence S16-38W 203.20 feet to a point, the northwest corner of lot number 4, block 11, section 1-A of said subdivision; thence S18-18W 144 feet to a point, the southwest corner of lot number 5, block 11, section 1-A of said subdivision; thence S71-42E 210 feet to a point in the eastern margin of Elam Avenue, said point being S18-18W 79.74 feet from the southeast corner of Elam Avenue and Hiawatha Drive; thence S18-18W 70.26 feet along the eastern margin of Elam Avenue to a point, the southwest corner of lot number 9, block 10, section 1-A of said subdivision; thence S78-03E 102.1 feet to a point in the corporate line of the City of Greensboro; thence with said corporate line NO3-40E 2624.87 feet to the point of beginning.

C. Beginning at a point on the corporation line between the Town of Hamilton Lakes and the City of Greensboro, said point being 145 feet, more or less, from the western margin of Holden Road, and running thence with the corporation line of the Town of Hamilton Lakes westwardly 36 feet, more or less, to a point, the northeast corner of the property conveyed to K. R. Scott by deed recorded in book 784, page 332; thence with the East line of said Scott southwardly 242.74 feet, more or less, to a point in the North line of Walker Avenue, Scott’s southeast corner; thence southwardly to a point in the South line of Walker Avenue, said point being the northwest corner of lot number 3 of section 1 of the Holden subdivision; thence southwardly along the line of lots numbered 3 and 1 of said Holden subdivision 259 feet, more or less, to a point, the southwest corner of lot number 1; thence westwardly along the line of lot number 4 of said subdivision 14.4 feet, more or less, to a point; thence still with the line of lot number 4 and with the line of lot number 11, section 2, of said Holden subdivision southwardly 210 feet, more or less, to a point, the northwest corner of lot number 1 of section 2 of said Holden subdivision; thence along the western line of lots numbered 1 through 9 of section 2 of said Holden subdivision southwardly 838 feet, more or less, to a point in the North line of Oakland Avenue; thence with the North line of Oakland Avenue eastwardly 310 feet, more or less, to a point in the existing corporate line of the City of Greensboro; thence northwardly with said corporate line 1750 feet, more or less, to the point of beginning.
Sec. 2. The territory hereby annexed to City of Greensboro shall have exactly the same status in every respect as the territory within the present corporate limits of the City of Greensboro but outside of the corporate limits of the City of Greensboro as the same existed just prior to March 15, 1923.

Sec. 3. That said Chapter 37, Private Laws of 1923, is further amended as follows: Section 2 (a) of said Chapter 37, Private Laws 1923, is hereby amended so that the corporate limits of the City of Greensboro, as defined in said Chapter 37, Private Laws of 1923, are hereby altered so as to exclude therefrom the following described territories, to wit:

A. Beginning at a point in the southern margin of West Market Street, said point being the intersection of the southern property line of West Market Street and the eastern property line of Starmount Drive and being a point on the corporate line of the City of Greensboro, and running thence along the southern margin of West Market Street in a westerly and southwesterly direction to a point in the center line of Holden Road, said point being in the corporate line of the City of Greensboro; thence with said corporate line northwardly to a point in the North line of West Market Street; thence still along said corporate line and with the northern margin of West Market Street, northeastwardly and eastwardly to a point, said point being a corner of the existing corporate line; thence southwardly with said corporate line to the point of beginning.

B. Beginning at a point on the corporation line of the City of Greensboro as it now exists, said point being referenced by coordinates 31343.79 North and 23806.79 South, City of Greensboro datum, and being the point where the North line of the subdivision of Proximity Manufacturing Company, a plat of said subdivision being recorded in the office of the Register of Deeds for Guilford County in Plat Book 14, page 43, intersects said corporation line, and running thence with the North line of the subdivision of Proximity Manufacturing Company South 74 degrees and 34 minutes West 419.22 feet to a point in the East line of Kirkwood subdivision; thence with the line of Kirkwood subdivision North 25 degrees and 16 minutes West 156.82 feet to a corner of the corporation line as it now exists; thence along said corporation line South 86 degrees 19 minutes and 30 seconds East 472.01 feet to the point of beginning.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.
S. B. 295

CHAPTER 470

AN ACT TO AMEND CHAPTER 1093 OF THE SESSION LAWS OF 1949 RELATING TO THE SALARY OF THE JUDGE OF THE CITY COURT OF RALEIGH SO AS TO FIX HIS SALARY AT SIX THOUSAND FIVE HUNDRED DOLLARS PER YEAR.

The General Assembly of North Carolina do enact:

Section 1. Chapter 706 of the Public-Local Laws of 1913, as amended, is hereby amended by striking out in the last sentence of Section 16 of said Act, as the same appears in Section 1 of Chapter 1093 of the Session Laws of 1949, the words and figures "five thousand dollars ($5,000.00)" and inserting in lieu thereof the words and figures "six thousand five hundred dollars ($6,500.00)".

Sec. 2. This Act shall be applicable only with respect to salary paid for services rendered from and after July 1, 1951.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 317

CHAPTER 471

AN ACT TO FURTHER AMEND THE CHARTER OF THE TOWN OF WILSON IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the word "town" shall be stricken wherever said word occurs in the Charter of the Town of Wilson, a municipal corporation in the County of Wilson (Chapter 408 of the Private Laws of 1907), and in any and all Acts amendatory thereof and supplemental thereto, and the word "city" shall be inserted in lieu thereof.

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby expressly 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 30th day of March, 1951.

S. B. 319

CHAPTER 472

AN ACT TO AUTHORIZE THE CHIEF OF POLICE AND ASSISTANT CHIEF OF POLICE OF THE CITY OF ROANOKE RAPIDS, IN HALIFAX COUNTY, TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. The Chief of Police and the Assistant Chief of Police of the City of Roanoke Rapids, in Halifax County, shall have the power and authority to issue warrants for the arrest of all persons charged with the
commission of offenses. Such warrants shall be issued only upon the affidavit made as now required by law, and when issued shall be served by some peace officer or policeman other than the officer who issued the warrant.

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 30th day of March, 1951.

S. B. 347

CHAPTER 473
AN ACT TO AMEND CHAPTER 81 OF THE 1947 SESSION LAWS RELATING TO MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF FORSYTH IN ORDER TO INCREASE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 81 of the 1947 Session Laws of North Carolina be amended by striking out in line 13 of said Section 1 the following words “five dollars ($5.00) per diem for attending meetings” and inserting in lieu thereof “fifteen dollars ($15.00) for each meeting attended but the total compensation shall not exceed forty-five dollars ($45.00) in any one month”.

Sec. 2. That the compensation herein provided for shall be effective January 1, 1951.

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 30th day of March, 1951.

S. B. 349

CHAPTER 474
AN ACT TO REGULATE THE SPEED OF CERTAIN MOTOR VEHICLES WHILE OPERATING OVER STREETS OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to drive or operate a tractor-trailer vehicle on or over any public street in the City of Wilmington at a speed in excess of twenty-five (25) miles per hour, and no such vehicle shall follow another similar vehicle within 150 feet while being operated on or over the public streets of said city, provided, this provision shall not be construed to prevent one vehicle from passing another when such passing is permitted by law.
Sec. 2. It shall be unlawful for any person to drive or operate any motor truck or other vehicle not mentioned in Section 1 hereof on or over any public street in the City of Wilmington which has an overall length of more than twenty-one (21) feet or with a gross weight of or in excess of 18,000 lbs. at a speed in excess of twenty-five (25) miles per hour, and no such vehicle shall follow another similar vehicle within 150 feet while being operated on or over the public streets of said city, provided this provision shall not be construed to prevent one vehicle from passing another when such passing is permitted by law.

Sec. 3. Any person violating this Act or any provision hereof shall be guilty of a misdemeanor.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 30th day of March, 1951.

S. B. 358

CHAPTER 475

AN ACT TO REGULATE THE SPEED OF CERTAIN MOTOR VEHICLES WHILE OPERATING OVER STREETS OF THE TOWN OF WARSAW.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to drive or operate a tractor-trailer vehicle on or over any public street in the Town of Warsaw at a speed in excess of twenty-five miles per hour, and no such vehicle shall follow another similar vehicle within 150 feet while being operated on or over the public streets of said town, provided, this provision shall not be construed to prevent one vehicle from passing another when such passing is permitted by law.

Sec. 2. It shall be unlawful for any person to drive or operate any motor truck or other vehicle not mentioned in Section 1 hereof on or over any public street in the Town of Warsaw which has an overall length of more than twenty-one (21) feet or with a gross weight of or in excess of 18,000 lbs. at a speed in excess of twenty-five miles per hour, and no such vehicle shall follow another similar vehicle within 150 feet while being operated on or over the public streets of said town, provided this provision shall not be construed to prevent one vehicle from passing another when such passing is permitted by law.

Sec. 3. Any person violating this Act or any provision hereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars ($25.00).

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 30th day of March, 1951.
CHAPTER 476

AN ACT PROVIDING FOR THE DISPOSAL OF UNCLAIMED WITNESS FEES IN THE RECORDER'S COURT OF THE CITY OF WENDELL.

The General Assembly of North Carolina do enact:

Section 1. All witness fees in any case finally disposed of in the Recorder's Court of the City of Wendell which shall remain unclaimed for a period of 60 days from the date of final judgment shall be paid into the general fund of the City of Wendell.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

CHAPTER 477

AN ACT PROVIDING FOR THE DISPOSAL OF UNCLAIMED WITNESS FEES IN THE RECORDER'S COURT OF THE TOWN OF WAKE FOREST.

The General Assembly of North Carolina do enact:

Section 1. All witness fees in any case finally disposed of in the Recorder's Court of the Town of Wake Forest which shall remain unclaimed for a period of sixty days from the date of final judgment shall be paid into the general fund of the Town of Wake Forest.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

CHAPTER 478

AN ACT RELATING TO DRAWING OF JURORS IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4 is hereby amended by striking out the paragraph therein which reads as follows:

"In Iredell County twenty-four jurors shall be drawn and summoned for the second week."

Sec. 2. G. S. 9-4 is hereby further amended by inserting the following in lieu of the paragraph deleted as described above:

"In Iredell County, jurors shall be drawn as follows: Forty-eight jurors for the first week of January and August terms of court and thirty for the second week of January and August and each week of the March, May and November terms of court: Provided, that if it appears desirable for the dispatch of business, the board of county commissioners may draw fifty-four jurors for the first week of the January and August terms and
thirty-six for the second week of said terms and the March, May and November terms."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 373

CHAPTER 479

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF MADISON TO CONVEY A TRACT OF LAND TO THE MADISON CITY SCHOOL ADMINISTRATIVE UNIT BY PRIVATE SALE.

WHEREAS, the Board of Commissioners of the Town of Madison at a meeting duly assembled on March 2, 1951, requested the adoption of this Bill: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Madison is hereby authorized and empowered to convey in fee simple by private sale to the Board of Trustees for the Madison City School Administrative Unit and/or the Board of Trustees for the Madison Graded School District the following described tract of land:

Beginning at an iron pipe in the northern margin of Carter Street (formerly designated Madison-Mayodan road) in the Town of Madison, said point being North 87° deg. West 20 feet from the southwest corner Lot No. 3 as shown on Map of the Lauten Home, Madison, N. C., made by S. B. Dameron, Surveyor, on May 27, 1919, and running thence a new line with the property of the Town of Madison North 2° deg. 20 min. East 150 feet to an iron pipe; thence another new line with the property of the Town of Madison North 87° deg. West 27 feet to an iron pipe in Mrs. Julia Roberts line; thence with Mrs. Julia Roberts line South 2° deg. 20 min. West 150 feet to a point in the northern margin of aforesaid Carter Street, said Mrs. Julia Roberts southeast corner; thence along the northern margin of Carter Street South 87° deg. East 27 feet to an iron pipe, the point of beginning, and being a part of Lot No. 2 as shown on the aforesaid Map of the Lauten Home, Madison, N. C. All the aforesaid courses represent magnetic bearings as of May 1919.

Sec. 2. The commissioners may convey said land by private sale upon such terms and conditions as to them may seem just and proper.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.
AN ACT TO DESIGNATE THE ROCKINGHAM COUNTY JAIL IN SPRAY AS THE MUNICIPAL JAIL OF THE TOWN OF DRAPER AND THE TOWN OF LEAKSVILLE AND TO AUTHORIZE POLICE OFFICERS OF THE TWO TOWNS TO TRANSPORT PRISONERS TO AND FROM SAID JAIL.

The General Assembly of North Carolina do enact:

Section 1. The Rockingham County jail located in Spray is hereby designated as the jail in which persons charged with crimes and who are in the custody of the police officers of the Town of Draper or the custody of the police officers of the Town of Leaks ville shall be incarcerated, and such jail is hereby declared to be the municipal jail of the Town of Leaks ville and the municipal jail of the Town of Draper for the purpose of the incarceration of such prisoners.

The police officers of the Town of Draper are hereby authorized and empowered to transport beyond the corporate limits of the Town of Draper persons in their custody charged with crimes for the purpose of placing them in the Rockingham County jail in Spray, which is made the municipal jail of Draper by this Act, and said police officers are also hereby authorized and empowered to transport persons charged with crimes from the Rockingham County jail in Spray to the Town of Draper.

The police officers of the Town of Leaks ville are hereby authorized and empowered to transport beyond the corporate limits of the Town of Leaks ville persons in their custody charged with crimes for the purpose of placing them in the Rockingham County jail in Spray, which is made the municipal jail of Leaks ville by this Act, and said police officers are also hereby authorized and empowered to transport persons charged with crimes from the Rockingham County jail in Spray to the Town of Leaks ville.

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 30th day of March, 1951.

CHAPTER 481

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON SO AS TO FIX THE COMPENSATION OF THE TOWN COMMISIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 408 of the Private Laws of 1907 is hereby amended by striking out, in the last sentence of said Section, the words: "and shall receive as compensation for their services not to exceed ten dollars per month for each Commissioner" and by inserting in lieu thereof the following: "and each commissioner shall be paid for his services
twenty-five dollars ($25.00) per month and, in addition thereto, shall receive five dollars ($5.00) for each special meeting of the board attended by him”.

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 385

CHAPTER 482

AN ACT RELATIVE TO JURY TRIALS IN THE RECORDER'S COURT OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In the trial of any criminal case in the Recorder's Court of Edgecombe County, upon demand for a jury trial by the defendant, the judge of the recorder's court shall transfer said case to the Superior Court of Edgecombe County for trial and no new bond for the defendant's appearance at the next term of the Superior Court of said county shall be required unless the court finds the amount or terms of the bond insufficient therefor, and therefore requires a new bond.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 387

CHAPTER 483

AN ACT TO REQUIRE TOWN APPROVED METERS TO BE USED BY PERSONS USING THE WATER SYSTEM OF THE TOWN OF LEAKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. No person, firm or corporation, whether within or without the corporate limits of the Town of Leaksville, shall hereafter connect with the Leaksville water lines or with the water lines of any other person, firm or corporation connected with the Leaksville water lines, unless and until a meter, approved by the Town Board of Leaksville, for measuring the amount or quantity of water used or consumed by such person, firm or corporation, is installed in conjunction with such connection.

Every person, firm or corporation, whether within or without the corporate limits of the Town of Leaksville, now connected with the Leaksville water lines or with the water lines of any other person, firm or corporation connected with the Leaksville water lines, shall, upon a written request of the Governing Board of the Town of Leaksville, install a meter approved by the Governing Board of the Town of Leaksville for measuring the amount or quantity of water used or consumed by such person, firm or corporation.
A violation of this Section shall constitute a misdemeanor punishable by fine or imprisonment or fine and imprisonment in the discretion of the court.

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 30th day of March, 1951.

S. B. 388

CHAPTER 484

AN ACT RELATING TO THE TREATMENT OF INFECTIOUS DISEASES OF SWINE IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law to the contrary, the County Farm Demonstration Agent of Halifax County and any and all vocational teachers of agriculture in the schools of Halifax County are permitted to vaccinate or inoculate swine in said county with virus or serum for the treatment and prevention of hog cholera in said county. For such purpose, the farm demonstration agent of said county and any and all vocational teachers of agriculture therein shall be permitted to buy, sell, distribute and use said virus or serum.

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 30th day of March, 1951.

S. B. 416

CHAPTER 485

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLACK CREEK, NORTH CAROLINA, SO AS TO PROVIDE FOR THE GENERAL ELECTION OF ELECTIVE MUNICIPAL OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of electing a mayor, the several commissioners, and all other elective officers of the Town of Black Creek, North Carolina, there shall be held in said town on Tuesday after the first Monday in May, 1951, and biennially thereafter, a nonpartisan election. The officials so elected shall hold their office until their successors are elected.

Sec. 2. That said election shall be conducted, as far as practicable, in all things and in all details in accordance with the general election laws of the State, unless otherwise provided by this Act, and all general laws of the State of North Carolina, relating to elections, generally, now in force or hereafter enacted, including the general laws relating to the election of municipal officials, not inconsistent with this Act, shall apply fully to elections held under this Act.
Sec. 3. Any person desiring to become a candidate for election as Mayor, Commissioner of the Town of Black Creek, or any other elective office of said town, shall, on or before twelve o'clock noon of the first Monday in April preceding any election held hereunder, file with the town clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of residence in the Town of Black Creek, and at the same time of such filing, pay to the Town of Black Creek a fee equal to one per cent (1%) of his salary for the term of his office.

Sec. 4. When the time for filing the declaration of candidacy hereunder has expired, the board of town commissioners shall cause to be prepared for use in such election, ballots for each elective office. No names of candidates shall be printed on the official ballots other than the names of those who, in apt time, have filed notice of their candidacy.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. 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 30th day of March, 1951.

S. B. 418

CHAPTER 486

AN ACT EXTENDING THE JURISDICTION OF POLICE OFFICERS OF THE TOWN OF PRINCETON IN JOHNSTON COUNTY TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE BOUNDARY LINES THEREOF.

The General Assembly of North Carolina do enact:

Section 1. In addition to their other powers, all police and law enforcement officers of the Town of Princeton in Johnston County are hereby authorized and empowered to make arrests, preserve the peace, and serve criminal process at any point within a mile of the corporate boundary lines of said Town of Princeton.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 421

CHAPTER 487

AN ACT TO AUTHORIZE FEES OF JAILERS FOR THE FUQUAY SPRINGS CITY JAIL.

The General Assembly of North Carolina do enact:

Section 1. In all criminal cases wherein the defendant is imprisoned in the City Jail of Fuquay Springs, there shall be charged against said prisoner the sum of one dollar and fifty cents ($1.50) per day or fraction thereof, for food, fuel, and other necessary subsistence and the sum of
one dollar ($1.00) for turnkey fee. Such fees and charges shall be taxed against the prisoner in the bill of court costs at the time of conviction. All fees and charges paid to the clerk, or otherwise collected, shall be paid over to the Treasurer of the Town of Fuquay Springs, who shall keep a separate account of such fees and charges collected and apply same to the support of and maintenance of the city jail.

Sec. 2. The Town of Fuquay Springs whenever said city jail is occupied by any person shall provide an attendant who shall be on duty at said jail building or in the vicinity.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 450

CHAPTER 488

AN ACT AUTHORIZING THE ANSON COUNTY BOARD OF COMMISSIONERS TO APPOINT ONE (1) ADDITIONAL RURAL POLICEMAN AND TO FIX THE SALARY AND PRESCRIBE THE DUTIES PERFORMED BY HIM.

The General Assembly of North Carolina do enact:

Section 1. In addition to the rural policemen authorized by Chapter 645 of the Session Laws of 1943, the Board of Commissioners of Anson County is authorized and empowered to appoint one (1) additional rural policeman, who may be the county jailer, and such additional rural policeman shall have all of the powers and duties and responsibilities conferred by said Chapter 645 of the Session Laws of 1943, upon the present rural policeman, and his salary shall likewise be fixed as prescribed in said Chapter 645 of the Session Laws of 1943.

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 30th day of March, 1951.

S. B. 454

CHAPTER 489

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE COLUMBUS COUNTY BOARD OF EDUCATION AND THE WHITEVILLE CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Columbus County shall be composed of seven members whose terms of office shall begin on the first Monday in April, 1951, and the said board of education is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to county boards of education under the general school laws of North Carolina.
A. H. Sessions, Carl Meares, and Frank T. Wooten are hereby appointed members of the County Board of Education of Columbus County for terms of six years from and after the first Monday in April, 1951; M. K. Long and James W. Peay are appointed for terms of four years each from and after the first Monday in April, 1951; Carl Stephens and K. M. Holmes are appointed for terms of two years each from and after the first Monday in April, 1951. All vacancies occurring on said board of education by reason of death, resignation, or failure to qualify under this Act during said terms shall be filled by the State Board of Education or its successors in office.

Sec. 2. The Board of Trustees of the Whiteville City Administrative School Unit in Columbus County shall be composed of seven members whose terms of office shall begin on the first Monday in April, 1951, and said board of trustees is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to city administrative school units under the general school laws of North Carolina.

Mrs. S. L. Fuller, W. C. McNeil, and J. Herman Leder are hereby appointed Trustees of the Whiteville City Administrative School Unit for terms of six years each from and after the first Monday in April, 1951; W. E. Miller and Alton Edwards are hereby appointed trustees of said administrative school unit for terms of four years each from and after the first Monday in April, 1951; W. H. Powell and Charley Williamson are hereby appointed trustees of said administrative school unit for terms of two years each from and after the first Monday in April, 1951. All vacancies occurring on said board of trustees by reason of death, resignation, or failure to qualify under this Act during said terms shall be filled by the State Board of Education or its successors in office.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 467 CHAPTER 490
AN ACT APPOINTING MEMBERS OF THE BOARD OF EDUCATION OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The hereinafter named persons are hereby appointed members of the Board of Education of Polk County. They shall constitute the Board of Education of Polk County and shall hold office from the first Monday in April 1951 until the first Monday in April 1953 or until their respective successors are appointed and qualify.

Sec. 2. The Board of Education of Polk County herein appointed shall consist of the following members: Horace Durham, Tolbert Odell, James L. Houser, J. R. Stephenson and Oliver Taylor.
Sec. 3. The per diem and mileage of the members of the Board of Education of Polk County shall be paid out of the State School Fund in accordance with schedule of payments in such cases as provided by law.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 30th day of March, 1951.

H. B. 67

CHAPTER 491

AN ACT TO AMEND CHAPTER 7 OF THE GENERAL STATUTES IN ORDER THAT SAID CHAPTER MIGHT BE BROUGHT INTO CONFORMITY WITH ARTICLE IV, SECTION 11 OF THE CONSTITUTION AUTHORIZING THE ASSIGNMENT OF JUDGES BY THE CHIEF JUSTICE OF THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 7 of the General Statutes is hereby amended by striking out the word "Governor" or "governor" as the case may be, and inserting in lieu thereof the words "Chief Justice of the Supreme Court" in the following listed places and in all other places where the same may be necessary in order to confer upon the Chief Justice of the Supreme Court all the powers and duties now exercised or performed by the Governor with respect to the assignment of judges and the calling of terms of court, but not including any power of appointment of any Superior Court Judge;

(1) Lines 11, 17, and 22 of G. S. 7-50;
(2) Line 4 of G. S. 7-53;
(3) Line 7 of G. S. 7-59;
(4) The first line of the Section title of G. S. 7-71;
(5) Line 7 of G. S. 7-71;
(6) The first line of the Section title of G. S. 7-71.1;
(7) Line 1 of G. S. 7-71.1;
(8) Lines 3 and 4 of the second paragraph of G. S. 7-71.1;
(9) Line 2 of G. S. 7-71.2;
(10) The Section title of G. S. 7-77;
(11) Line 2 of G. S. 7-77;
(12) Line 11 of G. S. 7-79;
(13) Line 2 of G. S. 7-80; and
(14) Line 3 of G. S. 7-82.

Sec. 2. G. S. 7-46 is hereby amended by rewriting the Section to read as follows:

"Sec. 7-46. Judicial districts; resident judge; rotation; special Superior Court Judges; assignment of Superior Court Judges by Chief Justice. Each 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 within a division successively; but no judge shall hold all the courts in
the same district oftener than once in four years. Special or emergency Superior Court Judges not assigned to any judicial district may be designated from time to time by the Chief Justice of the Supreme Court to hold court in any district or districts within the State. The Chief Justice, when in his opinion the public interest so requires, may assign any Superior Court Judge to hold one or more terms of Superior Court in any district."

Sec. 3. (a) G. S. 7-78 is hereby amended by striking out the word "Governor" in the Section title and by striking out the word "governor" in line one, and by inserting in each place in lieu thereof the words "Chief Justice of the Supreme Court".

(b) G. S. 7-78 is hereby amended by inserting in line seven after the word "shall" the words "order a special term and".

(c) G. S. 7-78 is hereby further amended by rewriting the last sentence to read as follows:

"The Chief Justice, when in his opinion the public interest so requires, may order a special term of court to be held by a regular, special, or emergency Judge of the Superior Court in any county or district during the holding of a regular term in such county or district."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

S. B. 324  

CHAPTER 492

AN ACT TO PROHIBIT THE SETTING OF STEEL TRAPS, AND TO PROHIBIT THE OPERATION OF CARNIVALS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to set, or cause to be set, any steel trap usually used for the purpose of catching game and wild animals in Columbus County. This Section shall not apply to bear traps.

Sec. 2. It shall be unlawful for any person, association of persons, or any firm or corporation to operate or in any manner assist or participate in the operation of any carnival show in Columbus County. Any person, association of persons, or any firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. This Section shall not apply to carnivals operated by any charitable, religious, civic or veterans organizations.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 317  

CHAPTER 493

AN ACT TO ABOLISH THE SEPARATE OFFICE OF TAX SUPERVISOR IN MADISON COUNTY AND TO REQUIRE THE COUNTY ACCOUNTANT TO PERFORM THE DUTIES OF TAX SUPERVISOR IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The office or position of Tax Supervisor for Madison County is hereby abolished and the duties heretofore performed by the tax supervisor are hereby transferred to the county accountant, and the county accountant shall hereafter act ex officio as county tax supervisor and shall hereafter perform all of the duties of a county tax supervisor as heretofore performed by the county tax supervisor and as prescribed in the Machinery Act of 1939, as amended, being Chapter 310 of the Public Laws of 1939, as same has been amended from time to time, except where the provisions of the Machinery Act are varied by the provisions of any local Acts applying to Madison County. The county accountant shall perform the additional duties as herein provided, as well as his duties as county accountant. As compensation for performing his duties as county accountant and the additional duties of county tax supervisor, the county accountant shall receive an annual salary of two thousand four hundred dollars ($2,400.00), payable in twelve (12) equal monthly installments.

Sec. 2. The County Commissioners of Madison County are hereby authorized to furnish to the county accountant for a period of three (3) months in each year necessary clerical assistance who shall assist the county accountant in performing his duties as tax supervisor, making up the tax records, etc., and who shall receive such compensation as the board of county commissioners may, in its discretion, fix, subject, however, to the approval of the Sinking Fund Commission.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after the first day of the month next succeeding the date of ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

H. B. 482  

CHAPTER 494

AN ACT TO PROVIDE NEW RULES OF EVIDENCE IN REGARD TO THE AGENCY OF THE OPERATOR OF A MOTOR VEHICLE INVOLVED IN ANY ACCIDENT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 20-71, and immediately preceding G. S. 20-72, to be numbered G. S. 20-71.1, and to read as follows:

G. S. 20-71.1. Registration evidence of ownership; ownership evidence of defendant's responsibility for conduct of operation. (a) In all actions to recover damages for injury to the person or to property or for the death of a person, arising out of an accident or collision involving a motor
vehicle, proof of ownership of such motor vehicle at the time of such accident or collision shall be prima facie evidence that said motor vehicle was being operated and used with the authority, consent, and knowledge of the owner in the very transaction out of which said injury or cause of action arose. (b) Proof of the registration of a motor vehicle in the name of any person, firm, or corporation, shall for the purpose of any such action, be prima facie evidence of ownership and that such motor vehicle was then being operated by and under the control of a person for whose conduct the owner was legally responsible, for the owner's benefit, and within the course and scope of his employment; Provided, that no person shall be allowed the benefit of this Section unless he shall bring his action within one year after his cause of action shall have accrued.

Sec. 2. The provisions of this Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

H. B. 483  

CHAPTER 495

AN ACT TO AMEND SECTION 20-116 (d) GENERAL STATUTES OF NORTH CAROLINA, AND SECTION 20-118 (g) OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE MAXIMUM LENGTH AND MAXIMUM WEIGHT FOR BUSES EQUIPPED WITH THREE (3) AXLES.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-116(d) of the General Statutes of North Carolina by changing the period to a colon in line 3 of said Section and by adding: "provided, that a passenger bus having three (3) axles shall not exceed forty (40) feet in length."

Sec. 2. Amend Section 20-118(g) by changing the semicolon to a period in line 11 and by substituting the following for the remaining portion of Section 20-118(g) beginning with the word "and" in line 11: "No license shall be issued to any passenger bus with two (2) axles having a weight, when fully equipped for operation on the highways, of more than twenty-two thousand, five hundred (22,500) lbs., and no license shall be issued for any passenger bus with three (3) axles having a weight, when fully equipped for operation on the highways, of more than thirty thousand (30,000) lbs. unless the bus for which application for license is made shall have been licensed in the State of North Carolina prior to the 1st day of February, 1949. No special permits shall be issued for any passenger buses exceeding the foregoing specified weights for each group.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after the 1st day of July, 1951.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.
CHAPTER 496

AN ACT TO AMEND G. S. 31-32, RELATING TO THE CAVEAT TO WILLS, SO AS TO REDUCE TO THREE YEARS THE TIME IN WHICH A CAVEAT MAY BE FILED.

The General Assembly of North Carolina do enact:

Section 1. The word "seven" in line four of G. S. 31-32 is stricken out and the word "three" is inserted in lieu thereof.

Sec. 2. G. S. 31-32 is further amended by adding a paragraph at the end thereof to read as follows:

"Not withstanding the provisions of the first paragraph of this Section, as to persons not under disability, a caveat to the probate of a will probated in common form prior to May 1, 1951, must be filed within seven years of the date of probate or within three years from May 1, 1951, whichever period of time is shorter."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after May 1, 1951.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

CHAPTER 497

AN ACT TO MAKE UNLAWFUL IN GUILFORD COUNTY THE OPERATON OF A TICKER OR OTHER DEVICE FOR RECEIVING AND DISSEMINATING INFORMATION CONCERNING ANY SPORTING EVENT FOR THE PURPOSE OF GAMBLING ON THE OUTCOME OF SAID EVENT.

The General Assembly of North Carolina do enact:

Section 1. That is shall be unlawful to operate or cause to be operated in Guilford County any wire, ticker service, or other similar device for receiving of information concerning any baseball game, football game, horse race or other game or sporting event for the purpose of gambling or selling tickets or lottery or gambling tickets concerning such game or sporting event. That is shall further be unlawful to disseminate or impart such information by means of blackboard, megaphone or otherwise for the purpose of gambling or selling lottery or gambling tickets concerning such games or sporting events.

Sec. 2. That the possession of a ticker or other device for receiving such information or a blackboard or other similar device for disseminating or imparting such information in any smoke shop or other place of business licensed to sell wine, beer, tobacco, sandwiches or other merchandise or other licensed place of business or in any unlicensed room or other place, shall be prima facie evidence that such ticker or other similar device or blackboard or other device is operated for the purpose of gambling or selling lottery or gambling tickets concerning such game or sporting events.
Sec. 3. That Sections one and two of this Act shall not be construed to interfere in any way with the legitimate use of any of the instruments and devices hereinabove mentioned by licensed newspaper publishers or other publishers who publish a newspaper or magazine of general paid circulation or by licensed brokers, broadcasting companies, telephone companies, or telegraph companies, or to radios or radio receiving sets; or with the receiving or disseminating information at any stadium or playing field where sporting events are held when such information is received or disseminated during a bona fide game or sporting event; nor with the legitimate use of said instruments or devices by bona fide alumni associations which may have installed a ticker or other similar device for receiving or disseminating such information when such receiving or disseminating device is used in connection with a meeting for the purpose of getting the returns from a particular game or sporting event.

Sec. 4. That it is unlawful for any telephone company, telegraph company or other person, firm or corporation to install any ticker service or other similar device for receiving or disseminating information concerning any game or sporting event without first reporting to the Sheriff of Guilford County the proposed location of said ticker service or other similar device, and the name and address of the person, firm or corporation for whom it is to be installed.

Sec. 5. That any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and punished in the discretion of the Court.

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

Sec. 7. 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 30th day of March, 1951.

H. B. 537

CHAPTER 498

AN ACT RELATING TO THE METHOD OF ELECTING MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In the election of members of the board of County Commissioners of Camden County all qualified voters of said county shall be eligible to vote for three (3) candidates for membership on said board, and the candidate in each of the three respective districts receiving the highest number of votes shall be declared elected to membership on the Board of County Commissioners of Camden County.

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 upon ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.
H. B. 597  

CHAPTER 499

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC-LOCAL LAWS OF 1939, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Section 29 of Chapter 366 of the Public-Local Laws of 1939 is amended by striking out in line two of said Section the words and figures "one thousand two hundred dollars ($1,200.00)" and inserting in lieu thereof the words and figures "two thousand four hundred dollars ($2,400.00)". Said Section is further amended by striking out in line six of said Section the words and figures "two hundred dollars ($200.00)" and inserting in lieu thereof the words and figures "six hundred dollars ($600.00)".

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

H. B. 616  

CHAPTER 500

AN ACT TO ALLOW THE CITY OF LEXINGTON TO RELEASE ANY INTEREST IT AND THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING DIXIE FURNITURE COMPANY, INCORPORATED, TO CROSS A PART OF EAST THIRD AVENUE FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Lexington is hereby authorized and empowered, by resolution, ordinance or other proceedings deemed advisable, and by the execution of such papers and instruments as may be necessary, to release the interest of the City of Lexington and the public generally in and to that portion of East Third Avenue, lying and being northwest of the Southern Railway underpass over East Third Avenue and on the right of way of the said Southern Railway leased by the Dixie Furniture Company, Incorporated, and lying and being immediately adjacent to the said Southern Railway underpass over East Third Avenue between the right of way of the said Southern Railway leased and occupied by the Dixie Furniture Company, Incorporated, on the South side of East Third Avenue and the right of way of the Southern Railway leased by the Dixie Furniture Company, Incorporated, on the North side of East Third Avenue, for the purpose of permitting the said Dixie Furniture Company, Incorporated, to extend its said building on the South side of said avenue by way of a tramway or catwalk over and across East Third Avenue to the right of way of the Southern Railway Company leased by the Dixie Furniture Company, Incorporated, on the North side of East Third Avenue with a clearance not less than 15 feet, one inch, at any
point above East Third Avenue, said building or tramway or catwalk to be constructed and used, and said East Third Avenue to be crossed for the benefit of the Dixie Furniture Company, Incorporated, and its business, and generally for its private purposes.

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 30th day of March, 1951.

H. B. 685

CHAPTER 501

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO FIX THE COMPENSATION OF THE DEPUTY CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County is hereby authorized to fix the amount of the salary of the Deputy Clerk of the Superior Court of Pasquotank County in such amount as the board in its discretion may determine, such salary to be paid in equal monthly installments out of general county funds.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

H. B. 709

CHAPTER 502

AN ACT TO AMEND G. S. 152-7, RELATIVE TO THE HOLDING OF INQUESTS BY CORONERS IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 1 of G. S. 152-7 is amended by inserting after the word “appears” and before the word “that” in line one thereof the words “to the sheriff of the county”, and by striking out the word “he” in line three of said subsection 1 and inserting in lieu thereof the words “the coroner, if and when directed by the sheriff”.

Sec. 2. The provisions of this Act shall apply to Nash County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.
H. B. 723  CHAPTER 503
AN ACT TO REPEAL SECTION 15, PRIVATE LAWS 1923, CHAPTER 151, RELATING TO LIMITATIONS ON TERRITORY TO BE ANNEXED TO THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Sec. 1. That Section 15 of the Private Laws 1923, Chapter 151 be and the same is 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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1951.

H. B. 724  CHAPTER 504
AN ACT TO AMEND CHAPTER 157 PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE BEING AN ACT TO PROVIDE FOR REGISTRATION OF PISTOLS AND SIMILAR FIREARMS AS AMENDED BY CHAPTER 66 OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN SO THAT THE SAME SHALL NOT APPLY TO ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1. That the provisions of Chapter 157, Public-Local Laws of One Thousand Nine Hundred and Thirty-Five shall not apply to Alamance County.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of 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 30th day of March, 1951.

H. B. 748  CHAPTER 505
AN ACT TO AUTHORIZE THE TOWN OF HIGHLANDS TO APPROPRIATE NOT MORE THAN $1,000.00 FOR ADVERTISING PURPOSES.

WHEREAS, the Town of Highlands in Macon County is favorably located for the pleasure and enjoyment of a large number of summer residents and visitors, because of its altitude, climate and surrounding scenic beauty and attractions; and

WHEREAS, it is principally a "tourist town", many of its citizens deriving a large portion of their livelihood from services, accommodations and goods furnished to seasonal visitors; and
WHEREAS, it is deemed advantageous to the said town to advertise its tourist attractions and accommodations; and

WHEREAS, it is considered desirable that the town give some financial assistance to the local Chamber of Commerce for the purpose of advertising the scenic beauty and tourist accommodations, attractions, et cetera:

Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Governing Body of the Town of Highlands, in Macon County, North Carolina, is authorized and empowered to appropriate annually out of the general funds of said town a sum not exceeding $1,000.00 for the purpose of advertising the tourist advantages and scenic beauty of said town and promoting the tourist industry and other industries in said town, and out of said appropriation to contribute to the local Chamber of Commerce such amount thereof as may seem advisable for said purposes.

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

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 30th day of March, 1951.

H. B. 777

CHAPTER 506

AN ACT APPLICABLE ONLY TO DURHAM COUNTY AND CITY OF DURHAM AMENDING G. S. 143-129 AND G. S. 143-131, RELATING TO THE PROCEDURE FOR LETTING PUBLIC CONTRACTS AND THE LETTING OF CONTRACTS ON INFORMAL BIDS BY COUNTIES AND CITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-129 is amended by striking out the words and figures “equal to or more than one thousand dollars ($1,000.00)” in lines four and five of said Section and substituting in lieu thereof the words and figures “in excess of two thousand dollars ($2,000.00)”.

Sec. 2. G. S. 143-131 is amended by striking out the words and figures “less than one thousand dollars ($1,000.00)” appearing in lines five and six of said Section and substituting in lieu thereof the words and figures “but not more than two thousand dollars ($2,000.00)”.

Sec. 3. This Act shall apply only to Durham County and to City of Durham.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 30th day of March, 1951.
H. B. 778  CHAPTER 507
AN ACT TO REPEAL CHAPTER 429 OF THE PUBLIC-LOCAL LAWS OF 1929, AS AMENDED, RELATING TO ELECTRICAL INSPECTIONS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:
Section 1. Chapter 429 of the Public-Local Laws of 1929, as amended by Chapter 147 of the Public-Local Laws of 1935, is 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 30th day of March, 1951.

H. B. 895  CHAPTER 508
AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:
Section 1. That the following named persons be, and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina, for a term of two years, said terms to begin on April 1, 1951: Provided, that they may qualify at any time within 90 days after April 1, 1951.

Alexander County
Sharpe No. 2 Township: J. S. Rector
Taylorsville No. 1 Township: J. R. Stewart

Anson County
Ansonville Township: Glenn K. Martin, J. D. Porter, T. E. Griffin
Lilesville Township: Beverly Allen, James Clark, J. G. Williams
Morven Township: J. E. Eddins, Susan E. Braswell, W. E. Pratt, C. E. Ratliff, Marion T. Ratliff, Milton D. Stegall
Wadesboro Township: C. H. Ferguson, H. C. Gray
White Store Township: A. B. Collins, L. Huntley, Jr., John Leonard, Joe Lowery

Allegany County
Cap Civil Township: B. F. Wagoner
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Ashe County
Clifton Township: Henry M. Miller, J. Paul Jones
Creston Township: S. C. Arnold
Elk Township: C. W. Parson
Grassy Creek Township: W. P. Colvard
Harrigan Township: A. A. Perry
Helton Township: D. F. Porter
Jefferson Township: W. H. McMillan
Obids Township: Robert Woodie
Old Fields Township: D. V. Waugh
North Fork Township: B. H. Duncan
Peak Creek Township: R. L. Austin, L. S. Richardson
Pine Swamp Township: A. H. Church
Piney Creek Township: F. L. Barker
West Jefferson Township: C. O. Parson, D. N. Pless

Avery County
Altamont Township: P. L. Johnson
Beech Mountain Township: Ray Harmon, Samuel L. Ward
Cranberry Township: Horton Cooper, Lucile Winters
Linville Township: Loyde W. Sudreth, J. D. Braswell, Ben Isaac, W. S.

Buchanan
Wilson Creek Township: Mack Winters

Bertie County
Colerain Township: George W. Barker, Lee O. Perry, W. S. Tayloe,
H. Randolph Perry
Indian Woods Township: None
Merry Hill Township: S. A. Adams, Frank Perry
Mitchells Township: G. V. Lassiter, W. G. Slade
Roxobel Township: C. H. Roberson, A. C. Johnson, Haywood Bland
Snakebite Township: C. D. Bazemore, Henry Dempsey
White's Township: W. R. Lawrence, Eddie Daniels
Windsor Township: W. S. Pritchard, A. C. Mitchell, L. S. Mizelle, Lacy

M. Early, R. E. McGaw
Woodville Township: Grady Bunch, Claud Britton, C. B. Griffin

Bladen County
Brown Marsh Township: MacMillan Bullard
Elizabethtown Township: H. C. Brisson
Whites Creek Township: N. G. Daniels

Brunswick County
Lockwoods Folly Township: Eugene H. Gray
Northwest Township: Leo Medlin
Shallotte Township: L. C. Rourk
Smithville Township: J. J. Arnold

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Buncombe County
Asheville Township: J. D. Moore, Robert Russell

Burke County
Drexel Township: L. B. Bollinger
Icard Township: D. A. Hutto, W. G. Johnson
Jonas Ridge Township: Mrs. Evelyn Poore, W. M. Shuffler
Lovelady Township: Arthur Talmadge Abernathy, Oliver D. Keever,
James Short
Lower Creek Township: W. S. Hallyburton, Roland R. Hildebrand
Morganton Township: T. Earl Franklin, S. W. Hoyle, J. Roy Wacaster,
Glenn Walker
Quaker Meadows Township: C. P. Whisenant, Marshall Benfield
Silver Creek Township: Butler Giles, Mrs. Mae Propst Lane, E. A. Pruitt
Upper Creek Township: A. P. McGimsey
Upper Fork Township: W. A. Cook

Cabarrus County
Township No. 4: E. A. Johnston, I. T. Chapman, Baxter Yarborough

Camden County
Courthouse Township: R. L. Whaley, S. B. Seymour
Shiloh Township: W. B. Harrison
South Mills Township: William E. Eason

Caswell County
Anderson Township: J. M. Hurdle, F. B. Goodson
Dan River Township: Cary Watkins, L. A. Goodson, W. D. Pleasant
Hightowers Township: W. H. Mise, H. V. Clayton
Leasburg Township: W. P. Cook, Robert Briggs, Richard Duncan
Locust Hill Township: James White, Robert Smith
Pelham Township: William Gentry, J. C. Gibbs, John Carter
Stoney Creek Township: W. F. Shaw, Clarence Matkins, D. B. Boone
Yanceyville Township: H. R. Thompson, J. C. Womack, Franklin Poteat, Henry Hicks

Catawba County
Conover Township: James P. Isenhour, Jacob C. Rhodes
Hickory Township: Will Clinard
Maiden Township: Ralph T. Dagenhart, G. Lee Harbinson
Newton Township: Gordon Bolin, Emmett O. Herman

Chatham County
Albright Township: J. B. Ingle
Hadley Township: W. K. Mann
Matthews Township: H. L. Stone
Williams Township: J. T. Mills
Gulf Township: W. H. Garner
Cherokee County
Beaver Dam Township: Garland Davis
Murphy Township: P. H. Leatherwood, Fred O. Bates, Sr., Fred O. Bates, Jr., J. W. O’Dell
Shoal Creek Township: Lon Raper, W. F. Hill
Valley Town Township: Claude V. Watson, B. P. Grant

Chowan County
Township No. 1: F. W. Hobbs

Clay County
Brasstown Township: Fred O. Scroggs
Hayesville Township: B. H. Martin, J. D. Rogers
Hiwassee Township: Carl Parker
Shooting Creek Township: Robert McClure
Sweetwater Township: Andrew Auberry
Tusquittee Township: John Moss

Cleveland County
Township No. 6: H. L. Newman, A. B. C. DePriest
Township No. 8: W. J. Bridges

Columbus County
Chadbourn Township: W. M. Andrews, T. S. Lewis
Tatums Township: Duvall Inman
Whiteville Township: J. V. Fore
Williams Township: Ed Whaley

Cumberland County
Cross Creek Township: R. L. Parrish
Rockfish Township: Walter C. Tyson

Currituck County
Moyock Township: Phillip Sanderson
Popular Branch Township: Robert White

Davie County
Calahan Township: Tom Van Zent, E. D. Ijames
Clarksville Township: W. R. Ratledge, Smoot Shelton, Ollie Harkey
Farmington Township: B. C. Teague, John Francis Johnson, Fletcher
Willard, J. R. Smith
Fulton Township: Wally Seaford
Jerusalem Township: J. B. Hellard, J. W. Turner
Mocksville Township: John N. Waters, Maxalene M. Holman, W. F. Stonestreet, H. C. Young
Shady Grove Township: W. T. Myers, Sam Cornatzer, Mrs. J. H. Robertson
Jerusalem Township: W. Ranson Cooke

Duplin County
Warsaw Township: T. F. Hayslip

Durham County
Durham Township: Zalph A. Rochell

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Franklin County
Dunn Township: B. B. Brantley, H. B. Harris, W. Horace Baker
Harris Township: M. L. Fowler, B. F. Wilder, Harry Rogers
Youngsville Township: J. M. Young, Jones W. Hart, A. E. Hall
Franklinton Township: John T. Sawyer, F. P. Preddy, Joe W. Pearce
Hayesville Township: L. O. Frazier, R. G. Winn, Jr., J. S. Rowland
Sandy Creek Township: J. L. Foster, Henry T. Edwards, Eugene W.
Stallings
Gold Mine Township: F. A. Read, Lonnie G. Murphy, John Astor Parrish
Cedar Rock Township: T. W. Boone, R. B. May, D. C. Swanson
Cypress Creek Township: Clarence E. Moore, Ruffin H. Wheeler, W.
Reid Vick
Louisburg Township: J. L. Palmer, E. C. Perry, W. C. Webb
Gaston County
Cherryville Township: George V. Lohr, S. S. Wacaster, L. E. Stroup,
Clay Kiser
Crowders Mountain Township: John Mason, M. L. Rhyne
South Point Township: H. M. Pratt
Gates County
Gatesville Township: Aaron L. Lilley
Hall Township: R. C. Cowper
Holly Grove Township: S. E. Riddick
Mintonsville Township: P. D. Hobbs
Granville County
Brassfield Township: Irven Jenkins
Creedmoore Township: E. P. Tuck
Dutchville Township: R. G. Stem
Fishing Creek Township: N. C. Brummitt
Oak Hill Township: R. C. Pittard, John S. Watkins
Oxford Township: L. H. Davis, Jeannette E. Biggs, Charlotte Easton
Walnut Grove Township: Louis Thorp, III, J. L. Williford
Guilford County
Madison Township: S. B. Huffines
Oak Ridge Township: Cecil Pearman
Halifax County
Brinkleyville Township: T. C. Qualls, R. M. Sykes
Conoconera Township: L. A. Parks
Enfield Township: George Ivey, E. I. Bellamy
Faucetts Township: M. P. Crawley, C. M. Dickens
Halifax Township: J. G. Butts
Littleton Township: J. W. Harvey
Palmyra Township: D. E. Preast, R. H. White
Roanoke Rapids Township: Samuel Henry Akers, W. O. Thompson
Scotland Neck Township: William Roy Whitehurst, W. J. Murphy,
B. F. Bracy
Weldon Township: L. C. Barrow, Jr., D. C. Johnson

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Harnett County
Duke Township: L. B. McLean, James E. Glover
Lillington Township: Miss Edna Kelly
Stewarts Creek Township: C. D. McDowell
Aversboro Township: George F. Owen

Haywood County
Beaverdam Township: R. R. Mease, Sam Justice
Big Creek Township: Mack Caldwell
Clyde Township: N. C. West
Crabtree Township: Hugh Noland
East Fork Township: Bryan Heatherly
Pines Creek Township: John Fincher
Iron Duff Township: Ray Millner
Jonathans Creek Township: Robert Howell
Pigeon Township: Gaston Burnett
Waynesville Township: Woodrow Troutman

Hertford County
Ahoskie Township: J. Stanley Vinson, J. N. Vann
Harrellsville Township: George E. Myers
Maneys Neck Township: E. W. Evans, R. C. Brett
St. Johns Township: H. T. Morris
Murfreesboro Township: J. J. Parker, R. H. Underwood
St. Johns Township: Hal Rawls
Winton Township: P. S. Jordan, W. L. Daniels
Ahoskie Township: W. B. Everett, J. G. Lunsden
Maneys Neck Township: R. E. Darden

Hoke County
Raeford Township: Mrs. Helen Snow Barrington

Hyde County
Englehard Township: William Neal

Iredell County
Bethany Township: J. P. Engram
Eagle Mills Township: T. G. Wallace
Fallstown Township: L. W. Hostetler
New Hope Township: B. F. Williams, G. W. Harris, H. A. Hope
Olin Township: S. R. Jurney
Sharpsburg Township: Henry Martin
Statesville Inside Township: B. C. Howard
Turnersburg Township: A. M. Gaither
Union Grove Township: R. F. Rash

Jackson County
Cashiers Township: Jim Monteith, Lynch Dillard, C. G. Rogers
Canada Township: Milas Galloway, Joe Middleton
Caney Fork Township: J. C. Shular, Oscar Olvedahl
Cullowhee Township: John Phillips
Dillsboro Township: Boyd Brown

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Greens Creek Township: G. L. Green
Hamburg Township: Redell Bryson
Mountain Township: Mrs. Pearl Stewart
Qualla Township: J. C. Hayes
River Township: J. H. Middleton
Savannah Township: John Deitz
Scotts Creek Township: George Knight
Sylva Township: J. H. Morris
Webster Township: Henry Pangle

Johnston County
Bentonville Township: E. E. Barfield
Micro Township: C. B. Hinnant
Oneals Township: Marvin Hinton
Smithfield Township: Cora Belle Ives

Jones County
Crypress Creek Township: Floyd Phillips
Pollocksville Township: Allen H. Creagh, J. B. Simmons

Lee County
Cape Fear Township: J. M. Primm, W. M. Thomas
Deep River Township: James F. Bridges
West Sanford Township: K. E. Seymore

Lenoir County
Institute Township: J. Paul Hill

Lincoln County
Catawba Springs Township: E. C. McIntosh, J. V. Rhyne
Howards Creek Township: W. O. Houser
Ironton Township: R. S. Keener
North Brook Township: W. A. Hull, J. C. Martin

Macon County
Burnington Township: E. B. Byrd
Cartoogehaye Township: Bob Southards
Cowee Township: Carroll Gibson, T. M. Rickman
Ellija Township: Fred T. Bryson, P. M. Moses
Flats Township: Earl Dryman
Franklin Township: Sam J. Murray, Charles Stamey, C. A. Meadows,

J. J. Mann
Highlands Township: James Crawford, Neville Bryson
Milton Township: J. M. Raby
Natahalia Township No. 1: Luther Jacobs
Natahalia Township No. 2: J. R. Shields
Smiths Bridge Township: C. S. Sams, J. M. Cabe
Sugar Fork Township: Fred Hinson

Madison County
Township No. 2: Leroy Shelton, Bennie Gunter
Township No. 3: Reuben Whitt
Township No. 4: Bascomb Ray, Porter Ray
Township No. 5: Novel Hawkins  
Township No. 7: Roy Freeman, J. Henry Roberts  
Township No. 8: Andy Woody, Eulas Ledford  
Township No. 9: Critt Stamey  
Township No. 10: Aubrey Ramsey, Bailey Rice  
Township No. 11: Hardy Whitt  
Township No. 12: Burnett Worley  
Township No. 13: G. E. Reece  
Township No. 14: Woodrow Dill  
Township No. 15: Grant Higgins  
Township No. 16: Herman English

Martin County
Cross Roads Township: C. B. Riddick  
Goose Neat Township: J. B. Whitfield  
Hamilton Township: T. F. Respass  
Jamesville Township: A. Corey  
Robersonville Township: H. S. Everett  
Williamston Township: J. L. Hassell, C. R. Mobley, J. S. Ayers

McDowell County
Higgins Township: C. Rex Wilson  
Montford Cove Township: George Marlowe  
Old Fort Township: J. F. Harmon  
Turkey Cove Township: W. C. Huskins

Mecklenburg County
Charlotte Township: George T. Denny, Jr.

Mitchell County
Grassy Creek Township: Clyde Pritchard, Clifton Gibbs, W. L. McNeill  
Bakersville Township: Brown McKinney, Bentson McKinney, Harper

Wilson
Red Hill Township: Frank Jones  
Harrells Township: Jim Hughes, Jeter Fry, D. W. Ledford

Montgomery County
Biscoe Township: J. C. Reece  
Candor Township: H. E. McNutt  
Cheeks Creek: D. J. Poole  
Ophir Township: N. W. Davis  
Pee Dee Township: Glenn Lefler Liske  
Mt. Gilead Township: A. P. Guyer  
Star Township: W. C. Floyd, W. C. Gettel  
Troy Township: J. C. Beckwith, R. B. Reynolds  
Wadeville Township: Theodore Byrd

Moore County
Sandhill Township: W. D. Shannon

Nash County
Dry Wells Township: D. H. Bunn, Jr.  
Griffins Township: W. F. Woodruff
North Whitakers No. 2 Township: Jesse Green
Rocky Mount Township: W. S. Swain, Jr.

New Hanover County
Wilmington Township: E. F. Jeffords, Jr., F. T. Hobbs, Coy Etheridge,
J. T. Rich, J. E. Moore, E. J. Hale, L. E. Sikes, A. R. King

Northampton County
Gastown Township: G. A. Brewer, S. D. Hitchens
Jackson Township: L. T. Warrick, B. L. Sykes, Howard Rogers, C. K.
Ramsey, W. E. Harris
Kirby Township: Randolph Stephenson, G. E. Woodard, Otis Ricks, W. F.
Spencer, W. N. Joyner, J. T. Parker, Charlie Panton
Occoneechee Township: T. G. Joyner
Pleasant Hill Township: Romie E. Coker
Rich Square Township: R. B. Benthall, Ralph H. Thompson, L. A. Den-
ton, A. M. Futrell, C. E. Lassiter
Roanoke Township: R. V. Beale, W. F. Nelson
Seaboard Township: Z. L. Davenport, J. G. Long
Wiccacanee Township: Aubre Blythe, Vernon Lanier

Onslow County
Richlands Township: J. R. Shaw

Pamlico County
Township No. 1: Harvey Dixon
Township No. 3: M. E. Ireland

Pender County
Caswell Township: A. H. Costin
Holly Township: J. A. Lanier, Sr.
Long Creek Township: A. D. Scott
Union Township: J. W. Blanton, Jr.

Person County
Allensville Township: Jeff O'Briant, Bradsher Gentry
Bushey Fork Township: N. H. Hester, Lawrence White
Cunningham Township: N. H. Montgomery, E. E. Tally
Flat River Township: J. O. Pearce, S. O. Jones
Holloway Township: S. W. Melton, W. J. Stigall, S. M. Neal
Mt. Tirzah Township: R. P. Moore, Ben S. Glenn
Olive Hill Township: C. E. Winstead, Jr.
Wooddale Township: L. F. Guill, Jr.
Roxboro Township: C. L. Brooks, W. W. Woods
Wooddale Township: Haywood B. Bailey

Pitt County
Bethel Township: J. W. Rook
Swift Creek Township: J. F. Smith
Farmville Township: R. A. Joyner

Polk County
Cooper's Gap Township: H. Dennis Jackson

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Richmond County
Steele's Township: T. B. Matheson

Rockingham County
Fairmount Township: M. S. Griffin, R. C. Bullock, C. E. Webster
Parkton Township: T. B. McNeill, R. S. Lawing
Red Springs Township: Robert W. Owens, Morrison Peterson
Rennert Township: Charles R. Tolar
Saddletree Township: Grady S. Harrell, Charley E. Jones, W. P. Humphrey
St. Pauls Township: Lonnie Carroll, A. B. Johnson, J. H. Brisson
Wisharts Township: W. B. Parnell

Rockingham County
Madison Township: P. H. Scales, Russell Cardwell
New Bethel Township: W. G. Sharp
Price Township: Frank Ferguson
Ruffin Township: W. Preston Cox, Dillard Dix

Rowan County
Atwell Township: A. L. Deal
China Grove Township: A. H. Spry, L. J. Brown
Morgan Township: T. H. Morgan

Rutherford County
Cool Springs Township: Frank S. Hall
High Shoals Township: Paul M. Cudd

Scotland County
Stewartsville Township: W. L. Biggs

Stokes County
Danbury Township: S. P. Christian
Peters Creek Township: Joe H. Hart
Sauratown Township: P. H. Linville, Robert Hedgecock
Snow Creek Township: J. Moir Hawkins
Yadkin Township: Golden Baker, J. L. Christian

Surry County
Dobson Township: F. V. Crissmon, B. F. Folger, Marvin Wilmouth
Elkin Township: C. W. Young
Shoals Township: J. A. Allen
Siloam Township: B. E. Whitaker

Swain County
Charleston Township: W. O. Calhoun, Jay Allen Glenn, Floyd Cunningham, Sr.
Nantahala Township: Graden Breedlove
Transylvania County
Brevard Township: M. W. Galloway, H. B. Shiflet, Harry Pierson
Cathey's Creek Township: R. K. Powell, Harkless Barton
Little River Township: Herbert Heath

Tyrrell County
Columbia Township: Henry L. Reynolds, J. W. Hamilton
Gum Neck Township: W. C. Liverman, R. B. Cohoon

Union County
Buford Township: J. S. Broome, A. M. Eubanks, J. E. Starnes
Goose Creek Township: A. E. Little, H. C. Simpson
Lanes Creek Township: E. E. Huggins, B. A. Rushing
Marshville Township: Fred L. Plyler
New Salem Township: Z. K. Simpson, Fred C. Staton
Vance Township: O. L. Hemby, T. W. Stinson

Vance County
Henderson Township: C. C. Finch, R. N. Gupton, Fred B. Hight, Dave H. Stallings, Albert Burke
Kittrell Township: T. T. Ellis
Sandy Creek Township: W. J. Bowen
Townsville Township: R. B. Taylor

Wake County

Warren County
Warrenton Township: Edward Petar, J. C. Moore
Smith Creek Township: R. L. Deloach
Sandy Creek Township: J. E. Moseley

Washington County
Lees Mills Township: W. B. Davenport, Wade Hardison, Jim Leary, R. W. Lewis
Plymouth Township: J. F. McNair, Clarence L. Blount
Scuppernong Township: John A. Combs, F. F. Davenport, Douglas Davenport
Skinnersville Township: Howard M. Ange

Watauga County
Cove Creek Township: Paul Walsh
Blowing Rock Township: Shuford Edmisten
Blue Ridge Township: M. O. Coffey
Beaver Dam Township: Don Hogaman
Laurell Creek Township: E. B. Hogaman
New River Township: Emmit Oliver
North Fork Township: Sam South
Stoney Fork Township: Hayes Welborn

Wilkes County
Boomer Township: Ralph Swanson
Elk Township: T. W. Ferguson
Jobs Cabin Township: Coy Church
Lewis Fork Township: Colon Foster
Mulberry Township: Stacy H. Jones
New Castel Township: C. W. Hanes
North Wilkesboro Township: Margaret Miskelly, Mansfield Minton, C. G. Poindexter
Reddies River Township: W. H. Hurley, A. G. Bumgarner
Rock Creek Township: Harrison Felts
Somers Township: J. W. Robbins
Stanton Township: W. S. Fletcher
Traphill Township: W. F. Cooper, W. B. Hall
Union Township: A. R. Miller, Coye Miller
Walnut Grove Township: W. W. Gambill, L. F. Caudill
Wilkesboro Township: C. G. Glass, Novella Dancy, Zeb Davis, Frances B. Somers

Yadkin County
Boonville Township: Howard Bovender, Eugene Casstevens
Deep Creek Township: Fletcher Bates, Clyde Reavis, Reuben Dickerson
East Bend Township: Clarence Kirk, O. H. Davis
Forbush Township: Tom Harding
Knobs Township: Henry Shore
North Buck Shoal Township: P. W. Swain, B. L. Burgess, Harold White
North Fall Township: E. J. Caudle
South Buck Shoal Township: Chester Myers, Gaston Myers
South Liberty Township: Hugh C. Draughon, Delmar Hoots

Yancey County
Brush Creek Township: John P. Woody, John Ayers, L. D. Thomas
Burnsville Township: G. M. Angel, R. D. Peterson, L. E. Briggs
Cane River Township: W. M. Hensley, E. J. Angel, J. W. McCallister
Crabtree Township: R. N. Silvers
Egypt Township: I. R. Wilson, O. S. Williams
Green Mountain Township: Richard H. Howell, J. C. Turner
Jacks Creek Township: Carl T. Young, T. A. Buchanan
Pensacola Township: J. E. Byrd, Charles Riddle
Prices Creek Township: T. H. Phoenix, Walser Penland, John W. Metcalf
Ramsaytown Township: R. E. Holloway, J. Will Higgins
South Toe Township: L. M. Robinson, W. R. Robinson, Ed Wilson
Sec. 2. That this Act shall be in full force and effect from and after the first day of April, 1951.
In the General Assembly read three times and ratified, this the 30th day of March, 1951.

H. B. 495

CHAPTER 509

AN ACT TO APPOINT A MAYOR AND THREE TOWN COMMISSIONERS AND TO PROVIDE FOR ELECTIONS IN THE TOWN OF DUBLIN IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Town of Dublin, in Bladen County, shall be, and continue to be, a body politic, corporate and a municipal corporation as heretofore incorporated by Chapter 3 of the Private Laws of the Extra Session of 1913, under the name and style of the Town of Dublin, and shall be subject to all of the provisions contained in Chapter 160 of the General Statutes of North Carolina, as amended, and as are not inconsistent with this Act.

Sec. 2. The corporate limits of the said Town of Dublin shall be as follows:

Beginning at a stake or corner in the center of N. C. State Highway No. 87, said beginning corner being South 49 degrees 29 minutes East 3500 feet from the Gaston King ditch, as measured along the center of said Highway No. 87, and runs thence a new line North 40 degrees 31 minutes East 500 feet to a stake or corner; thence a new line North 49 degrees 29 minutes West 4160 feet, to a stake or corner; thence North 10 degrees West 1990 feet to a stake or corner; thence South 61 degrees West 1050 feet to a Geodetic Stone in the edge of N. C. State Highway No. 87; thence a new line South 30 degrees East 2460 feet to a stake or corner in the southern right of way line of the Virginia and Carolina Southern Railroad; thence South 40 degrees 31 minutes East 660 feet to a stake or corner; thence South 48 degrees East 1700 feet to a stake or corner; thence South 56 degrees 30 minutes East 850 feet to a stake or corner; thence North 49 degrees 30 minutes East to the southern right of way line of the Virginia and Carolina Southern Railroad; thence with the southern right of way line of said Railroad 2970 feet to a stake or corner in said right of way line; thence North 40 degrees 31 minutes East 743 feet to the center of N. C. State Highway No. 87, the beginning corner.

Sec. 3. Section 2 of Chapter 23 of the Private Laws of the Extra Session of 1913 be, and the same is hereby, repealed.

Sec. 4. There is hereby appointed a Mayor and three Commissioners of the Town of Dublin; G. E. King is hereby appointed mayor; Edward Carroll, Byron Taylor and Norman Butler are hereby appointed as Commissioners of said Town of Dublin. The said mayor and three commissioners herein appointed by this Act shall exercise all the powers and functions of a mayor and board of town commissioners as provided by the charter of
the Town of Dublin, and the amendments thereto, and in addition, all of the powers, functions and duties as provided for mayors and boards of commissioners or boards of aldermen by Chapter 160 of the General Statutes of North Carolina, as amended. The mayor and board of town commissioners herein appointed shall hold their offices until the first Monday in June, 1951, and on said first Monday in June, 1951, there shall be held a general municipal election for the Town of Dublin, in which there shall be elected by the qualified voters therein a mayor and three town commissioners, and said election shall be held according to the election laws and provisions for the election of municipal officers provided by Article 3, Chapter 160 of the General Statutes, as amended. The mayor and board of town commissioners elected on the first Monday in June, 1951, shall hold their offices until Tuesday after the first Monday in May, 1953, and on said Tuesday after the first Monday in May, 1953, and biennially thereafter, a mayor and board of town commissioners, consisting of three members, shall be elected for the Town of Dublin.

Sec. 5. No municipal taxes shall be levied or collected for the said Town of Dublin until on and after January 1st, 1952, and on and after January 1st, 1952, said Town of Dublin shall levy and collect the regular municipal taxes authorized by the general laws of the State with respect to municipal taxation.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 533

CHAPTER 510

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE LINCOLNTON GRADED SCHOOL DISTRICT TO SELL REAL ESTATE OR SCHOOL PROPERTY BELONGING TO SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. When in the opinion of the Board of Trustees of the Lincolnton Graded School District of Lincolnton, North Carolina, a city administrative unit, any schoolhouse, schoolhouse site or other real estate belonging to said district has become unnecessary and is not needed for public school purposes in said district, the Board of Trustees of the Lincolnton Graded School District of Lincolnton, North Carolina, may proceed to sell the same at public auction after advertising the property to be sold for the period of time and in like manner as to places and publication in newspapers as now prescribed for sales of real estate under deeds of trust; provided, that the sale shall be reported to the office of the Clerk of Superior Court of Lincoln County, North Carolina, and remain open for ten (10) days for an increase bid, and if the bid is increased within said time the property shall be re-advertised in the manner of resales under deeds of trust, and if there is no increased bid within ten (10) days, of upon final sale, in event increased bid or bids are made, the Chairman and Secretary
of the Board of Trustees of the Lincolnton Graded School District shall execute a deed to the purchaser upon payment of the purchase price and such deed, so executed, shall be sufficient to vest title to said property in the purchaser thereof: Provided, further, however, that if in the opinion of the Board of Trustees of the Lincolnton Graded School District the amount offered for the property, either at the first or subsequent resales thereof, is inadequate, then, upon a finding of fact by the board, the board shall have the power to reject any and all such bids and may sell the said property privately thereafter within ninety (90) days following public sale for a price in excess of the highest price offered for said property at any public sale or resale, as herein first required.

Sec. 2. All proceeds derived from the sale of any schoolhouse, schoolhouse site or other real estate owned by the Lincolnton Graded School District, as authorized to be sold under Section 1 above, shall be paid to the Treasurer of the Lincolnton Graded School District who shall keep the same in a special account and such proceeds may be expended by the Board of Trustees of the Lincolnton Graded School District only for the construction of new school facilities, the repair and improvement of existing school facilities, the adding to and enlarging of existing school facilities, the acquisition of additional lands for school purposes, or the purchase of school equipment for use in the schools of the Lincolnton Graded School District.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 541

CHAPTER 511

AN ACT TO INCORPORATE THE TOWN OF WHITE LAKE IN BLA-DEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby incorporated the Town of White Lake, in Bladen County, the corporate limits of which are set forth in Section 2, and which shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina not inconsistent with the provisions of this Act.

Sec. 2. The corporate limits of the Town of White Lake in Bladen County shall be as follows:

Beginning at a point in the edge of White Lake, it being a corner of the Future Farmers of America's Camp and runs thence as their line South 45 degrees West to and across the highway leading from Elizabethtown to Kelly, a distance of 1,000 feet to a corner; thence South 49 degrees East 2,860 feet to a corner in said highway; thence with said highway South 64 degrees East 2,351 feet to another point in said highway; thence South 51 degrees East, with said highway, 1,900 feet to another point in said highway; thence North 63 degrees East 590 feet to a point in a hard surfaced
road circling White Lake, thence due East 700 feet; thence North 7½ degrees East 1,400 feet; thence North 69 degrees East 1,340 feet; thence North 37 degrees East 750 feet; thence North 22 degrees East 1,070 feet; thence North 9 degrees East 770 feet; then North 9 degrees West 2,300 feet; thence North 36 degrees and 30 minutes West 2,370 feet; thence North 41 degrees West 1,370 feet; thence North 34 degrees West 300 feet; thence South 45½ degrees West 730 feet to a point in Highway No. 41; thence South 88 degrees East with said road 450 feet; thence South 88 degrees East 2,950 feet to a point in a hard surfaced road West of the old Love Hotel; thence North 77 degrees West 1,141 feet; thence South 2 degrees East 1,150 feet to the edge of White Lake; thence with the edge of White Lake, its various meanderings, its courses and distances to the beginning corner.

Sec. 3. The governing body of the Town of White Lake shall consist of a mayor and five commissioners. The following members of the governing body are hereby appointed to serve from the effective date of this Act, or as soon thereafter as they qualify, until the first Tuesday in July, 1953:

Mayor: Hiram A. Melvin.


Sec. 4. The governing body of the Town of White Lake is hereby authorized and empowered to adopt ordinances with respect to the body of water in Bladen County known as White Lake which ordinances shall have the same force and effect as if said lake were within the corporate limits of said town and said town police shall have the same powers as peace officers on said lake as within the corporate limits of said town.

Sec. 5. The governing body of said town may levy taxes for the fiscal year, July 1, 1951, to June 30, 1952, at any time after the effective date of this Act and do all other things preliminary to making such levy as is by law provided. The list of real and personal property and polls within the corporate limits of the Town of White Lake as listed for taxation in Bladen County, shall be used by said town. Taxpayers may prepay said taxes at any time after the tax rate is fixed in 1951. Taxes collected pursuant to said levy may be expended for and during the fiscal year ending June 30, 1951, as well as for the ensuing year.

In 1952 and thereafter, said town shall be subject to the general laws of the State relating to the taxing powers of incorporated cities and towns.

Sec. 6. (a) In the second week of June 1953, and in the second week of June every two years thereafter, the Governor of the State of North Carolina shall appoint a mayor and four commissioners for the said Town of White Lake, who shall be sworn in as such mayor or commissioners on the first Tuesday in July following their appointment, or as soon thereafter as possible, by any person who is authorized to administer oaths, but he shall appoint only such persons to fill said offices as shall be recommended to him to be selected as follows:

(b) On or before the first day of May, 1953, and every two years thereafter, any person desiring to become a candidate for office of mayor or commissioner of White Lake shall file with the clerk of said town their petition.
for said office, signed by at least three freeholders or three legal residents of the said town.

(c) On or before the 15th day of May, 1953, and every two years thereafter there shall be forwarded by the Clerk of the Town of White Lake, a ballot to every freeholder at their last known address and to registered legal residents of said Town of White Lake, said ballot containing the names of the persons so filing for the above stated offices. The word freeholder or legal resident shall be designated behind the names of the respective candidates and the ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of Bladen County in a sealed envelope not later than nine o'clock A.M., the first Monday in June following, and said ballots to be then opened and tabulated at seven-thirty o'clock P.M., on said first Monday in June, in the office of the Clerk of the Town of White Lake by the Chairman of the Bladen County Board of Elections, said opening being public. The person receiving the highest number of ballots shall be recommended as mayor of said town and the next four receiving the greater number of votes shall be recommended as commissioners of said town; and, the Clerk of the Town of White Lake, and the Chairman of the Bladen County Board of Elections shall immediately forward to the Governor of the State of North Carolina the result of the said balloting. The said persons so appointed by the Governor of the State of North Carolina shall constitute the governing body of said town and shall possess and be vested with all the powers and duties which are now or may be hereafter given to law governing bodies of cities and towns in the State of North Carolina. A legal resident shall be considered for the purpose of holding office or casting ballots for said officers to be a person whose residence is six months immediately preceding said May 15th, or more out of the year in the Town of White Lake and is a legal resident of the State of North Carolina: Provided, that no person shall cast more than one ballot either as a freeholder or a legal resident of the Town of White Lake.

Sec. 7. Should a vacancy occur either as Mayor or Commissioner of the Town of White Lake during their respective terms of office in that event the remaining commissioners of the Town of White Lake may recommend to the Governor of the State of North Carolina one of their body or any freeholder or legal resident, as defined above, to be appointed by the Governor of the State of North Carolina to fill the vacancy.

Sec. 8. The Chairman of the County Board of Elections of Bladen County shall receive for his services, in addition to such other compensation as he may receive, the sum of twenty-five dollars ($25.00) for supervising said casting of ballots. The said amount shall be paid by the said town, and the said town is hereby authorized, empowered and directed to pay such other necessary expense that may be incurred in carrying out the provisions of this Act.

Sec. 9. Any person violating any Section of this Act regarding the opening of said ballots or casting of same shall be guilty of a misdemeanor, and punished by a fine or imprisonment in the discretion of the court.
Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 459

CHAPTER 512

AN ACT TO AMEND CHAPTER 200 OF THE PRIVATE LAWS OF 1935, RELATING TO THE ELECTION OF TRUSTEES FOR THE NEWTON-CONOVER CITY ADMINISTRATIVE SCHOOL UNIT.

WHEREAS, the City of Newton has now changed the time for the election of municipal officers so that elections shall be held only every two years; and

WHEREAS, the trustees for the Newton-Conover City Administrative School Unit are elected in said municipal elections, and it now becomes necessary to change the terms of office for said trustees to conform to the time for said elections: Now, therefore,

*The General Assembly of North Carolina do enact:*

Section 1. Section 1 of Chapter 200 of the Private Laws of 1935 is hereby amended, the same being entitled “An Act to Provide for the Election of Trustees for the Newton-Conover City Administrative School Unit,” by inserting after the word “Newton” and before the word “and” in line 9 of said No. 1 the following: “or at such other place or places as may be used by the City of Newton for voting places in municipal elections.”

Sec. 2. Successors to M. L. Adair and Berry Wagoner, trustees from the old Newton Graded School District, whose terms of office expire in May, 1951, shall be elected from said district for a term of four years, and from said district each four years thereafter.

Sec. 3. The terms of office of Joe Robinson and A. L. Shuford, Sr., trustees, whose terms of office would expire in May, 1952, shall be, and they are hereby, extended so that they shall hold office until May, 1953. That in May, 1953, a successor to the trustee, Joe Robinson, shall be elected from the old Newton Graded School District for a term of four years, and from said district each four years thereafter. In May, 1953, a successor to the trustee, A. L. Shuford, Sr. shall be elected from the old Conover Special Tax School District for a term of two years, and in May, 1955, a successor trustee shall be elected from said district each four years thereafter.

Sec. 4. In May, 1953, a successor to the trustee, Dr. L. M. Caldwell, shall be elected from the old Newton Graded School District for a term of four years, and from said district each four years thereafter. In May, 1953, a successor to the trustee, Sam Warlick, shall be elected from the old Conover Special Tax School District for a term of four years, and from said district each four years thereafter.

Sec. 5. Section 5 of Chapter 200 of the Private Laws of 1935 be further amended by striking out the word “one” appearing in lines 3 and 4
of said Section and inserting therein the word "two" in place of said word stricken out in lines 3 and 4 of said Section.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 557

CHAPTER 513

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL TRUSTEES FOR SANFORD GRADED SCHOOL DISTRICT IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Sections 1 and 2 of Chapter 34 of the Private Laws of 1935 are hereby amended by rewriting said Sections to read as follows:

"Section 1. The Board of Trustees of Sanford Graded School District, Lee County, on and after the first day of July, 1951, shall consist of seven members instead of five members, and that Harvey C. Faulk is hereby appointed as a trustee of said school district to hold office until Tuesday after the first Monday in May, 1953, and S. T. Cox is hereby appointed as a trustee of said school district to hold office until Tuesday after the first Monday in May, 1955; that the present members of said board of trustees shall hold office until their terms of office respectively expire in accordance with their previous elections, and the terms of the present members of said board of trustees are hereby ratified and confirmed.

"Sec. 2. At the municipal election to be held in the Town of Sanford on Tuesday after the first Monday in May, 1953, there shall be elected by the qualified voters of Sanford Graded School District two trustees to serve for a term of six years; and at said election on Tuesday after the first Monday in May, 1955, there shall be elected three trustees of said school district to serve for a term of six years, and at said election on Tuesday after the first Monday in May, 1957, there shall be elected two trustees to serve for a term of six years, and thereafter as their terms respectively expire their successors shall be elected for a term of six years."

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 full force and effect from and after the first day of July, 1951.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 595

CHAPTER 514

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF CASWELL COUNTY TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CAPITAL OUTLAY ACCOUNT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Caswell County is hereby authorized and empowered to transfer the sum of five thousand dollars ($5,000-00), which said sum represents unrestricted or surplus funds now held by it in its debt service account, to its capital outlay account and to use said funds for capital outlay purposes, including the construction of school buildings now under contract.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 653

CHAPTER 515

AN ACT RELATING TO THE NOMINATION OF THE MEMBERS OF THE VANCE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Vance County shall consist of five qualified electors of said county.

Sec. 2. For the purpose of the nomination of members of the Vance County Board of Education, Vance County shall be divided in districts as follows:

1. Henderson Township shall be designated as District No. 1 and one member of said board shall be a resident and citizen of said district.

2. Dabney, Williamsboro and Watkins Townships shall be designated as District No. 2 and one of the members of said board of education shall be a resident and citizen of said district.

3. Nutbush, Middleburg and Townsville Townships shall be designated as District No. 3 and one member of said board shall be a resident and citizen of said district.

4. Sandy Creek and Kittrell Townships shall be designated as District No. 4 and one member of said board shall be a resident and citizen of said district.

5. The fifth member of said board shall be elected from the county at large and may be a resident and citizen of any portion of Vance County.

Sec. 3. At the primary election of county officers of Vance County held in the year 1952 and biennially thereafter, the political parties of the county shall nominate as their candidates for membership on the Vance County Board of Education one candidate from each of the districts created in this Act who shall be a qualified elector in the district from which he is a candidate. The fifth nomination shall be from the county at large and may be a qualified resident and citizen of any section of the county.
Such candidates shall be voted on by the qualified voters of Vance County as a whole, and the candidate from each district of each party, receiving a majority of the votes cast by the county as a whole, shall be declared the nominee of his respective party from the district in which he is qualified. In the event that no candidate in any district receives a majority of the votes cast in the first primary, there shall be a second primary between the two highest candidates in such district which shall be conducted in the same manner as second primaries held for the nomination of other county officers.

Sec. 4. The names of candidates of each party so nominated shall be duly certified by the chairman of the county board of elections ten days after their nomination is declared, by said county board of elections, to the State Superintendent of Public Instruction, who shall transmit the names, together with the name of the political party nominating them, to the chairman of the committee on education in the next session of the General Assembly within ten days after it convenes.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. 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, 1951.

H. B. 662

CHAPTER 516

AN ACT TO FIX THE COMPENSATION OF THE CORONER OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Coroner of Onslow County shall receive the following compensation, payable from the general fund of said county:

(1) For making any preliminary investigation concerning a death as required by law, when no inquest is held, the sum of ten dollars ($10.00);

(2) For holding an inquest or hearing with his jury concerning a death as required by law, the sum of twenty dollars ($20.00):

Provided, that where one inquiry is held over the bodies of several persons who were killed by the same cause, the coroner shall be entitled to fees as in only one case.

Sec. 2. The provisions of Section 152-5 of the General Statutes of North Carolina not in conflict with this Act shall continue to apply to Onslow County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 663  CHAPTER 517

AN ACT FIXING THE FEES WHICH THE SHERIFF OF ONSLow
COUNTY MAY COLLECT BY AMENDING G. S. 162-6.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-6, insofar as it relates to Onslow County, is
amended so as to authorize the sheriff to charge the following fees:

- Arrest fee ........................................ $2.00
- Capias ............................................. 2.00
- Subpoena in criminal cases ...................... 1.00
- Subpoena in civil cases .......................... 1.00
- Claim and delivery ............................... 2.50
- Civil summons .................................... 1.00
- Execution ......................................... 1.50
- Ejectment ......................................... 1.00
- Summoning and qualifying appraisers to allow homestead
  and personal property exemption (per diem) .......... 2.00
- Attachment ....................................... 2.50
- Summoning and qualifying appraisers for division of land
  (per diem) ....................................... 2.00
- Summoning and qualifying for allotting widow's dower (per
  diem) ........................................... 1.00

Sec. 2. It shall be the duty of the sheriff to collect said fees and to
turn the same over to the general fund of Onslow County.

Sec. 3. All laws and clauses of laws in conflict with the provisions
of this Act are hereby repealed.

Sec. 4. 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, 1951.

H. B. 664  CHAPTER 518

AN ACT FIXING THE FEES OF JUSTICES OF THE PEACE AND
THE FEES OF CONSTABLES OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The duly qualified and acting Justices of the Peace of Union
County are authorized and empowered to include in their bills of cost, for
their use and benefit, the following fees:

- Issuing summons .................................. $2.00
- Each additional defendant ....................... .50
- Issuing summons, application, affidavit, order of attachment and
  undertaking ..................................... 4.00
- Additional defendants, each .................... 1.00
- Issuing subpoenas, each ........................ .25
- Witness fee, civil or criminal actions .......... 1.00
- Trial, civil actions, one defendant, issues joined .. 2.00
- Judgment by default ................................ .50
- Jury trial ......................................... 3.00

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Transcript of judgment ........................................... .50
Issuing execution .................................................. .50
Return on appeal ................................................... 1.00
Order of removal .................................................... .50
Issuing ejectment papers ............................................ 2.50
Issuing Claim and Delivery Papers, including undertaking ...... 2.50
Additional defendants, each ....................................... 1.00
Taking defendant's bond, in civil actions .......................... .50
Continuance of action ............................................... .50
Summoning jurors, each ............................................. .50
Taking acknowledgments on deeds, chattels, affidavits, etc. ....... .25
Issuing warrants, criminal actions .................................. 2.00
Issuing Capias, and other orders, each ............................. 1.00
Recognizance, each .................................................. .50
Trial of criminal actions, one defendant, on plea of not guilty .... 2.00
Additional defendants, each ....................................... 1.00
Trial on plea of guilty, one defendant ............................... 1.00
Additional defendants, each ....................................... .50
Issuing commitment, each .......................................... .50
Issuing Mechanics, laborers and materialman's lien .................. 1.00
Garnishment for taxes, judgment and necessary returns .......... 1.00
Hearing petition for widow’s year’s allowance, issuing notice to commissioners, allotting the same and making returns .......... 3.00
Plus an allowance of 10 cents per mile for travel expense, for distance one way.
Commissioners assisting in allotment of widow’s allowance, each ...... 1.00
Sec. 2. Constables of Union County are authorized and empowered to collect for their services the following fees:
For serving summons, each defendant ................................ $2.00
For serving summons and seizing property in Claim and Delivery .... 3.00
Plus other necessary expense incurred, and approved by the court 
for serving subpoena, each ......................................... 1.00
For serving execution papers ....................................... 1.50
For serving attachment and seizing property ........................ 3.00
Additional defendants, each ....................................... 1.00
For serving Capias, Sci. Fa. and other notices and orders ........ 2.00
Plus other necessary expense incurred and approved by the court for commitment of prisoner to jail .......................... .50
For taking bond ....................................................... 1.00
For summoning jurors, each ....................................... .50
For serving warrant in criminal action ............................... 3.00
Sec. 3. This Act shall apply to Union County only.
Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 5. 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, 1951.
H. B. 679  CHAPTER 519
AN ACT FIXING THE COMPENSATION OF THE COUNTY TREASURER OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Treasurer of Chowan County shall be paid an annual salary of twelve hundred dollars ($1,200.00) payable out of general county funds in equal monthly installments of one hundred dollars ($100.00), the first such monthly payment to be made on July 1, 1951 for the preceding June and payment in an equal amount to be paid on the first of each succeeding month.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 690  CHAPTER 520
AN ACT TO FIX THE COMPENSATION OF THE CORONER OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Coroner of Bertie County shall be paid a salary of three hundred dollars ($300.00) a year, in equal monthly installments out of the general fund of the county, which salary shall be in lieu of all other compensation for his services as coroner.

Sec. 2. The salary provided for in this Act shall be payable retroactively to January 1, 1951.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 695  CHAPTER 521
AN ACT AMENDING CHAPTER 841 OF THE SESSION LAWS OF 1949 IN RESPECT TO THE COMPENSATION OF VARIOUS COUNTY OFFICERS OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 841 of the Session Laws of 1949 is hereby rewritten to read as follows:

"Section 1. Effective as of the 1st day of March 1951, the annual salaries and the fees of the following named officers shall be in the amounts appearing after their respective names:

"Sheriff, three thousand six hundred dollars ($3,600.00), in addition to all fees; Clerk of the Superior Court, three thousand four hundred twenty dollars ($3,420.00), exclusive of compensation as judge of the juvenile
court; register of deeds, three thousand dollars, ($3,000.00), exclusive of compensation as clerk to the board of county commissioners; county accountant, two thousand eight hundred eighty dollars ($2,880.00); county tax collector, two thousand five hundred twenty dollars ($2,520.00); secretary to the register of deeds, one thousand nine hundred eighty dollars ($1,980.00); secretary to the Clerk of the Superior Court, one thousand nine hundred eighty dollars ($1,980.00); two county commissioners, three hundred dollars ($300.00), each, plus eight dollars ($8.00) for each day's attendance on any special meeting of the board, including meetings with the equalization board; chairman of the board of county commissioners, three hundred fifty dollars ($350.00), plus eight dollars ($8.00) for each day's attendance on any special meeting of the board, including meetings with the equalization board; in addition, the chairman and each member of the board of county commissioners shall receive ten cents mileage while traveling on official business; deputy sheriff acting as jailor, six hundred dollars ($600.00), in addition to all fees; deputy sheriff, two thousand four hundred dollars ($2,400.00), in addition to all fees."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 700

CHAPTER 522

AN ACT TO INCREASE THE FEES OF JUSTICES OF THE PEACE IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, the fees that are now provided by law for Justices of the Peace of Mitchell County are increased one hundred per cent (100%) in each instance.

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 3rd day of April, 1951.

H. B. 712

CHAPTER 523

AN ACT TO FIX FEES, COST AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT AND CLERK OF THE RECORDER'S COURT OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees, costs and commissions to be charged and collected by the Clerk of Superior Court of Union County for services rendered by him shall be as hereinafter set out: Provided, that when a fee, cost or com-
mission is not fixed herein such fee, cost or commission shall be charged as set out in the General Statutes of North Carolina, and the fees, costs and commissions herein set out shall be charged and collected by the Clerk of Union County.

Sec. 2. Adoptions, entire proceedings, and recording same before the Clerk of Superior Court, ten dollars ($10.00).

Sec. 3. Appeal, docketing from clerk or any other court, one dollar ($1.00) for one defendant, ten cents (10c) for each additional defendant.

Sec. 4. Appeal to Supreme Court, including certificate and seal, two dollars ($2.00).

Sec. 5. Appointments, administrator or guardian, application and preliminary inventory, bond, oath, order of appointment and original letter, four dollars ($4.00). Each additional letter seventy-five cents (75c).

Sec. 6. Fees for auditing accounts of executors, administrators, et cetera, auditing annual or final accounts of receivers, executors, administrators, administrators with will annexed, collectors, surviving partners, guardian, trustees for incompetents, and trustees under wills, the fee shall be fifty cents (50c) for each one hundred dollars or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) per each one hundred dollars ($100.00) or fraction thereof on everything above one thousand dollars ($1,000.00), but in no instance shall the fee be less than one dollar and fifty cents ($1.50) nor more than fifty dollars ($50.00) for each year, plus recording. Provided, that when stocks and bonds or any other personal property is delivered to any heir, distributee, legatee, or devisee, without converting the same into cash these fees shall be computed and charged on same just as though they had been converted into cash, the value of said stocks, bonds, et cetera to be fixed as of the date of death or qualification of the fiduciary, the fee to be charged by the clerk at time of filing either annual or final account.

Sec. 7. Accounts of trustees and mortgagees: Auditing final accounts of trustees and mortgagees or other persons, firms or corporations selling real estate under foreclosure proceeding required by law to render such final account, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) through one thousand dollars ($1,000.00), and five cents (5c) for each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00); provided, the minimum fee shall be not less than one dollar and fifty cents ($1.50) and provided, the maximum fee shall be not more than twenty-five dollars ($25.00).

Sec. 8. Report of convictions for violations of motor vehicle laws in Superior Court and in recorder's court, fifty cents (50c).

Sec. 9. Bill of costs, preparing, fifty cents (50c).

Sec. 10. Bond or recognizance, including justification for all bonds not otherwise provided for, one dollar ($1.00).

Sec. 11. Bond: Prosecution bond for costs, including justification, sixty cents (60c).

Sec. 12. Capias: Each defendant, one dollar ($1.00), whether defendant is arrested or not.
Sec. 13. Caveat to Wills: Entering and docketing the same for trial, two dollars and fifty cents ($2.50); and ten cents (10c) for entering on cross index as to each party in the proceeding.

Sec. 14. Certificate and seal: Fifty cents (50c), except when it is a charge against the county, and in that instance, no fee shall be charged.

Sec. 15. Commissions: Appointing and issuing, fifty cents (50c), without seal.

Sec. 16. Commissions: Five per cent (5%) commissions shall be allowed the clerk on all fines, forfeitures, penalties, amercements and taxes paid the clerk by virtue of his office.

Sec. 17. Commissions: The clerk shall receive three per cent (3%) on all sums of money placed in his hands by virtue of his office, except on judgments, decrees and executions.

Sec. 18. Copies of records verifying, twenty-five cents (25c) per page and fifty cents (50c) additional for certificate and seal.

Sec. 19. Commissioners: Return on sale by commissioner when fund is turned over to a fiduciary, one dollar ($1.00).

Sec. 20. Confirmation of sale: When signed by the clerk or judge, one dollar ($1.00).

Sec. 21. Deed: Probate of deed, deed of trust, mortgage, etc. twenty-five cents (25c).

Sec. 22. Divorce, alimony and annulment actions: Non-contested. Total clerk's fee through rendition and docketing of judgment, and sheriff's fee when not over one dollar ($1.00), sixteen dollars ($16.00), to be paid at time action is instituted. The fee of sixteen dollars ($16.00) includes the true copy stamp and seal on two copies of judgment, but does not include the copying of the judgment.

Sec. 23. Dower: Issuing writ of dower, two dollars ($2.00).

Sec. 24. Ex-parte proceedings: Docketing, one dollar ($1.00).

Sec. 25. Execution: Regular form, issuing, and docketing return of sheriff, one dollar ($1.00).

Sec. 26. Execution: Issuing to another county, one dollar and fifty cents ($1.50).

Sec. 27. Filing papers: Ten cents (10c) for each paper filed.

Sec. 28. Guardian: Notifying solicitor of removal of guardian, one dollar ($1.00).

Sec. 29. Hearing before the clerk, one dollar ($1.00) per hour for each hour; minimum fee to be not less than two dollars ($2.00).

Sec. 30. Indexing all matters, ten cents (10c) each time indexed.

Sec. 31. Indictment: Docketing for each person in bill, seventy-five cents (75c).

Sec. 32. Indictment: Certificate on bill of indictment, fifty cents (50c).

Sec. 33. Inventory of administrator, administrators with will annexed, receivers, surviving partners, executors, guardians, collectors, trustees for incompetents, and trustees under will, regular form, one dollar ($1.00), each additional sheet, fifty cents (50c).

Sec. 34. Corporation certificate and limited partnerships: Recording first four pages three dollars ($3.00), including the certificate of Secretary of
State, plus fifty cents (50c) for each additional page or fraction thereof. Minimum fee three dollars ($3.00).

Sec. 35. Justices of the peace: Qualifying, fifty cents (50c).

Sec. 36. Judgment: Docketing judgments, one dollar ($1.00).

Sec. 37. Judgment: Each certificate of satisfaction or docket entries with seal, seventy-five cents (75c).

Sec. 38. Judgment: Final judgment in all civil and criminal actions, one dollar ($1.00), whether signed by clerk or judge.

Sec. 39. Judgment: By confession, without notice, all services, three dollars ($3.00).

Sec. 40. Judgment nisi: Recording each, fifty cents (50c).

Sec. 41. Jury: Impaneling, twenty-five cents (25c).

Sec. 42. Jury tax: Five dollars ($5.00) to be taxed in every case in which jury is impanelled.

Sec. 43. Lien and lis pendens: Minimum fee one dollar and fifty cents ($1.50) for one page. Fifty cents (50c) each additional page.

Sec. 44. Motion: Entry and record of, twenty-five cents (25c).

Sec. 45. Notice and order: All notices and orders, whether signed by judge or clerk, fifty cents (50c).

Sec. 46. Notary Public: Qualifying, indexing, and notification to Governor, one dollar ($1.00).

Sec. 47. Nurses, doctors, and pharmacists: Registering, including certificate and seal, one dollar ($1.00).

Sec. 48. Partnership: Probate of regular certificates and recording same, one dollar ($1.00).

Sec. 49. Process Agent: Recording appointment of process agent for nonresident, one dollar ($1.00).

Sec. 50. Presentment: Each defendant, in same, fifty cents (50c).

Sec. 51. Recording: Double space, fifty cents (50c) per page; single space, one dollar ($1.00) per page.

Sec. 52. Renunciation of right to administer or qualify a fiduciary, receiving, filing and noting same, fifty cents (50c).

Sec. 53. Record: Transcript of any matter of record or papers on file, one dollar ($1.00) per page.

Sec. 54. Referee: Stating any account as referee, pursuant to order of the judge, such allowance as the judge may make.

Sec. 55. Summons: Docketing one name, twenty-five cents (25c). Ten cents (10c) each additional defendant.

Sec. 56. Summons: Issuing original in any action, one dollar ($1.00).

Sec. 57. Summons: Every copy of same, twenty-five cents (25c).

Sec. 58. Seal office: Twenty-five cents (25c).

Sec. 59. Subpoena: Each name in same, twenty-five cents (25c).

Sec. 60. Stenographer: Court stenographer, a fee of five dollars ($5.00) to be charged in all civil and criminal cases in which stenographer is used, for use of general fund.

Sec. 61. Transcript: Issuing transcript of judgment to another county, one dollar ($1.00).

Sec. 62. Transcript on issues of law joined, one dollar ($1.00).
Sec. 63. Wills: Executed, holograph and nuncupative. Application for probate, examination of witnesses, one verified copy of will to executor, order of probate, notices to beneficiaries, indexing two names (ten cents (10c) per name over two), and recording will, if will not over three pages five dollars ($5.00). For each additional page or fraction thereof, one dollar ($1.00). Qualifying as executor three dollars ($3.00).

Sec. 64. Widows' year's support: Docketing one dollar ($1.00).

Sec. 65. No jury tax to be charged in civil cases when clerk signs judgment.

Sec. 66. That whenever any regular juror summoned for the beginning of any term of court is excused on his own motion by the judge, without serving as a juror in any case, he shall not receive any compensation for attending as such juror.

Sec. 67. The foregoing shall be the fees to be charged by the Clerk of the Superior Court and Clerk of the Recorder's Court of Union County in criminal actions wherein the defendant is adjudged to pay the costs, said fees to be taxed by the clerk in the bill of costs against the losing party for the purposes and in the actions enumerated herein.

Sec. 68. That this Act shall apply to Union County only.

Sec. 69. That all laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 70. That this Act shall be in full force and effect from and after the thirtieth day following its ratification.

The fees provided herein to be paid to the clerk for services rendered by him, as Clerk of the Superior Court and Clerk of Recorder's Court of Union County, shall be collected as provided in Section 138-2 of the General Statutes.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 714

CHAPTER 524

AN ACT PERMITTING THE BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF HIGH POINT TO SELL CERTAIN LAND TO THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That the Board of School Commissioners of the City of High Point be, and it is hereby authorized and empowered to sell to the City of High Point at private sale, without advertisement or competitive bidding, all of that certain tract of land now owned by said board of school commissioners and located on Elm and Church Streets, High Point, North Carolina, and being otherwise known as the "Elm Street School property", when such property shall have been determined by resolution by such board of school commissioners to be no longer needed for school purposes; provided the said board of school commissioners and the Council of the City of High Point should reach an agreement as to the amount that should be paid by the City of High Point to the board of school commissioners for such property.
Sec. 2. That the method of sale authorized by this Act be independent of and in addition to any other method by which such board of school commissioners may sell such property and not subject to any limitation or restriction contained in any other public or private law or laws.

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, 1951.

H. B. 721

CHAPTER 525
AN ACT TO FIX THE COMPENSATION OF THE CORONER OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Graham County, the coroner of said county shall receive the sum of ten dollars ($10.00) for holding an inquest over a dead body, and if necessarily engaged more than one day, for each additional day, the sum of ten dollars ($10.00). The Coroner of Graham County shall be paid a mileage of seven cents (7c) per mile in going to and returning from the performance of his official duties, the said mileage to be paid for mileage traveled each way, and only when the coroner is required by law to engage in travel for the performance of his official duties.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 722

CHAPTER 526
AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Gates County and the chairman of the Board of Education of Gates County shall be paid fifteen dollars ($15.00) per day and each other member of each of said boards shall be paid twelve dollars ($12.00) per day for attendance at regular and special meetings of said boards, respectively, which compensation shall be in addition to such travel or mileage allowance therefor as may be otherwise provided by law.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 729  

CHAPTER 527  

AN ACT TO FIX CERTAIN FEES FOR THE REGISTER OF DEEDS OF ASHE COUNTY, AND CERTAIN FEES, COSTS AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF ASHE COUNTY.  

The General Assembly of North Carolina do enact:  

Section 1. On and after the first day of the month following the ratification of this Act, the fees to be charged by the Register of Deeds of Ashe County shall be as hereinafter set out:  

Recording deeds and deeds of trust written on regular blank forms, $2.00; recording conditional sales contracts, $1.25 for first three copy sheets and 25c for each additional copy sheet; recording regular form chattel mortgages, 75c; recording Federal Land Bank deeds of trust, home loan and veterans deeds of trust, FSA and FHA deeds of trust that are on forms furnished to or in the office of said register of deeds, $2.00; recording FSA agricultural crop liens or chattel mortgages, $2.00; recording any of the foregoing instruments for which blanks were not furnished said register of deeds or which do not conform to a regular form, $1.50 for the first three copy sheets and 25c for each additional copy sheet; recording discharges from military or naval service, 75c; issuing marriage license, $2.00; making out tax receipts per name, 12½c; writing county claims, per claim, 10c; clerk to board of county commissioners, per month, $25.00; making certified copies of marriage certificates, 75c; making certified copies of birth certificate, 75c; indexing vital statistics, per name, 10c; cancelling deeds of trust, mortgages and conditional sales contracts, when cancelled by trustee or mortgagee, 25c, and when cancelled by the register of deeds from the paid instruments, 50c; preparing list of names for jury box when revision of jury box is made, $25.00; recording said names in jury book, $25.00.  

Sec. 2. All fees now charged and received by the said Register of Deeds of Ashe County not otherwise fixed herein shall be in the same amounts as now allowed by law in Ashe County.  

Sec. 3. On and after the first day of the month following the ratification of this Act, the fees, costs and commissions to be charged and collected by the Clerk of the Superior Court of Ashe County shall be as follows:  

(1) Adoptions, entire proceedings and recording same, $15.00.  

(2) Letters of administration, letters testamentary, and letters of guardianship, including bond, oath and order of appointment and original letter, $5.00, each additional letter or copy, 75c.  

(3) Bill of costs, preparing, $1.00.  

(4) Bond of recognizance, including justification, for all bonds not otherwise provided for, $1.00.  

(5) Cancelling notice of lis pendens, 50c.  

(6) Continuance, 50c, in all cases.  

(7) Commissions, three per cent (3%) on all fines, penalties and amerce-ments paid to the clerk by virtue of his office, such commissions to be added to fines, penalties and amerce-ments and taxed in the bill of costs.
(8) Commissions, three per cent (3%) on all moneys paid into the office of the said clerk by virtue of his office, except as above set out and on judgments, decrees and executions.

(9) Confirmation of sale when signed by the clerk or judge, $1.00.

(10) Acknowledgment and probate of deeds, deeds of trust, mortgages, etc. cetera, or probate of the same when previously acknowledged, 50c.

(11) Docketing summons $1.00.

(12) Divorce, alimony and annulment actions, noncontested, total clerk's fees, $15.00.

(13) Execution, regular form, issuing and docketing sheriff's return, $2.00.

(14) Execution, issuing to another county, $2.00.

(15) Notice and order, whether signed by judge or clerk, $1.00.

(16) Notary Public, qualifying, indexing and notification to Governor, 50c.

(17) Recording certificate of incorporation and limited partnerships, including certificate of Secretary of State, $5.00.

(18) Renunciation of right to administer or renunciation of executor, filing and noting same, 50c.

(19) Summons, issuing original in any action, $1.00, and 25c for each copy of the same.

(20) Seal of office, 50c.

(21) Wills, application for probate, examination of witnesses, one certified copy of will, order of probate, indexing and recording will, $5.00, and for each additional certified copy of will, $1.00.

(22) Deputy clerk hire for each term of Superior Court of Ashe County, $25.00, to be paid out of general county funds.

(23) For serving as judge of the juvenile court, $25.00 per month, to be paid out of general county funds, providing the said clerk shall collect whenever possible to do so the cost of cases tried by him as judge of the juvenile court, any cost collected to be applied on said salary of $25.00 per month.

Sec. 4. All fees, costs and commissioners not provided for and herein-after set out shall be taxed and charged by the said Clerk of the Superior Court in accordance with the general law and any previous special law or Act now applying to Ashe County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on the first day of the calendar month following its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 736 CHAPTER 528
AN ACT TO PROVIDE TRAVEL EXPENSES FOR THE SHERIFF OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 407 of the Session Laws of 1947 is hereby amended by striking out in lines 3 and 4 of said Section 1 the following: “shall be paid the sum of twenty-five dollars ($25.00) a month for travel expenses”, and by substituting in lieu thereof the following: “shall be paid, in the discretion of the Board of County Commissioners of Caswell County, not less than twenty-five dollars ($25.00) and not more than fifty dollars ($50.00) per month for travel expenses.”

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 738 CHAPTER 529
AN ACT TO AMEND G. S. 161-10 AND G. S. 161-10.1 RELATING TO FEES FOR REGISTER OF DEEDS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 161-10 is amended by adding a new paragraph at the end of that Section to read as follows:
“The Register of Deeds of Richmond County shall receive for registering chattel mortgages, statutory form, seventy-five cents (75c)”.

Sec. 2. G. S. 161-10.1 is amended by adding a new paragraph at the end of that Section to read as follows:
“The Register of Deeds of Richmond County shall receive for registering short form of lien bond, or lien bond and chattel mortgage combined, seventy-five cents (75c)”.

Sec. 3. This Act shall apply only to Richmond County.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall become effective from and after its ratification.
In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 747 CHAPTER 530
AN ACT AMENDING CHAPTER 61 OF THE PUBLIC-LOCAL LAWS OF 1915, AS AMENDED, IN RESPECT TO THE COMPENSATION OF THE SHERIFF'S DEPUTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 61 of the Public-Local Laws of 1915, as amended, and as specifically amended by Chapter 692 of the Session Laws of 1945, is hereby further amended by rewriting the paragraph added to Section 7
of Chapter 61 of the Public-Local Laws of 1915 by Section 1 of Chapter 175 of the Session Laws of 1949, so that said added paragraph shall read as follows:

"That in addition thereto, the sheriff is authorized to employ an office deputy or clerical assistant, the amount of whose salary shall be determined by the Board of County Commissioners of Pasquotank County in its discretion, such salary to be paid in equal monthly installments by the board of county commissioners out of general county funds."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 750

CHAPTER 531

AN ACT TO APPOINT TRUSTEES OF THE TRYON CITY ADMINISTRATIVE SCHOOL UNIT IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Woodrow L. Hague, Nelson Jackson III, Cary L. Page, Edward Lankford and John Z. Preston are hereby appointed Trustees of the Tryon City Administrative School Unit for a term of two years, beginning April 1st, 1951, and continuing until March 31st, 1953, or until their successors are appointed and qualified. All vacancies in the membership of said board of trustees by death, resignation, or otherwise, shall be filled by the action of the county executive committee of the political party of the member causing such vacancy, until the meeting of the next Regular Session of the General Assembly, and then for the residue of the unexpired term of that body. All vacancies that are not filled by the county executive committee under the authority herein contained within 30 days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education. The persons herein appointed trustees of said school unit must qualify by taking the oath of office on or before the first Monday in April, 1951. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within 30 days after notification thereof. A failure to qualify within that time shall constitute a vacancy. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 755  
CHAPTER 532  
AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF JACkSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 7 of Chapter 17 of the Session Laws of 1947 is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 7. Effective as of April 1, 1951, the Register of Deeds of Jackson County shall be paid an annual salary of three thousand six hundred dollars ($3,600.00) by the county, payable in equal monthly installments and said salary shall be in lieu of all fees, commissions and allowances now provided by law and shall be full compensation for said register of deeds for all services performed by him of whatsoever nature and kind. The said register of deeds shall collect all fees, commissions and allowances which he is required to collect by law for the performance of his official duties and shall keep a record of same and turn over all such fees, commissions and allowances to the finance commissioner to be paid into the General Fund of Jackson County. It shall be the duty of the Governing Authority of Jackson County to furnish the register of deeds necessary clerical assistance for the performance of the duties of his office, not to exceed the sum of fifteen hundred dollars ($1,500.00) as salaries or compensation for such assistance."

Sec. 2. Section 8 of Chapter 17 of the Session Laws of 1947 is hereby amended by rewriting the first sentence of said Section 8 so that said first sentence shall hereafter read as follows: "The Sheriff of Jackson County shall be paid an annual salary of four thousand two hundred dollars ($4,200.00) by the Governing Authority of Jackson County, payable in equal monthly installments, and the payment of said salary shall be retroactive to January 1, 1951; that said salary of four thousand two hundred dollars ($4,200.00) shall be in lieu of all fees, commissions and allowances now provided by law, and it shall be the duty of the Sheriff of Jackson County to collect all such fees, commissions and allowances which he is authorized to collect under the law for the performance of the duties of his said office and turn over the same to the Finance Commissioner of Jackson County to be paid into the General Fund of Jackson County."

Sec. 3. Section 10 of Chapter 17 of the Session Laws of 1947 is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 10. A full-time chairman of the county commissioners, known as the finance commissioner, shall be paid an annual salary of four thousand two hundred dollars ($4,200.00), payable in equal monthly installments, and the payment of said salary shall be retroactive to January 1, 1951; the other commissioners shall be paid ten dollars ($10.00) per diem and five cents (5c) per mile travel while actually serving."

Sec. 4. Section 12 of Chapter 17 of the Session Laws of 1947 is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 12. Effective as of April 1, 1951, the Clerk of the Superior Court of Jackson County shall be paid by the governing authority of said county the sum of three thousand nine hundred dollars ($3,900.00) per annum,
payable in equal monthly installments; that said salary of three thousand nine hundred dollars ($3,900.00) shall be in full compensation for any services performed by said Clerk of the Superior Court in any capacity whatsoever and shall be in lieu of any fees, commissions and allowances now provided by law. The Clerk of the Superior Court of Jackson County shall collect all such fees, commissions and allowances which are now authorized by law to be collected for the performance of the duties and services of his office, and shall keep a record of same, and said fees, commissions and allowances shall be paid over to the finance commissioner to go into the General Fund of the County of Jackson. The Clerk of the Superior Court of Jackson County shall employ such assistants, deputies and clerical assistance as he may deem necessary and the Governing Authority of Jackson County shall pay the salaries of such assistants, deputies or employees: Provided, that the Governing Authority of Jackson County shall not expend in excess of nine hundred dollars ($900.00) under this provision. The provisions of this Section shall not, however, deprive the Clerk of the Superior Court of Jackson County from collecting, for his own use, all fees, allowances and charges on all matters now pending in his office and which shall be pending up to and including April 1, 1951."

Sec. 5. No conveyance of land, sale of standing timber, mineral interest or any sale of any interest in real property or any deed or instrument for same, shall be registered in the office of the Register of Deeds of Jackson County until said conveyance, sale, instrument or deed has been presented to the Tax Supervisor of Jackson County to the end that he may note such transfer or make any notations as to such transfer for the records of his office, and upon endorsing said instrument to the effect that he has examined same and such notations have been made, said conveyance, deed or other instrument may then be registered in the office of the Register of Deeds of Jackson County. No register of deeds shall register any such instrument until said endorsement has been made by the tax supervisor, certifying that he has examined same and made the proper notations on his records.

Sec. 6. In all cases where any county officer of Jackson County is required to give a bond and the said officer or officers are paid by a set or fixed salary, the County Commissioners of Jackson County shall pay the premiums on the bonds of all such officers.

Sec. 7. The Sheriff of Jackson County shall collect a fee of fifty cents (50c) for the imprisonment of any person in a civil or criminal action and a fee of fifty cents (50c) for the release from prison of any person. The fees collected under this provision shall be disposed of by the Sheriff of Jackson County as are other fees collected by said sheriff.

Sec. 8. Rewrite Section 9 of Chapter 17 of the Session Laws of 1947, to read as follows:

"Sec. 9. The sheriff shall appoint one deputy who shall serve as jailer, and who shall receive as his compensation the sum of two hundred seventy-five dollars ($275.00) per month, and from such compensation the said deputy, serving as jailer, shall provide a matron to supervise and care for the woman’s department of the Jackson County jail, and from such
compensation he shall also provide janitor and laundry service for said jail and shall purchase, prepare and serve suitable, adequate and wholesome food for all prisoners lawfully committed to said jail as provided by law. Each defendant in a criminal case shall pay into the General Fund of Jackson County the sum of two dollars ($2.00) for each day he is confined or imprisoned in the County Jail of Jackson County, which said sum shall be taxed in the bill of costs in his case as jail fee. The sheriff shall appoint a second deputy who shall make his home within one (1) mile of the city limits of Cashiers, and who shall serve at the discretion of the commissioners, primarily for the southern end of the county, and who shall be paid the sum not to exceed one hundred and eighty dollars ($180.00) per month."

Sec. 9. Chapter 948 of the Session Laws of 1949 and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 761

CHAPTER 533

AN ACT TO REGULATE CERTAIN FEES OF SHERIFF AND CONSTABLES IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Sheriffs and constables in Gaston County shall receive the following fees:

(a) Executing subpoena on witness .................. $1.00
(b) Executing summons, writ, or notice ................ 2.00
(c) For every execution either civil or criminal cases .............. 2.00
(d) Seizing property in claim and delivery .................. 3.00
(e) For levying a judgment .................................. 2.00
(f) For collecting execution for money in civil actions: 5% on the amount collected to the amount of $500.00 and 2½% on the balance.

(g) For allotment of homestead:
Summons of jury ........................................... 1.00
Fee to juror ............................................... 5.00
Fee to foreman (For preparing and filing of report) ........... 10.00

Sec. 2. Such provisions of Chapter 44 of the Public-Local Laws of the Extra Session of 1920 as in any way conflict with the provisions of this Act are hereby repealed; and all other 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 July 1, 1951.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
AN ACT TO REGULATE FEES FOR SERVICE OF JUDICIAL PAPERS BY THE SHERIFF'S OFFICE IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County is hereby authorized to regulate the fees to be charged and taxed as a part of the bills of costs in any civil or criminal action in said county wherein the sheriff's office is required to serve papers, as follows: Service of summons in civil actions not to exceed $2.00 for each defendant named therein; service of claims and deliveries not to exceed $5.00, exclusive of the fees charged for service of summons; service of warrants of attachment not to exceed $5.00, exclusive of the fees charged for service of summons; service of judicial orders not to exceed $2.00; service of duly issued notices in connection with civil actions not to exceed $2.00; and service of warrants in criminal actions not to exceed $3.00.

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 3rd day of April, 1951.

AN ACT TO FIX THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Northampton County is hereby authorized, in its discretion, to increase the salaries of all county officers and employees, whose salaries are now paid exclusively by Northampton County, by an amount not to exceed ten per cent (10%) of the present salaries now paid to such officers and employees, it being the purpose of this Act to authorize the board of commissioners to raise the salaries of all officers and employees of Northampton County whose salaries are paid exclusively from the funds of Northampton County and not to raise the salaries of those employees who are paid in part from funds derived from other governmental agencies.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.
H. B. 770

CHAPTER 536

AN ACT TO FIX THE CLERK'S FEES IN THE SUPERIOR COURT AND RECORDER'S COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In all civil actions and special proceedings in the Superior Court of Columbus County, the fees of the Clerk of the Superior Court shall be eight dollars ($8.00) to be paid in advance.

Sec. 2. In all cases in Recorder's Court of Columbus County the fees of the clerk of said court shall be seven dollars ($7.00), and the solicitor's fee shall be six dollars ($6.00), and all such cases appealed to the Superior Court said fees shall be taxed as part of the cost in said Superior Court in addition to the fees as now by law provided.

Sec. 3. The provisions of Chapter 466 of the Session Laws of 1949 in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after June 1, 1951.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 771

CHAPTER 537

AN ACT TO FIX THE FEES FOR THE PROBATE AND REGISTRATION OF INSTRUMENTS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the probate and registration of instruments required or permitted by law to be registered in Columbus County, the Clerk of the Superior Court and the Register of Deeds of Columbus County shall be paid the following fees:

For the probate and registration of all instruments which before the effective date of this Act were probated and registered for forty cents (40c), there shall be paid for the probate and registration of each such instrument the sum of sixty cents (60c). Of this sixty cents (60c), ten cents (10c) shall be for the clerk's probate and fifty cents (50c) for the recording of the instrument. For all other instruments required or permitted by law to be registered in Columbus County, there shall be paid for the probate and registration of each such instrument one dollar and fifty cents ($1.50) for the first three hundred words or fraction thereof and twenty cents (20c) for each additional one hundred words. Of this sum twenty-five cents (25c) shall be paid for the clerk's probate and the remainder for recording the instrument; provided, that the minimum fees for probating and recording any real estate deed or mortgage shall be two dollars ($2.00), and for any deed of trust two dollars and twenty-five cents ($2.25), and maps or plats two dollars and fifty cents ($2.50) per page used.

Sec. 2. The provisions of Chapter 1157 of the Session Laws of 1949 in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after June 1, 1951.

451
In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 790  CHAPTER 538
AN ACT RELATING TO THE FEES OF THE SHERIFF OF VANCE COUNTY.

The General Assembly of North Carolina do enact:
Section 1. That the Sheriff of Vance County, North Carolina shall charge the following fees, for services of the following processes:
For arrest fee State warrants ........................................... $2.00
For arrest fee for capias .................................................. 2.00
Subpoena of witnesses, criminal and civil ................................ 1.00
Summons in civil actions and special proceedings ...................... 1.50
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 3rd day of April, 1951.

H. B. 792  CHAPTER 539
AN ACT TO AMEND HOUSE BILL NO. 60 ENTITLED "AN ACT RELATING TO FEES OF JUSTICES OF THE PEACE IN POLK COUNTY" HERETOFORE ENACTED AT THE 1951 SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:
Section 1. House Bill No. 60 entitled "An Act Relating to Fees of Justices of the Peace in Polk County" heretofore enacted at the 1951 Session of the General Assembly of North Carolina is hereby amended by striking out the word "Judge" in the fourth item in the schedule of fees set forth in Section 1 of the Act and by inserting in lieu thereof the word "judgment".
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 793  CHAPTER 540
AN ACT TO FIX THE COMPENSATION OF THE CORONER OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:
Section 1. The Coroner of Buncombe County shall be paid an annual salary of four thousand dollars ($4,000.00), payable in the same manner and at the same time as the salaries of other county officials, and said
salary shall be in lieu of any and all other compensation for performing his duties as coroner.

Sec. 2. Chapter 910 of the Session Laws of 1949 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

H. B. 795

CHAPTER 541

AN ACT AMENDING CHAPTER 788 OF THE SESSION LAWS OF 1949 RELATING TO THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE COUNTY OF HERTFORD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 788 of the Session Laws of 1949 is hereby amended as follows:

(a) In the fourth and fifth lines of Section 1 of said Chapter strike out the words and figures “three thousand dollars ($3,000.00)” and insert in lieu thereof the words and figures “thirty-six hundred dollars ($3600.00)”.

(b) In the third and fourth lines of Section 2 of said Chapter strike out the words and figures “thirty-four hundred fifty dollars ($3,450.00)” and insert in lieu thereof the words and figures “forty-one hundred forty dollars ($4140.00)”.

(c) In the third and fourth lines of Section 3 of said Chapter strike out the words and figures “thirty-eight hundred dollars ($3800.00)” and insert in lieu thereof the words and figures “forty-five hundred sixty dollars ($4560.00)”.

(d) In the third and fourth lines of Section 4 of said Chapter strike out the words and figures “three thousand dollars ($3000.00)” and insert in lieu thereof the words and figures “thirty-six hundred dollars ($3600.00)”.

(e) In the third line of Section 5 of said Chapter strike out the words and figures “twenty-eight hundred dollars ($2800.00)” and insert in lieu thereof the words and figures “thirty-three hundred sixty dollars ($3360.00)”.

Sec. 2. Chapter 788 of the Session Laws of 1949 is hereby further amended by rewriting Section 7 thereof to read as follows:

“Sec. 7. The salary of the Deputy Clerk of Superior Court of Hertford County shall not be less than eighteen hundred dollars ($1800.00) per annum nor more than twenty-one hundred sixty dollars ($2160.00) per annum, to be determined by the board of county commissioners of said county.”

Sec. 3. Chapter 788 of the Session Laws of 1949 is hereby further amended by rewriting Section 8 thereof to read as follows:

“Sec. 8. The salary of the Deputy Register of Deeds of Hertford County shall be not less than eighteen hundred dollars ($1800.00) per annum nor more than twenty-one hundred sixty dollars ($2160.00) per annum, to be determined by the board of county commissioners of said county.”
Sec. 4. Chapter 788 of the Session Laws of 1949 is hereby further amended by adding a new Section thereto to be designated Section 9 and to read as follows:

"Sec. 9. The salary of the clerical assistant to the Tax Collector of Hertford County shall be not less than eighteen hundred dollars ($1800.00) per annum nor more than twenty-one hundred sixty dollars ($2,160.00) per annum, to be determined by the board of county commissioners of said county."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1951.

S. B. 100  
CHAPTER 542

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES AS THE SAME RELATES TO OPERATORS' AND CHAUFFEURS' DRIVER'S LICENSES AND TO PROHIBIT THE PHOTOSTATING OR REPRODUCING OF OPERATORS' AND CHAUFFEURS' DRIVER'S LICENSES.

The General Assembly of North Carolina do enact:

Section 1. Section 20-7 of the General Statutes is hereby amended by rewriting subsection (a) thereof to read as follows:

"(a) Except as otherwise provided in Section 20-8, no person shall act as or operate a motor vehicle over any highway in this State as a chauffeur unless such person has first been licensed as a chauffeur by the department under the provisions of this Article. Except as otherwise provided in Section 20-8, no person shall operate a motor vehicle over any highway in this State unless such person has first been licensed as an operator or a chauffeur by the department under the provisions of this Article."

Section 2. Section 20-7 of the General Statutes is hereby amended by rewriting subsection (g) thereof to read as follows:

"(g) Every chauffeur's license issued under this Section shall automatically expire on the birthday of the licensee in the year following the year of issuance, and chauffeurs shall renew their licenses annually after an examination which may include road tests, oral and, in the case of literate applicants, written tests, and tests of vision as the department may require: Provided, that the commissioner may, in proper cases, waive the examination required by this subsection."

Sec. 3. Section 20-9 of the General Statutes is hereby amended by adding a new subsection at the end thereof, to be designated subsection (f) and to read as follows:

"(f) The department shall not issue an operator's or chauffeur's license to any person whose license is in a state of revocation or suspension in any state of which such person was a resident at the time of the suspension or revocation of his license."
Sec. 4. Section 20-30 of the General Statutes is hereby amended by adding at the end thereof a new subdivision, to be designated subdivision (f) and to read as follows:

“(f) To photostat or otherwise reproduce an operator’s or chauffeur’s license or to possess an operator’s or chauffeur’s license which has been photostated or otherwise reproduced, unless such photostat or other reproduction was authorized by the commissioner.”

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 5th day of April, 1951.

S. B. 193

CHAPTER 543

AN ACT TO PERMIT AND ALLOW THE CLERK OF THE TOWN OF APEX TO PAY ALL PAST AND FUTURE ACCUMULATED UNPAID WITNESS FEES INTO THE GENERAL FUND OF THE TOWN OF APEX AFTER SAID WITNESS FEES HAVE REMAINED UNPAID AND UNCALLED FOR FOR A PERIOD OF SIXTY DAYS.

The General Assembly of North Carolina do enact:

Section 1. That by this Act the Clerk of the Town of Apex is hereby permitted and allowed to pay all past and future accumulated unpaid witness fees derived from the trial of cases in the Recorder’s Court for White Oak, Buckhorn, Cedar Fork and Leesville Townships at Apex into the general fund of said town, after said witness fees have remained unpaid and uncalled for for a period of 60 days. The town clerk is to make a report of said accumulated unpaid witness fees to the Board of Commissioners of the Town of Apex every 60 days.

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 5th day of April, 1951.

S. B. 233

CHAPTER 544

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 95 OF THE GENERAL STATUTES RELATING TO BOILER INSPECTOR EXAMINATIONS AND BOILER INSPECTION FEES.

The General Assembly of North Carolina do enact:

Section 1. G.S. 95-62 is hereby amended by rewriting the Section to read as follows:

“§ 95-62. Special inspectors; certificate of competency; fees. In addition to the deputy boiler inspectors authorized by § 95-61, the Commissioner of Labor shall, upon the request of any company authorized to
insure against loss from explosion of boilers in this State, issue commissions as special inspectors to any qualified boiler inspectors of said company who have certificates of competency. To be entitled to a certificate of competency a boiler inspector must either—

(1) Have passed the examination for inspectors provided for by G. S. 95-63, or

(2) Have passed an examination on boiler inspection in a state having standards therefor equal to this State, or

(3) Hold a certificate from the national board of boiler and pressure vessel inspectors.

The commission shall be in the form of a credential card for which a fee of $2.00 must be paid. The commission remains in force until the next succeeding December 31, and must be renewed annually thereafter.

Such special inspectors shall receive no salary from, nor shall any of their expenses be paid by, the State, and the continuance of a special inspector’s commission shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid and upon his maintenance of the standards imposed by this Article.

Such special inspectors shall inspect all steam boilers insured by their respective companies, and the owners of such insured boilers shall be exempt from the payment of the fees provided for in § 95-68. Each company employing such special inspectors shall, within 30 days following each annual internal inspection made by such inspectors, file a report of such inspection with the Commissioner of Labor."

Sec. 2. (a) G. S. 95-63 is hereby amended by adding a paragraph at the beginning of the Section to read as follows:

“Application for examination as an inspector of boilers shall be in writing, and in duplicate, upon forms furnished by the Department of Labor, and shall be accompanied by a fee of ten ($10.00) dollars.”

(b) G. S. 95-63 is hereby further amended by adding the following sentence at the end of the first paragraph:

“If the applicant is successful in passing the said examination, he is entitled to a Certificate of Competency.”

Sec. 3. G. S. 95-68 is hereby amended by rewriting all of the Section down through and including the words “one year” in line 25 to read as follows:

“The person using, operating or causing to be operated any boiler listed in this Section, required by this Article to be inspected by the chief boiler inspector or a deputy inspector, shall pay to the inspector, for the inspection of any such boiler, fees in accordance with the following schedule:

Miniature boilers, which do not exceed 18 inches inside diameter of shell, 100 pounds per square inch maximum allowable working pressure:
General inspection ........................................ $5.00

Fire tube boilers with hand holes only:
Internal inspection ........................................ 6.00
External inspection while under pressure ............... 4.00
Fire tube boilers with man holes:
  Internal inspection .............................................. 12.00
  External inspection while under pressure .................... 4.00
Water tube boiler (coil type):
  General inspection ............................................. 6.00
Water tube boilers with not more than 500 square feet of heating surface:
  Internal inspection ............................................. 6.00
  External inspection while under pressure .................... 4.00
Water tube boilers with more than 500 but not more than 3000 square feet of heating surface:
  Internal inspection ............................................. 12.00
  External inspection while under pressure .................... 4.00
Water tube boilers with more than 3000 square feet of heating surface:
  Internal inspection ............................................. 20.00
  External inspection while under pressure .................... 6.00.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 353

CHAPTER 545

AN ACT AUTHORIZING THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF SOUTHPORT TO CONVEY CERTAIN LOTS IN SAID CITY AND TO VALIDATE ALL CONVEYANCES HERETOFORE MADE BY THE CITY OF SOUTHPORT.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Board of Aldermen of the City of Southport be and are hereby authorized and empowered to convey, by deed in fee simple, the lot or lots on the court house square in said city to the trustees of the St. Phillips Episcopal Church of Southport, North Carolina said lot or lots being the same lot or lots upon which the Episcopal Church is now located and fully described in the deed recorded in Book No. 100, page 617, in the office of the Register of Deeds of Brunswick County.

Sec. 2. That all conveyances heretofore authorized and made by the Mayor and the Board of Aldermen of the City of Southport at private sale be and are hereby validated, and the grantees therein are vested with a good and valid title or interest as set forth in said conveyance.

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 5th day of April, 1951.
S. B. 363  

CHAPTER 546

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE RECORDER'S COURT OF THE CITY OF WENDELL TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. In the trial of any criminal case in the Recorder's Court of the City of Wendell, upon demand for trial by jury by the defendant or the prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Wake County for trial, and the defendant shall execute a new bond in an amount to be fixed by the recorder for his appearance at the next term of said Superior Court.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 364  

CHAPTER 547

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE RECORDER'S COURT OF THE TOWN OF WAKE FOREST TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. In the trial of any criminal case in the Recorder's Court of the Town of Wake Forest, upon demand for trial by jury by the defendant or the prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Wake County for trial, and the defendant shall execute a new bond in an amount to be fixed by the recorder for his appearance at the next term of said Superior Court.

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 368  

CHAPTER 548


The General Assembly of North Carolina do enact:

Section 1. Chapter 376 of the Session Laws of 1947, as amended by
Chapters 403 and 1279 of the Session Laws of 1949, is hereby further amended by rewriting Sections 1 through 5 to read as follows:

"Section 1. That on and after the first day of May, 1949, each member of the Board of County Commissioners of Pitt County, except the chairman, shall receive as full compensation for his services the sum of fifty dollars ($50.00) per month, and the chairman shall receive the sum of seventy-five dollars ($75.00) per month, said money to be paid from Pitt County funds.

"Sec. 2. That the Clerk of Superior Court of Pitt County shall receive as full compensation for the performance of his duty as Clerk a salary of not less than four thousand two hundred dollars ($4,200.00) nor more than five thousand seven hundred sixty dollars ($5,760.00) per annum, payable monthly, his salary within the minimum and maximum amounts above recited to be fixed by the Board of County Commissioners of Pitt County. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant to the Clerk of the Court of Pitt County an allowance for office employees, said allowance to be not less than four thousand eight hundred dollars ($4,800.00) nor more than eleven thousand four hundred thirty-six dollars ($11,436.00) per year, payable monthly, the allowance within the minimum and the maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The said payments to be made from Pitt County funds.

"Sec. 3. That the Register of Deeds of Pitt County shall receive as full compensation for the performance of his duties as register of deeds the sum of not less than three thousand six hundred dollars ($3,600.00) nor more than five thousand twenty dollars ($5,020.00) per year, payable monthly, his salary within the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The Board of County Commissioners of Pitt County is hereby authorized and empowered to grant an allowance to the Register of Deeds of Pitt County for office employees, said allowance not to be less than five thousand five hundred dollars ($5,500.00) nor more than eight thousand five hundred sixty-eight dollars ($8,568.00) per annum, payable monthly, the allowance within the minimum and maximum above recited shall be fixed by the Board of County Commissioners of Pitt County. Said monies to be paid from Pitt County funds.

"Sec. 4. That the Sheriff of Pitt County shall receive as full compensation for the performance of his duties as sheriff the sum of not less than three thousand six hundred dollars ($3,600.00), nor more than five thousand twenty dollars ($5,020.00) per annum, payable monthly, his salary within the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County, and the Board of County Commissioners of Pitt County is also authorized and empowered to grant to the Sheriff of Pitt County not less than nine hundred dollars ($900.00) nor more than twelve hundred dollars ($1,200.00) travel expenses per year, payable monthly, the said travel expenses between the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. The Board of County Commissioners of Pitt County.
Pitt County is hereby authorized and empowered to grant an allowance to the Sheriff of Pitt County for deputy sheriffs, not to exceed six in number, one of which shall be an office deputy sheriff and one of which shall be a night deputy sheriff, said allowance not to be less than seven thousand nine hundred twenty dollars ($7,920.00) nor more than fifteen thousand two hundred sixty-four dollars ($15,264.00) per annum, payable monthly, the salary of each of said deputy sheriffs to be fixed by the Board of County Commissioners of Pitt County, the total salaries of which shall be within the minimum and maximum above recited. The Board of County Commissioners of Pitt County is authorized and empowered to pay not less than twenty-five hundred dollars ($2500.00), nor more than six thousand dollars ($6,000.00) per year, payable monthly, for traveling expenses of four of the deputy sheriffs, the travel expenses of the deputy sheriffs between the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County. Said payments shall be made from Pitt County funds.

"Sec. 5. The Coroner of Pitt County shall receive ten dollars ($10.00) per day for each day's service as Coroner, and in addition thereto shall receive five cents (5c) per mile for each mile traveled in his official capacity while serving as coroner, his said per diem and mileage to be paid from Pitt County funds."

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 5th day of April, 1951.

S. B. 371

CHAPTER 549

AN ACT MAKING CERTAIN SCHOOL FUNDS AVAILABLE FOR THE EMPLOYMENT OF AN ADDITIONAL TEACHER IN THE MICRO SCHOOL DISTRICT OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In the Micro School District of Johnston County, the funds available to said district arising out of or from any special levy of taxes intended and set aside for use of vocational agriculture courses or the establishment of a lunch room may, in the discretion of the school committee of said district, and with the approval of the county board of education, be used to provide for the employment and payment of an additional teacher.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
S. B. 389  CHAPTER 550

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF DUNN TO PURCHASE, LEASE OR OTHERWISE ACQUIRE THE WATER DISTRIBUTION AND SEWERAGE SYSTEMS IN THE UNINCORPORATED VILLAGE OF ERWIN IN HARNETT COUNTY, TOGETHER WITH ALL WATER AND SEWER MAINS AND EQUIPMENT USED IN CONNECTION THEREWITH AND ALSO TO ACQUIRE SUCH EASEMENTS AS MAY BE NECESSARY IN CONNECTION WITH THE MAINTENANCE, EXTENSION AND OPERATION OF SAID SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Dunn is hereby authorized and empowered to purchase, lease, or otherwise acquire the water distribution system and the sewerage system in the unincorporated village of Erwin in Harnett County, together with water and sewer mains, appliances, apparatus and equipment used in connection with the operation of said water and sewerage system and the main water line running from the filtering plant owned by the Town of Dunn to Erwin, and the sewer line running from Erwin to the Cape Fear River, and also to acquire such easements as may be necessary in connection with the maintenance, extension and operation of said water and sewerage system.

Sec. 2. The governing body of the Town of Dunn is hereby authorized and empowered to maintain and operate said water and sewerage system and to extend it, if necessary, and to furnish water and sewer services to the occupants of the residences and business houses in the unincorporated village of Erwin, and to charge for such respective services such rates as may be determined by the Utilities Commission of the State of North Carolina.

Sec. 3. The Utilities Commission shall determine, by a proper order, the rates to be charged to the occupants of residences and business houses in the unincorporated village of Erwin, by the Town of Dunn for such water and sewer services.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 5th day of April, 1951.

S. B. 390  CHAPTER 551

AN ACT RELATING TO THE SALARIES OF CERTAIN OFFICIALS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The officials listed below shall be paid annual salaries, in equal monthly installments out of the general fund of the county in the amounts listed below opposite their titles:

Each member of the board of county commissioners...$ 900.00 per year
Sheriff ...................................................... 4,800.00 per year
Clerk of the Superior Court .......................... 4,800.00 per year
Register of Deeds ................................. 4,230.00 per year
Judge of the county recorder's court .......... 3,000.00 per year
Solicitor of the county recorder's court .... 2,700.00 per year

Sec. 2. The Coroner of Rutherford County shall be paid a salary of three hundred dollars ($300.00) a year, in equal monthly installments out of the general fund of the county, which salary shall be in lieu of all other compensation for his services as coroner.

Sec. 3. The salaries herein provided for shall be payable only with respect to services rendered on and after April 1, 1951.

Sec. 4. This Act applies only to Rutherford County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 409  
CHAPTER 552
AN ACT TO FIX THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Northampton County is hereby authorized, in its discretion, to increase the salaries of all county officers and employees, whose salaries are now paid exclusively by Northampton County, by an amount not to exceed ten per cent (10%) of the present salaries now paid to such officers and employees, it being the purpose of this Act to authorize the board of commissioners to raise the salaries of all officers and employees of Northampton County whose salaries are paid exclusively from the funds of Northampton County and not to raise the salaries of those employees who are paid in part from funds derived from other governmental agencies.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 413  
CHAPTER 553
AN ACT TO FIX THE FEES OF WITNESSES IN THE COURTS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fees of witnesses in Granville County, whether attending at a term of the Superior Court, or of the recorder's court, or before the Clerk of the Superior Court, or a referee, or a commissioner, or an arbitrator, shall be one dollar and fifty cents ($1.50) per day for the days that said witnesses shall necessarily spend at the place of examination in
connection with a given case or hearing and for the time necessarily consumed in traveling to and from said place. Said witnesses shall also receive mileage at the rate of five cents (5c) per mile for every mile necessarily traveled from their respective homes or places of abode at the time in going to and returning from the place of examination by the ordinary route, and ferriage and toll paid in going and returning, whether they live within the State of North Carolina or outside of said State. And said witnesses shall be entitled to prove their attendance and mileage and to have the same taxed in the bill of costs in each and every case in which they necessarily attend court regardless of the number of cases in which they appear on a given day. Witnesses before courts of justices of the peace and in hearings before the coroner shall receive one dollar ($1.00) per day and no mileage.

Sec. 2. This Act shall change or modify the general law as to witnesses and their compensation only to the extent that it clearly and plainly does change or modify said general law as the same applies to Granville County.

Sec. 3. This Act shall be in force and effect on and after the first day of May, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 427

CHAPTER 554
AN ACT HAVING TO DO WITH THE FEES AND COMMISSIONS COLLECTED BY THE SHERIFF OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all moneys coming into the hands of the Sheriff of Wayne County, and his six salaried deputies from fees, commissions and emoluments of the office of sheriff of Wayne County, shall be paid into the General Fund of Wayne County. The salaries of the sheriff and six deputies shall be paid from and out of the General Fund of Wayne 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 June 30, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 426

CHAPTER 555
AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF WAYNE COUNTY TO MAKE CONTRIBUTIONS TO COMMUNITY BUILDINGS LOCATED IN INCORPORATED CITIES OR TOWNS IN WAYNE COUNTY AND VALIDATING CERTAIN CONTRIBUTIONS HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County is hereby authorized to make contributions, in its discretion, out of county
funds to any community building project or program within any incorporated city or town in Wayne County.

Sec. 2. All contributions heretofore made out of county funds of Wayne County to any community building project or program in Wayne County are hereby confirmed and validated in all respects.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 428

CHAPTER 556

AN ACT TO FIX FEES IN LINCOLN COUNTY FOR THE SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. Fees and commissions charged for services rendered by the Sheriff of Lincoln County and his deputies shall be as follows:

(a) Arrest ......................................................... $2.50
(b) Serving summons ........................................... 2.00
(c) Serving capias .............................................. 2.50
(d) Serving subpoena .......................................... .75
(e) Serving claim and delivery ............................... 3.50
(f) Serving execution .......................................... 2.00
(g) Commission for collecting money under execution: 5% on first $200.00 and 2¼% on excess of $200.00.
(h) Taking bond ................................................ 1.00
(i) Summoning a juror ......................................... .75
(j) Laying off homestead and/or personal property exemption ... 3.00
(k) Posting notices ........................................... .50
(l) Levying an attachment ................................... 3.50

Sec. 2. This Act shall apply to Lincoln County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 451

CHAPTER 557

AN ACT TO AMEND CHAPTER 57 OF THE PRIVATE LAWS OF 1929 AS THE SAME RELATES TO THE SELECTION OF TRUSTEES FOR THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 10 of Chapter 57 of the Private Laws of 1929 is hereby rewritten to read as follows:

"Sec. 10. That the following men are hereby appointed trustees of the Leaksville Township Public School District, and their terms of office shall
expire as indicated herewith: L. W. Clark, term expiring the first Monday in April, one thousand nine hundred and thirty; Karl Bishopric, term expiring the first Monday in April, one thousand nine hundred and thirty-one; A. S. Millner, term expiring the first Monday in April, one thousand nine hundred and thirty-two; G. P. Dillard, term expiring the first Monday in April, one thousand nine hundred and thirty-three; C. C. Campbell, term expiring the first Monday in April, one thousand nine hundred and thirty-four.

“When a vacancy on the said board of trustees shall occur, due to resignation, death, or other causes than the expiration of the regular term of office, said vacancy shall be filled by appointment, said appointee to be named by the remaining members of the said board of trustees, to hold office until his successor, elected as herein provided, shall take office.

“From and after the first Monday in December, 1952, the Board of Trustees of the Leaksville Township Public School District shall be composed of seven (7) trustees to be elected as herein provided.

“At the general election to be held in Leaksville Township in 1952, and quadrennially thereafter, there shall be elected by the voters of Leaksville Township Public School District four (4) trustees for the Leaksville Township Public School District, and at the general election to be held in Leaksville Township in 1954, and quadrennially thereafter, there shall be elected by the voters of the Leaksville Township Public School District three (3) trustees for the Leaksville Township Public School District. The trustees so elected shall take office on the first Monday in December following their election for terms of four (4) years each.

“Each person desiring to become a candidate for the office of trustee for the Leaksville Township Public School District shall file written notice of candidacy with the county board of elections at least sixty (60) days prior to the general election for the election of such trustees. Only qualified electors of Leaksville Township Public School District shall be eligible to become candidates for the office of trustee for the Leaksville Township Public School District, and only qualified electors of said district shall be eligible to hold the said office of trustee.

“The county board of elections shall prepare suitable ballots on which shall be printed the names of candidates for the offices of trustees for the Leaksville Township Public School District, and said ballots shall be sent to the polling places in the Leaksville Township Public School District by the county board of elections as other ballots are sent to the various polling places. The elections provided for herein shall be conducted in the same manner and under the same rules and the returns shall be canvassed and the results declared as are elections for county officers.

“The candidates receiving the highest number of votes shall be declared to be elected to fill the offices, and when there is a tie for any office, the Board of Elections of Rockingham County shall cast one vote for one of the parties and such party shall be declared to be elected.

“The terms of office of the present trustees for the Leaksville Township Public School District that are to expire in 1952 and 1953 are hereby changed so that the same shall expire on the first Monday in December, 1952. The
terms of office of the present trustees for the Leaksville Township Public School District that are to expire in 1954 and 1955 are hereby changed so that the same shall expire on the first Monday in December, 1954. The term of office of the trustee for the Leaksville Township Public School District who is to be elected in 1951, is hereby changed so that the same shall expire on the first Monday in December, 1954. The present trustees for the Leaksville Township Public School District shall hold their offices until the expiration date of their terms fixed in this Act.

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 5th day of April, 1951.

S. B. 486  
CHAPTER 558
AN ACT TO FILL A VACANCY ON THE COUNTY BOARD OF EDUCATION IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Columbus W. Mayo of Edgecombe County is hereby appointed to the County Board of Education of Edgecombe County to fill out the unexpired term of M. P. Edwards who was appointed for a term of six years by Chapter 848 of the Session Laws of 1947, and whose death has created a vacancy on said board.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 487  
CHAPTER 559
AN ACT TO AMEND CHAPTER 770 OF THE SESSION LAWS OF 1949 RELATING TO THE METHOD OF APPOINTMENT OF THE TARBORO SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 770 of the Session Laws of 1949 is amended by adding at the end of the first paragraph the following:

"Provided that no incumbent member of the board shall succeed himself as a member of the board and shall not be eligible for reappointment until after two years after the end of his term.

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 5th day of April, 1951.
H. B. 54

CHAPTER 560

AN ACT TO AMEND G. S. 115-38, RELATING TO THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-38 is amended by adding at the end thereof the following:

"That for the purpose of nominating members of the County Board of Education of Montgomery County, the county shall be divided into five districts, designated as follows:

(a) District number one shall be composed of Troy School District.
(b) District number two shall be composed of Star School District.
(c) District number three shall be composed of Biscoe School District.
(d) District number four shall be composed of Candor School District.
(e) District number five shall be composed of Mount-Gilead-Wadeville School District.

"In the primary election to be held in Montgomery County in 1952, and every two years thereafter, there shall be nominated by each political party a candidate for membership on the board of education of said county from each of the five districts designated above, at the same time and in the same manner and under the same rules and regulations as are now provided by law for the nomination of other county officers of Montgomery County.

"In the same primary elections, there shall be nominated by each of the political parties only one candidate from each of the said five districts. The candidates from each of the said political parties shall be voted for by the electors of Montgomery County voting as a whole, and the candidate from each of the said districts receiving the highest number of votes shall be declared the nominee of his party for said office."

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 5th day of April, 1951.

H. B. 273

CHAPTER 561

AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES OF NORTH CAROLINA, THE SAME BEING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACT, SO AS TO PERMIT RETIREMENT AFTER THIRTY YEARS OF SERVICE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (7) of G. S. 135-3, as it appears in the 1949 Cumulative Supplement to the General Statutes of North Carolina, is amended so that the same shall hereafter read as follows:

"(7)(a) Notwithstanding any other provision of this Chapter, any member who separates from service prior to the attainment of the age
of 60 years for any reason other than death or retirement for disability as provided in § 135-5, subsection four, after completing 20 or more years of creditable service, and who leaves his total accumulated contributions in said system shall have the right to retire on a deferred retirement allowance upon attaining the age of 60 years; provided that such member may retire only upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided further that such application shall be filed within a period of 12 months from and after the 60th birthday of such applicant. Such deferred retirement allowance shall be computed in accordance with the provisions of § 135-5, 1949 Cumulative Supplement, subsection two, paragraphs (a), (b) and (c). In the event that such member attains his 61st birthday and has not filed such application, his membership shall cease and he shall be entitled to the sum of the contributions standing to the credit of his individual account in the annuity savings fund, together with such interest thereon as the board shall allow, but not less than one-half of the accumulated regular interest thereon.

"(b) In lieu of the benefits provided in paragraph (a) of this subsection seven, any member who separates from service on or after July 1, 1951 and prior to the attainment of the age of 60 years, for any reason other than death or retirement for disability as provided in § 135-5, subsection four, after completing 30 or more years of creditable service, and who leaves his total accumulated contributions in said system, may elect to retire on an early retirement allowance; provided that such member may so retire only upon written application to the board of trustees setting forth at what time, no less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided further that such application shall be duly filed within 60 days following the date of such separation. Such early retirement allowance so elected shall be the actuarial equivalent of the deferred retirement allowance otherwise payable at the attainment of the age of 60 years upon proper application therefor.

"(c) In lieu of the benefits provided in paragraph (a) of this subsection seven, any member who separated from service before July 1, 1951 and prior to the age of 60 years for any reason other than death or retirement for disability as provided in § 135-5, subsection four, and who left his total accumulated contributions in said system, may elect to retire on an early retirement allowance; provided that such member may so retire only upon written application to the board of trustees setting forth at what time, subsequent to July 1, 1951 and not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that such application shall be duly filed not later than August 31, 1951. Such early retirement allowance so elected shall be the actuarial equivalent of the deferred retirement allowance otherwise payable at the attainment of the age of 60 years upon proper application therefor.

"(d) Should a teacher or employee who retired on an early retirement allowance be restored to service prior to the attainment of the age of 60
years, his allowance shall cease, he shall again become a member of the retirement system, and he shall contribute thereafter at the uniform contribution rate payable by all members. Upon his subsequent retirement, he shall be entitled to an allowance computed, subject to the provisions of § 135, in accordance with such rules and regulations as the board of trustees may establish and promulgate as provided in § 135-15; provided that, should such restoration occur on or after the attainment of the age of 55 years, his pension upon subsequent retirement shall not exceed the sum of the pension which he was receiving immediately prior to his last restoration and the pension that he would have received on account of his service since his last restoration had he entered service at the time as a new entrant.”

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 5th day of April, 1951.

H. B. 274

CHAPTER 562

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING A NEW ARTICLE TO CHAPTER 135 OF THE GENERAL STATUTES PROVIDING FOR THE COVERAGE OF OFFICERS AND EMPLOYEES OF THE STATE, MUNICIPAL CORPORATIONS AND SUBDIVISIONS OF GOVERNMENT UNDER THE OLD AGE AND SURVIVORS INSURANCE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT.

The General Assembly of North Carolina do enact:

Section 1. The title or subject of Chapter 135 of the General Statutes is hereby rewritten so that the same shall read as follows: “Retirement System for Teachers and State Employees and Coverage of Governmental Employees Under Title II of the Social Security Act.”

Sec. 2. Further amend said Chapter 135 of the General Statutes by adding immediately above the first line of § 135-1 of said General Statutes the following: “Art. 1. Retirement System for Teachers and State Employees.”

Sec. 3. Amend Chapter 135 of the General Statutes by adding to said chapter a new Article, which shall be designated and which shall read as follows:


“§ 135-19. Declaration of Policy. In order to extend to employees of the State and its political subdivisions and of the instrumentalities of either, and to the dependents and survivors of such employees, the basic protection accorded to others by the Old Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the Legislature, subject to the limitation of this Article, that such steps be taken as to provide such protection to employees of the
State and local governments on as broad a basis as is permitted under applicable federal law.

"§ 135-20. Definitions. For the purposes of this Article:

(a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were paid for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act.

(b) The term "employment" means any service performed by an employee in the employ of the State, or any political subdivision thereof, for such employer, except (1) service which in the absence of an agreement entered into under this Article would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the State and the Federal Security Administrator entered into under this Article.

(c) The term "employee" includes an officer of the State, or one of its political subdivisions or instrumentalities.

(d) The term "State agency" means the Secretary of the Board of Trustees of the Teachers' and State Employees' Retirement System.

(e) The term "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such Act of employees of States and their political subdivisions.

(f) The term "political subdivision" includes an instrumentality of a State, of one or more of its political subdivisions, or of a State and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision.

(g) The term "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," (including regulations and requirements issued pursuant thereto), as such Act has been and may from time to time be amended.

(h) The term "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended.


(a) The State agency, with the approval of the Governor, is hereby authorized to enter on behalf of the State into an agreement with the Federal Security Administrator, consistent with the terms and provisions of this Article, for the purpose of extending the benefits of the Federal Old Age and Survivors Insurance System to employees of the State or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in § 135-20 of this Article. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the State Agency
and Federal Security Administrator shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that—

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act.

(2) The State will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages (as defined in §135-20 of this Article), equal to the sum of the taxes which would be imposed by §§1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act.

(3) Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into.

(4) All services which constitute employment as defined in §135-20 and are performed in the employ of the State by employees of the State, shall be covered by the agreement.

(5) All services which (A) constitute employment as defined in §135-20, (B) are performed in the employ of a political subdivision of the State, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State agency under §135-23, shall be covered by the agreement.

(b) Any instrumentality jointly created by this State and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (1) to enter into an agreement with the Federal Security Administrator whereby the benefits of the Federal Old Age and Survivors Insurance System shall be extended to employees of such instrumentality, (2) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under §135-22(a) if they were covered by an agreement made pursuant to subsection (a) of this Section, and (3) to make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (a) and other provisions of this Article.

§135-22. Contributions by State Employees. (a) Every employee of the State whose services are covered by an agreement entered into under §135-21 shall be required to pay for the period of such coverage, into the contribution fund established by §135-24, contributions, with respect to wages (as defined in §135-20 of this Article), equal to the amount of tax which would be imposed by §1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that
Act. Such liability shall arise in consideration of the employees' retention in the service of the State, or his entry upon such service, after the enactment of this Article.

(b) The contribution imposed by this Section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this Section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the State agency shall prescribe.

"§ 135-23. Plans for Coverage of Employees of Political Subdivisions. (a) Each political subdivision of the State is hereby authorized to submit for approval by the State agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of such Act, to employees of such political subdivisions. Each such plan and any amendment thereof shall be approved by the State agency if it finds that such plan, or such plan as amended, is in conformity with such requirements are are provided in regulations of the State agency, except that no such plan shall be approved unless—

(1) It is in conformity with the requirements of the Social Security Act and with the agreement entered into under § 135-21.

(2) It provides that all services which constitute employment as defined in § 135-20 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan.

(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose.

(4) It provides for such methods of administration of the plan by the political subdivision as are found by the State agency to be necessary for the proper and efficient administration of the plan.

(5) It provides that the political subdivision will make such reports, in such form and containing such information, as the State agency may from time to time require, and comply with such provisions as the State agency or the Federal Security Administrator may from time to time find necessary to assure the correctness and verification of such reports.

(6) It authorizes the State agency to terminate the plan in its entirety, in the discretion of the State agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the State agency and may be consistent with the provisions of the Social Security Act.

(b) The State agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.
(c) (1) Each political subdivision as to which a plan has been approved under this Section shall pay into the contribution fund, with respect to wages (as defined in § 135-20 of this Article), at such time or times as the State agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State agency under § 135-21.

(2) Each political subdivision required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Article, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in § 135-20 of this Article), not exceeding the amount of tax which would be imposed by § 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of six per centum (6%) per annum, be recovered by action in the Superior Court of Wake County against the political subdivision liable therefor or may, at the request of the State agency, be deducted from any other moneys payable to such subdivision by any department or agency of the State.

“§ 135-24. Contribution Fund. (a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) All contributions, interest, and penalties collected under §§ 135-22 and 135-23; (2) all moneys appropriated thereto under this Article; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Article, the State agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this Article.

(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the State and shall be used and administered exclusively for the purpose of this Article. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the Secretary of the Treasury pursuant to an agreement entered into under § 135-21; (B) payment of refunds provided for in § 135-22(c) of this Article; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.
(c) From the contribution fund the custodian of the fund shall pay to the Secretary of the Treasury such amounts and at such time or times as may be directed by the State agency in accordance with any agreement entered into under § 135-21 and the Social Security Act.

(d) The Treasurer of the State shall be ex officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this Article and the directions of the State agency and shall pay all warrants drawn upon it in accordance with the provisions of this Section and with such regulations as the State agency may prescribe pursuant thereto.

(e) (1) There are hereby authorized to be appropriated biennially to the contribution fund, in addition to the contributions collected and paid into the contribution fund under §§ 135-22 and 135-23, to be available for the purposes of § 135-24(b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the Secretary of the Treasury which the State is obligated to make pursuant to an agreement entered into under § 135-21.

(2) The State agency shall submit to each regular session of the State Legislature, at least ninety (90) days in advance of the beginning of such session, an estimate of the amounts authorized to be appropriated to the contribution fund by paragraph (1) of this subsection for the next appropriation period.

(f) The State agency shall have the authority to promulgate rules and regulations under which the State agency may make a reasonable charge or assessment against any political subdivision whose employees shall be included in any coverage agreement under any plan of coverage of employees as provided by the provisions of this Article. Such charge or assessment shall be determined by the State agency and shall be apportioned among the various political subdivisions of government in a ratably or fair manner, and the funds derived from such charge or assessment shall be used exclusively by the State agency to defray the cost and expense of administering the provisions of this Article. In case of refusal to pay such charge or assessment on the part of any political subdivision as defined in this Article, or in case such charge or assessment remains unpaid for a period of thirty (30) days, the State agency may maintain a suit in the Superior Court of Wake County for the recovery of such charge or assessment. The Superior Court of Wake County is hereby vested with jurisdiction over all such suits or actions. Only such amount shall be assessed against such political subdivision as is necessary to pay its share of the expense of providing supplies, necessary employees and clerks, records and other proper expenses necessary for the administration of this Article by the State agency. The funds accumulated and derived from such assessments and charges shall be deposited by the State agency in some safe and reliable depository chosen by the State agency, and the State agency shall issue such checks or vouchers that may be necessary to defray the above-mentioned expenses of administration with the right of the representative of any political subdivision to inspect the books and records and inquire into the amounts necessary for such administration.
§ 135-25. Rules and Regulations. The State agency shall make and
publish such rules and regulations, not inconsistent with the provisions of
this Article, as it finds necessary or appropriate to the efficient adminis-
tration of the functions with which it is charged under this Article.

§ 135-26. Studies and Reports. The State agency shall make studies
concerning the problem of Old Age and Survivors Insurance protection
for employees of the State and local governments and their instrumental-
ities and concerning the operation of agreements made and plans approved
under this Article and shall submit a report to the Legislature at the
beginning of each regular session, covering the administration and opera-
tion of this Article during the preceding biennium, including such recom-
mandations for amendments to this Article as it considers proper.

§ 135-27. Separability. If any provision of this Article, or the applica-
tion thereof to any person or circumstance is held invalid, the remainder
of the Article and the application of such provision to other persons or
circumstances shall not be affected thereby.”

Sec. 4. All laws and clauses of laws in conflict with the provisions
of this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th
day of April, 1951.

H. B. 281

CHAPTER 563

AN ACT AMENDING CHAPTER 779 OF THE SESSION LAWS OF
1949 RELATING TO PENSIONS FOR EMPLOYEES OF THE NEW
HANOVER COUNTY PUBLIC SCHOOL SYSTEM AND AMENDING
CHAPTER 385 OF THE PUBLIC-LOCAL LAWS OF 1921 RELATING
TO THE METHOD OF PAYMENT OF SAID PENSIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 779 of the Session Laws of 1949 is hereby amended
by striking out the period after the word “system” at the end of Section
1 of said Chapter and inserting a semicolon and the following:

“and for the purposes of this Section any employee of the New Han-
over County Public School System who is or has been employed on a
school term basis and has so served shall be classed as a full time em-
ployee and shall be entitled to all the rights and privileges provided for
full time employees by Chapter 385 of the Public-Local Laws of 1921
as amended by Chapter 206 of the Session Laws of 1943 or as otherwise
amended.”

Sec. 2. Chapter 385 of the Public-Local Laws of 1921, as amended, is
hereby further amended by striking out the words “January, April, June
and October” in next to the last line of Section 2 of said Chapter, and
inserting in lieu thereof the words “each month.”

Sec. 3. This Act shall apply to New Hanover County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby
repealed.

Sec. 5. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 322
CHAPTER 564

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Chowan County shall receive as compensation the sum of $25.00 for attendance on each meeting of the board whether the same be a regular, special, or called meeting.

Sec. 2. Each other member of the Board of County Commissioners of Chowan County shall receive as compensation the sum of $10.00 for attendance on each meeting of the board, whether the same be a regular, special or called meeting.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 384
CHAPTER 565

AN ACT TO AUTHORIZE ONLY THE MUNICIPALITY IN WHICH THE PRINCIPAL OFFICE OF A MARBLE YARD IS LOCATED TO LEVY A LICENSE TAX ON SUCH COMPANY.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of Section 105-96 of the General Statutes is hereby rewritten to read as follows:

“Counties shall not levy any license tax on the business taxed under this Section, and only the city or town in which the principal office, branch office or plant of any such business is located may levy a license tax on the business taxed under this Section. No license tax levied by a city or town on the business taxed under this Section shall be greater in amount than the tax herein levied by the State.”

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO PROVIDE FOR SUPPLEMENTAL RETIREMENT BENEFITS FOR EMPLOYEES OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the City of New Bern is authorized and empowered in its discretion to set up a schedule of retirement benefits and to appropriate out of its general funds the amount necessary to pay its retired employees a supplement to retirement benefits received under the North Carolina Local Governmental Employees Retirement System and the Law Enforcement Officers Benefit and Retirement Fund, the total of said supplement and the amount received under the North Carolina Local Government Employees Retirement System or the Law Enforcement Officers Benefit and Retirement Fund not to exceed fifty per cent (50%) of the salary on the date of retirement, or one hundred dollars ($100.00) monthly, whichever is less. The Board of Aldermen of the City of New Bern shall decide as to amount and manner of payment of supplemental retirement benefits paid under this Act, and their decision thereon shall be final, provided that all benefits paid shall be based solely on tenure of service and salary at time of retirement. Provided further that all supplemental retirement benefits paid pursuant to the provisions of this Act shall be computed as though the beneficiary had retired on full retirement allowance without utilizing any option available to him.

Sec. 2. The supplemental retirement benefit system established pursuant to the authority of this Act shall be administered by the Board of Aldermen of the City of New Bern, and they are hereby authorized to enact such rules and regulations as are necessary to carry out the intent and purpose of this Act, and may accept and receive any gift, donation, bequest or devise made for that purpose.

Sec. 3. The moneys in the supplemental retirement benefit fund established pursuant to the provisions of this Act, and any benefits received therefrom, shall not be subject to State, county or municipal taxation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 5th day of April, 1951.
H. B. 542

CHAPTER 567

AN ACT TO PERMIT MEMBERS OF THE STATE HIGHWAY PATROL TO TRANSFER MEMBERSHIP FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT SYSTEM.

WHEREAS, Chapter 692 of the Session Laws of North Carolina, 1947, authorizes the State Highway Patrolmen who were members of the Teachers' and State Employees' Retirement System to transfer their memberships to the Law Enforcement Officers' Benefit and Retirement Fund; and

WHEREAS, by reason of a misunderstanding and lack of information, several State Highway Patrolmen neglected to apply for transfer prior to the expiration of the time limit: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 692 of the Session Laws of North Carolina, 1947, is hereby amended by striking out in line three of said Section the word and figures, "August 1, 1947" and inserting in lieu thereof, "August 1, 1951." That, with the exception of the amendment herein above made, the provisions of said Chapter 692 of the Session Laws of North Carolina, 1947, shall remain in full force and effect.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 581

CHAPTER 568

AN ACT FIXING DISCOUNTS FOR PREPAYMENT OF TAXES IN CLEVELAND COUNTY AND THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345, as amended, is hereby further amended by adding the following subsection at the end thereof:

"However, subsections (1), (2) and (6) hereof shall not apply to taxes levied by Cleveland County or the City of Shelby, and should any taxpayer of Cleveland County or the City of Shelby make payment of his taxes in the months of August through October following the levy thereof, he shall be entitled to the following discounts: if paid before or during the month of August, a deduction of two per cent (2%); if paid during the month of September, a deduction of one per cent (1%); if paid during the month of October, a deduction of one-half of one per cent (½ %). Taxes levied by Cleveland County and the City of Shelby shall be payable at par during the months of November, December and January next after same shall have become due and payable."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
CHAPTER 569

AN ACT FIXING THE FEES FOR IMPOUNDING LIVESTOCK RUNNING AT LARGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 68-24 is amended by striking out the words "fifty cents" in lines four and five and inserting in lieu thereof the words "one dollar". Said Section is further amended by striking out the words "twenty-five cents" in lines five and six and inserting in lieu thereof the words "fifty cents".

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

CHAPTER 570

AN ACT RELATING TO THE SALARIES OF OFFICIALS AND EMPLOYEES OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of Commissioners of Carteret County shall be paid a salary of $75.00 per month and the other members of said board shall be paid a salary of $50.00 per month, each.

Sec. 2. The Board of County Commissioners of Carteret County is hereby authorized, in its discretion, to increase the salary of any one or more, or all of the officials and employees of Carteret County, except the Judge of the County Recorder's Court, by an amount not exceeding 10 per cent of such salary.

Sec. 3. Increases and salaries authorized pursuant to this Act shall be payable only for services rendered on and after the ratification of this Act, and shall be payable out of the general fund of the county.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 5th day of April, 1951.

CHAPTER 571

AN ACT TO AMEND SECTION 20-38 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE DEFINITION OF THE OWNER OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (t) of Section 20-38 of the General Statutes (1949 Cumulative Supplement) is hereby amended by adding at the end thereof the following:
"When a vehicle is leased to a franchise hauler of property or a common carrier of passengers and is actually used by said franchise carrier in the operation of his business, such lessee, at his election, may be deemed the owner of the vehicle for the purposes of this Article.

"Provided that any lessee who fails to transfer the title to any vehicle which is under lease back to the lessor and surrender or have transferred any license issued to him pursuant to this Act within 20 days after the termination of the lease shall be subject to an additional license tax of $100.00 on each vehicle."

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 674

CHAPTER 572

AN ACT TO AMEND G. S. 105-422, AS THE SAME APPEARS IN THE 1949 SUPPLEMENT TO THE GENERAL STATUTES, RELATING TO THE BARRING OF TAX LIENS SO AS TO MAKE THE SAME APPLICABLE TO FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422 is hereby amended by striking out the word "Franklin" in the sixth line from the end of said Section.

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

Sec. 3. This Act shall become effective July 1, 1952.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 691

CHAPTER 573

AN ACT AUTHORIZING THE BOARD OF CONSERVATION AND DEVELOPMENT TO SELL CERTAIN OBSOLETE OR UNSUITABLE BOATS, VESSELS, GEAR AND EQUIPMENT AND TO REPLACE THE SAME OUT OF PROCEEDS OF SUCH SALE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Conservation and Development is hereby authorized and empowered in its discretion from time to time to dispose of by sale through the State Division of Purchase and Contract, any boats, vessels, gear or equipment used by the Department of Conservation and Development or its agents in its program of enforcement of the laws and regulations governing commercial fishing, whenever in the judgment of the Board of Conservation and Development any such boat, vessel, gear or equipment has become obsolete or is no longer necessary or suitable for effective use in such law enforcement program.

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Sec. 2. The net proceeds of the sale of any properties made under the authority of this Act shall be placed in a “Special Commercial Fisheries Equipment Fund” to be used by the Board of Conservation and Development from time to time and in its discretion solely for the following purposes, namely:

(a) For purchasing through the Division of Purchase and Contract, such boats, vessels, aircraft, watercraft, gear or equipment as, in the judgment of the Board of Conservation and Development, will contribute to a more effective enforcement of the laws and regulations governing commercial fishing.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 706

CHAPTER 574

AN ACT TO AMEND CHAPTER 256 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE FAIRMONT ADMINISTRATIVE UNIT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 256 of the Public-Local Laws of 1939 is amended by striking out the word “without” in line five and substituting in lieu thereof the word “with”.

Sec. 2. Paragraph (e) of Section 3 of Chapter 256 of the Public-Local Laws of 1939 is rewritten to read as follows:

“The said trustees shall have the qualifications prescribed by law for members of the Robeson County Board of Education but said trustees shall reside within the Fairmont Administrative Unit. In the event a vacancy occurs among the present membership of said board of trustees, either by resignation, death or removal from the district, or otherwise, it shall be filled by the remaining members of the board of trustees and such person so designated shall serve for the unexpired term and until his successor is elected as now provided by law.”

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. 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 5th day of April, 1951.
H. B. 711  

CHAPTER 575

AN ACT TO AMEND ARTICLES 3 AND 4 OF CHAPTER 113 OF THE GENERAL STATUTES TO PROVIDE FOR "FOREST RANGERS" IN LIEU OF "FOREST WARDENS."

The General Assembly of North Carolina do enact:

Section 1. Articles 3 and 4 of Chapter 113 of the General Statutes of North Carolina are amended by striking out the word “warden”, as it appears in the several Sections of said Articles, and inserting in lieu thereof the word “ranger”.

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 5th day of April, 1951.

H. B. 780  

CHAPTER 576

AN ACT TO CREATE AND ESTABLISH THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM FOR THE CLASSIFIED FIREMEN EMPLOYEES OF THE FIRE DEPARTMENT OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created and established a supplemental retirement system for the members of the Fire Department of the City of Durham to be known as the "Durham Firemen's Supplemental Retirement System", hereinafter referred to in this Act as "supplemental retirement system." The purpose of the creation and establishment of the supplemental retirement system, as provided for in this Act, shall be to increase, augment and add to the benefits received by the firemen of the City of Durham who have already retired and who may hereafter retire and become eligible for benefits under the provisions of the North Carolina Local Governmental Employees' Retirement System in the sums and amounts hereinafter provided under this Act.

Sec. 2. The general administration and responsibility for the proper operation of the supplemental retirement system herein created and established and for the carrying out and making effective the provisions of this Act are hereby vested in a board of trustees who shall be chosen and selected as follows:

(a) Two members of said board of trustees shall be chosen from the membership of the Durham Fire Department and shall be elected by a majority vote of the uniformed members of the Fire Department of the City of Durham; one of said members shall hold office for a period of one year, and the other member so appointed shall hold office for a period of two years; thereafter, each of said two members chosen from the Durham Fire Department shall be appointed for a term of office consisting of a period of two years each.
(b) Two members shall be appointed by the President of the Durham Fire Insurance Exchange; one of said members shall hold office for a period of one year, the other member so appointed shall hold office for a period of two years; and thereafter, each of said members shall be appointed for a term of office consisting of a period of two years.

(c) One member of said board of trustees is to be a member of the Durham City Council and shall be elected for a term of two years by a majority vote of the City Council of the City of Durham.

All members of the board of trustees shall be elected or appointed as specified in § 2 (a), (b) and (c) prior to the third Tuesday in May. They shall take office on the third Tuesday in May. Any member of said board of trustees shall be eligible to succeed himself or herself, and all vacancies occurring in the membership of the board of trustees by death, resignation, disqualification or otherwise shall be filled by a special election for the members elected in § 2 (a) and (c), to fill the unexpired term, and likewise by special appointment under § 2 (b).

(d) The board of trustees shall be organized immediately after the trustees provided for in this Section shall have qualified and taken the oath of office. The board of trustees shall be a body politic and corporate under the name of the Board of Trustees of Durham Firemen's Supplemental Retirement System, and as a body politic and corporate shall have the right to sue and be sued, shall have perpetual succession and a common seal, and in said corporate name shall be able and capable in law to take, receive and demand and possess all kinds of property hereinafter specified, and to bargain, sell, grant, alien, or dispose of all such property as it may lawfully acquire. All such property owned or acquired by said body politic and corporate shall be exempt from all taxes imposed by the State or any political subdivision thereof and shall not be subject to income taxes.

(e) The board of trustees may purchase with funds received under and by virtue of their office, bonds of the City of Durham, Durham County, State of North Carolina, United States Government, or certificate of deposit of paid shares of Building and Loan Association not exceeding the amount guaranteed by the Federal Government.

(f) Compensation of Trustees. The members of the Board of Trustees of the Durham Firemen's Supplemental Retirement System shall serve without compensation, but they shall be reimbursed for all necessary expenses incurred through service upon said board.

(g) Each trustee shall, within 10 days after his appointment, take an oath of office before the mayor that, so far as it devolves upon him, he will diligently and honestly administer the affairs of said board and that he will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, and certified by the officer by whom it is taken, and immediately filed in the office of the city clerk.

(h) Meetings. The board of trustees shall hold regular quarterly meetings at such time and place as the board may determine. In addition thereto, the chairman or vice-chairman of the board of trustees may call special
meetings and upon request of two members of the board of trustees in writing, shall call a special meeting of the board of trustees. When so called, the secretary shall give notice in person or by special delivery mail to all members of the board at least 24 hours prior to such meeting, specifying the purpose of such meeting and time and place. The business of the special meeting shall be limited to the purpose as set forth in the notice.

(i) Voting Rights. Each trustee shall be entitled to one vote. Three affirmative votes shall be necessary for a decision by the trustees at any meeting of said board and the chairman shall only vote in case of a tie.

(j) The chairman shall preside at all meetings and in his absence the vice-chairman shall preside.

(k) Officers. The Chairman, Vice-Chairman, Secretary and the Treasurer of the Durham Firemen's Supplemental Retirement System shall be elected by the board of trustees from the membership of the board at the first organizational meeting and thereafter at the first regular quarterly meeting in each year.

(1) Rules and Regulations. Subject to the limitations of this Act, the board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this Act and for the transaction of its business. The board of trustees shall also, from time to time, in its discretion, adopt rules and regulations to prevent injustices and inequalities which might arise in the administration of this Act.

(m) Evaluation. The secretary shall keep in convenient form, at a place designated by the trustees, such data as shall be necessary for evaluating the system and for checking the expense of the system.

(n) Record of Proceedings. Annual Report. The board of trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish at the end of each fiscal year a report showing the fiscal transactions of the system for the preceding year, the amount of the accumulated cash of the system, and the last balance sheet, showing the financial condition of the system, including the valuation of the assets and liabilities of the retirement system. A copy of such annual report shall be provided for each of the fire stations of the City of Durham. The term "fiscal year", as used in this Act, shall be defined to mean a period of time from July 1st to June 30th, inclusive.

(o) Legal Adviser. The attorney or attorneys for the City of Durham shall be the legal adviser or advisers of the board of trustees.

(p) Custodian of Funds. Disbursements. Bond of Treasurer. The treasurer shall handle all funds. The treasurer shall furnish such bond as shall be required by the board of trustees. He shall be custodian of all funds paid into the Durham Firemen's Supplemental Retirement System and shall deposit said funds in a bank or banks designated by the board of trustees. The premium for said bond shall be paid out of the funds of the system. All payments from such funds shall be made by him only upon voucher signed by two persons designated by the board of trustees. The books of the system shall be audited each two years and when a new treasurer is elected by a certified public accountant, and said report shall be presented at the first regular quarterly meeting of each year.
(q) Trustee Member Disqualified. In the event any uniformed member shall make application for benefits under this Act, and shall at such time be serving as a member of the board of trustees, he shall first disqualify himself and his vacancy shall be filled before the board of trustees receives such application.

(r) Liabilities of Trustees. No member of the board of trustees shall be personally liable by reason of his service as a trustee for any acts performed by him as a trustee, except for malfeasance in office.

Sec. 3. There is hereby created and established in the Durham Firemen's Supplemental Retirement System a fund to be known as the "supplemental retirement fund" and hereinafter referred to as the "fund". The fund shall consist of all moneys and funds paid into the system from the Firemen's Relief Fund of the City of Durham from time to time and as provided by law; all gifts of money, property of all kinds and description, proceeds from property of all kinds and description, all moneys, funds or property transferred to the fund by will, devise, bequest or by other means provided by law for the transfer or devolution of property, donations and gifts made by the firemen of the City of Durham, investments, earnings on investments, interest, dividends and any other funds or property that may accrue to the fund, and the board of trustees is authorized to accept gifts, devises and bequests, and any property or funds that may in anywise be transferred in operation of law. The moneys and property of the fund may be invested by the board of trustees as heretofore provided in this Act. Refunds may be made from the fund to anyone entitled thereto by reason of clerical mistake or any clerical error or inadvertence. The fund shall be liable for the payment of the supplemental benefits hereinafter referred to and defined. Any donations made to the Durham City Fire Department in excess of the amount of one hundred dollars ($100.00) may be given and transferred to the fund by a majority vote of the members of the Durham City Fire Department. The fund shall be liable for all reasonable and necessary expenses of administration as shall be determined by the board of trustees.

Sec. 4. Eligibility for Supplemental Benefits. For the purposes of this Section, "retirement benefit" shall be defined as the retirement allowance payable to a member of the Durham City Fire Department who retires from the local governmental employees' retirement system as established by Article 3 of Chapter 128 of the General Statutes and as said retirement allowance as computed by virtue of § 128-27 of the General Statutes, as amended, excluding any optional allowance provided for in said Section. "Supplemental benefit", as used in this Section, shall be defined to mean any sum of money payable by the fund to eligible firemen of the Durham City Fire Department and which, when added to the retirement allowance herein defined, shall produce a total sum of one hundred dollars ($100.00) per month, or twelve hundred dollars ($1,200.00) per annum, except as hereinafter provided in cases of revaluation of the fund. All firemen of the Durham City Fire Department who retire from the local governmental employees' retirement system, including disability retirement as provided in said system, and who receive upon retirement from said system a re-
tirement allowance of less than one hundred dollars ($100.00) per month, or twelve hundred dollars ($1,200.00) per annum, shall be entitled to a supplemental benefit paid from the fund which, when added to the retirement allowance above defined, shall cause such fireman to receive the sum of one hundred dollars ($100.00) per month, or twelve hundred ($1,200.00) per annum, the term "month" to be considered and defined according to the plan of payment of the retirement allowance of the local governmental employees' retirement system. The supplemental benefit herein provided shall also be available to the members of the Durham City Fire Department who have already retired from the local governmental employees' retirement system upon the same terms and conditions as the same shall be made available to those firemen who shall hereafter retire except the supplemental benefit payable to firemen who have already retired shall not be retroactive but shall be prospective, beginning as of the effective date of this Section. All firemen who have retired from the local governmental employees' retirement system or who may hereafter retire and whose retirement allowance, as herein defined, shall be in the amount of twelve hundred dollars ($1,200.00) per annum, or in excess thereof, shall not be eligible for a supplemental benefit except as hereinafter provided. The supplemental benefit herein provided shall be payable to each fireman for life, subject to any revision made by the local governmental employees' retirement system which may render such firemen ineligible by reason of increased retirement allowance. Should any fireman die subsequent to the payment of a supplemental benefit for any preceding month and prior to the payment of any supplemental benefit in the month in which such fireman dies, then such supplemental benefit for that month shall be paid to the deceased fireman's personal representative. The board of trustees shall have the authority and power to promulgate rules and regulations to the end that the supplemental benefit herein provided may be properly administered and carried out and for the purpose of achieving the objectives herein sought.

Sec. 5. Revaluation of Fund. Under such rules and regulations as the board of trustees may promulgate and adopt, the board of trustees shall revalue the fund at the end of each five year period, and for the purpose of revaluation, a year shall be defined as a fiscal year. If, in the opinion of the board of trustees, and with the approval of a competent actuary, the fund has increased to such an extent that its solvency will not be impaired, supplemental benefits may be paid to other groups of firemen, including those retired and who may retire in the future whose retirement allowance under the local governmental employees' retirement system exceeds the sum of one hundred dollars ($100.00) per month or twelve hundred dollars ($1,200.00) per annum. The board of trustees, with the approval of the actuary, shall be the judge of the retirement allowance limitation in excess of twelve hundred dollars ($1,200.00) per annum within which retirement allowance range supplemental benefits shall be paid to those firemen whose retirement allowances exceeds twelve hundred dollars ($1,200.00) per annum. In no case shall supplemental benefits be paid to those firemen whose retirement allowance exceeds one hundred
dollars ($100.00) in such an amount as to impair the solvency of the fund.

Sec. 6. The provisions of § 4 of this Act shall not become effective as to the payment of any supplemental benefits thereunder until on and after July 1st, 1951.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 781

CHAPTER 577

AN ACT TO AMEND ARTICLE 1 OF CHAPTER 118 OF THE GENERAL STATUTES RELATING TO THE FIREMEN'S RELIEF FUND OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 118-7 is here amended by adding at the end of said Section a proviso which shall read as follows:

“Provided, that the board of trustees duly appointed under § 118-6, General Statutes of North Carolina, shall be required to pay over to the Board of Trustees of the Durham Firemen’s Supplemental Retirement System on July 1st of each year all sums entrusted to said trustees in excess of the sum of twenty thousand dollars ($20,000.00).”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 803

CHAPTER 578

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND FORTY-THREE RELATING TO THE KINGS MOUNTAIN RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. That the Governing body of the City of Kings Mountain may in its discretion appoint a Solicitor for the Recorder's Court for the City of Kings Mountain to serve until the first Monday in July and until his successor is duly appointed and qualified and each succeeding solicitor shall serve for a term of two years and until his successor is duly appointed and qualified; that the Governing Body of the City of Kings Mountain shall also fix the salary to be paid to said solicitor.

Sec. 2. That Section 3 of Chapter 174 of the Public-Local Laws of North Carolina of 1943 shall be amended by striking out of the last four lines beginning with the word “provided” and substituting the following:
“Provided, however, that upon demand of the defendant for a jury trial, the judge shall move the case to the Cleveland County Recorder's Court, upon the defendant depositing a jury fee of six dollars ($6.00), and the Judge of the Cleveland County Recorder's Court shall have the same jurisdiction, power and authority to try said case as if it had first obtained jurisdiction therein and shall afford the defendant the opportunity of trial by jury.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 820

CHAPTER 579

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of the nomination and election of the members of the Board of Commissioners of Montgomery County, the said county is divided into five (5) county commissioner districts, to be numbered and designated as follows:

District No. 1 shall be composed of the county as a whole; District No. 2 is composed of Mount Gilead, Pee Dee, Cheeks Creek, Uwharrie, and Wadeville Precincts; District No. 3 is composed of Troy, Ophir, and Eldorado Precincts; District No. 4 is composed of Star and Little River Precincts; District No. 5 is composed of Biscoe, Candor and Rocky Springs Precincts.

Sec. 2. From and after the ratification of this Act, the Board of Commissioners of Montgomery County shall consist of five (5) members. The two (2) county commissioners whose terms of office expire on the first Monday in December 1952, shall continue to serve until that date and until their successors are duly elected and qualified. The member whose term of office expires on the first Monday in December 1954 shall hold office until that date and until his successor is duly elected and qualified. Robert L. Caudill, Sr. is hereby named as county commissioner from District No. 4, and John C. Wyatt is hereby named as county commissioner from District No. 5. These two (2) additional commissioners shall hold office from and after the ratification of this Act until the first Monday in December 1954 and until their successors are duly elected and qualified.

Sec. 3. In the primary election for the year 1952, and quadrennially thereafter, there shall be nominated by each of the political parties of Montgomery County one candidate for county commissioner who is a duly qualified elector residing in District No. 2, and one duly qualified elector residing in District No. 3. In the primary election for the year 1954, and quadrennially thereafter, there shall be nominated by each of the political
parties of Montgomery County, one candidate for county commissioner for District No. 1 (being the candidate for commissioner from the county at large), and one duly qualified elector residing in District No. 4, and one candidate who is a qualified elector residing in District No. 5.

The candidate for District No. 1 (being the candidate from the county at large) shall be nominated by a majority of the votes cast by his political party in the county voting as a whole. The candidates from the other districts shall be voted upon in the primary and nominated by a majority of the votes cast by his political party in the county voting as a whole.

Sec. 4. The candidates so nominated from the respective districts shall be voted on in the general election by the qualified voters of Montgomery County voting as a whole, and the candidate for commissioner at large, and the candidate nominated for each district, receiving a majority of the votes cast in the county in the general election, shall be declared the duly elected county commissioner at large and from the other districts. Commissioners elected pursuant to this Act shall serve in such capacity for terms of four years and until their successors are elected and qualified.

Sec. 5. The two commissioners appointed by this Act shall receive the same compensation for their service as is now provided for other members of the board.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 986

CHAPTER 580

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE CRAVEN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Craven County shall be composed of seven members whose terms of office shall begin on the first Monday in April, 1951, and the said board of education is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to county boards of education under the general school laws of North Carolina.

J. Macon Miller, Fred H. Whitehurst, J. L. Peterson, Leslie R. Sermons, Forrest Daugherty, Larry D. Pate, C. A. Seifert are hereby appointed members of the County Board of Education of Craven County for terms of two years from and after the first Monday in April, 1951.

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 5th day of April, 1951.
H. B. 993  

CHAPTER 581

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE JONES COUNTY BOARD OF EDUCATION.

_The General Assembly of North Carolina do enact:_

Section 1. The Board of Education of Jones County shall be composed of five members whose terms of office shall begin on the first Monday in April, 1951, and the said board of education is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to county boards of education under the general school laws of North Carolina.

Robert Mills, Clyde J. Banks, J. C. West, Jr., Herbert Tyndall, E. M. Philyaw are hereby appointed members of the County Board of Education of Jones County for terms of two years from and after the first Monday in April, 1951.

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 5th day of April, 1951.

H. B. 1043  

CHAPTER 582

AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION OF ONSLow COUNTY AND TO FIX THEIR TERMS OF OFFICE.

_The General Assembly of North Carolina do enact:_


Sec. 2. The members of the Board of Education of Onslow County hereinbefore named shall qualify by taking the oath of office as soon as practicable after the ratification of this Act before the Clerk of Superior Court of Onslow County, and shall hold office until the first Monday in April, 1953, and until their successors are elected and qualified; but the said board shall not have the authority to elect the County Superintendent of Schools or name the district school committees in 1953, but such duties shall devolve upon the Board of Education named at the regular Session of 1953 of the General Assembly.

Sec. 3. The per diem and mileage of the members of the said county board of education shall be paid out of the State School Fund.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
CHAPTER 583

AN ACT TO FIX THE METHOD OF COMPUTING GROSS REVENUE OF A COMMON CARRIER OF PROPERTY FOR TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-88 of the General Statutes (1949 Cumulative Supplement) by adding at the end of the first paragraph of subdivision (e) thereof the following:

"Common carriers of property operating from a point in this State to a point in another state over two or more routes, shall compute their mileage from the point of origin to the point of destination on the basis of the average mileage of all routes used by them from the point in this State to the point outside of this State and this figure shall be used as the mileage between said points in determining the percentage of miles operated in North Carolina between said points."

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 5th day of April, 1951.

CHAPTER 584

AN ACT TO REPEAL CHAPTER 47 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1939.

The General Assembly of North Carolina do enact:

Section 1. Chapter 47 of Public-Local and Private Laws of 1939 is hereby repealed.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

CHAPTER 585

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PITT COUNTY TO LEVY A CAPITAL OUTLAY TAX UPON PROPERTY IN THE PITT COUNTY SCHOOL DISTRICTS WHICH MAY REQUEST SAME.

WHEREAS, in Pitt County, school sites, school buildings, additions, major renovations, and school equipment are now provided from funds derived from sale of school district bonds issued under authority of Chapter 559 of the Public-Local Laws of North Carolina, 1935, as amended by Chapter 388 of the Public-Local Laws of 1937; and

WHEREAS, there is not available under existing law sufficient capital outlay funds from county wide sources wherewith to meet existing school needs; and
WHEREAS, the same conditions may continue or recur in the future:
Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. When in the opinion of the District Committee of a Pitt County School District as already established under authority of Chapter 559 of the Public-Local Laws of North Carolina, 1935, as amended by Chapter 388, Public-Local Laws of North Carolina, 1937, or which may hereafter be established under said laws, or when in the opinion of the Board of Trustees of the Greenville City Administrative Unit, which unit is a district which has been established under authority of Chapter 559 of the Public-Local Laws of 1935, as amended by Chapter 388, Public-Local Laws of 1937, the available funds for purchase of new school sites, construction of new buildings, for making additions to existing buildings, for major renovations, and for purchase of new equipment are not adequate, said District Committees and/or Board of Trustees of the Greenville Administrative Unit may file a request in budget form for capital outlay funds with the Board of Education of Pitt County on or before May 1, and said board of education may have authority to approve or disapprove such request. If such request is approved by the Pitt County Board of Education, said board shall certify its action to the Board of Commissioners of Pitt County and request the board of commissioners to levy and collect a capital outlay tax on all property, personal and real, within the district. The commissioners shall have authority to approve or disapprove in whole or in part the request of the county board of education. If the board of commissioners approve the request of the Pitt County Board of Education in behalf of any Pitt County district described herein, it shall levy and collect a capital outlay tax on all personal and real property within the district, but the rate levied in any one year for the purposes set forth herein shall not exceed ten cents (10c) on the one hundred dollar ($100.00) valuation. The tax thus levied and collected shall be placed to the credit of each district in which the capital outlay levy was made. Funds shall be paid out in the same manner as provided for disbursements of county school funds and shall not be used for any other purposes than those listed herein.

Sec. 2. The levy of the tax described in Section 1 shall not be made until and unless same has been approved by the State Board of Education or by other bodies having lawful supervision of the public schools of North Carolina.

Sec. 3. This Act shall apply only to Pitt County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
S. B. 432  CHAPTER 586
AN ACT TO ELIMINATE CHATHAM COUNTY FROM THE EXCEPTIONS TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 526 of the Session Laws of 1945 is amended by striking out the words "Chatham County;" in line five of said Section.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 441  CHAPTER 587
AN ACT RELATING TO THE FEES WHICH MAY BE PAID FOR FEEDING PRISONERS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Anson County is authorized, within its discretion, to increase the fees for feeding prisoners in a sum not in excess of one dollar and twenty-five cents ($1.25) per day per prisoner.

Sec. 2. All laws and clauses of laws in conflict herewith 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 5th day of April, 1951.

S. B. 452  CHAPTER 588
AN ACT TO PROHIBIT PERSONS UNDER CERTAIN CONDITIONS FROM PARKING MOTOR VEHICLES ON SCHOOL OR CHURCH PROPERTIES IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person or persons to park any motor vehicle, whether occupied or not, on the grounds of any public school or on the properties or premises of any church or religious denomination in Stanly County between the hours of six (6:00) o'clock P. M., and six (6:00) o'clock A. M. This Act shall not apply to any person or persons who are attending any school, education, community, civic or religious meeting or activity, athletic contest, or public meetings of any kind, nor to any official, employee, or member of a religious denomination on which property said persons may park a motor vehicle without violation of this Act.
Sec. 2. Any person or persons violating the provisions of This Act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. This Act shall apply only to Stanly County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 5th day of April, 1951.

H. B. 314

CHAPTER 589

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE RECORDER’S COURT OF WASHINGTON COUNTY TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. Chapter 145 of the Session Laws of 1947, relating to jury trials in the Recorder’s Court of Washington County, is repealed.

Sec. 2. G. S. 7-204 shall not apply to the Recorder’s Court of Washington County.

Sec. 3. In the trial of any criminal case in the Recorder’s Court of Washington County, upon demand for a jury by the defendant or prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Washington County for trial, and the defendant shall execute a new bond in an amount fixed by the recorder for his appearance at the next term of Superior Court of Washington County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect 30 days after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 451

CHAPTER 590

AN ACT TO REWRITE SECTION 50-8 OF THE GENERAL STATUTES RELATING TO THE FACTS REQUIRED TO BE SET FORTH IN THE COMPLAINT IN ACTIONS FOR DIVORCE.

The General Assembly of North Carolina do enact:

Section 1. Section 50-8 of the General Statutes, as the same appears in the 1949 Cumulative Supplement, is hereby rewritten so as to read as follows:

"§ 50-8. Contents of complaint; verification. In all actions for divorce the complaint shall be verified in accordance with the provisions of G. S. 1-145 and G. S. 1-148. The plaintiff shall set forth in his or her complaint that the complainant or defendant has been a resident of the State of
North Carolina for at least six months next preceding the filing of the complaint, and that the facts set forth therein as grounds for divorce have existed to his or her knowledge for at least six months prior to the filing of the complaint: Provided, however, that if the cause for divorce is two years separation, then it shall not be necessary to allege in the complaint that the grounds for divorce have existed for at least six months prior to the filing of the complaint; it being the purpose of this proviso to permit a divorce after such separation of two years without awaiting an additional six months for filing the complaint: Provided, further, that if the complainant is a nonresident of the State action shall be brought in the county of the defendant's residence, and summons served upon the defendant personally.

"In all prior suits and actions for divorce heretofore instituted and tried in the courts of this State where the averments of fact required to be contained in the affidavit heretofore required by this Section are or have been alleged and set forth in the complaint in said suits or actions and said complaints have been duly verified as required by G. S. 1-145, said allegations so contained in said complaints shall be deemed to be, and are hereby made, a substantial compliance as to the allegations heretofore required by this Section to be set forth in any affidavit; and all such suits or actions for divorce, as well as the judgments or decrees issued and entered as a result thereof, are hereby validated and declared to be legal and proper judgments and decrees of divorce."

Sec. 2. This Act, except for the second paragraph of G. S. 50-8, as rewritten above, does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 625

CHAPTER 591

AN ACT TO REGULATE THE OPERATION OF TAXICABS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the term taxicab shall be defined to be any truck, automobile, passenger car or any other self-propelled vehicle, of the capacity of nine passengers or less or which may be changed or arranged so that said vehicle as herein defined has the capacity of nine passengers or less, operated for hire over the public streets or highways of Macon County. All drivers and operators of taxicabs as herein defined, engaging in the business of transporting passengers for hire over the public streets of any incorporated city or town or the public highways of Macon County shall comply with all the provisions as herein set forth.

Sec. 2. That all persons, firms and corporations desiring to engage in the business of operating taxicabs as herein defined in Macon County, shall, first apply to the governing body of such incorporated city or town in
which applicant desires to engage in such business and shall file with such governing board an application for the privilege of operating such taxicabs, which said application shall remain on file with said governing board for a period of not less than 30 days. That notice of such application shall be published by such governing board in some newspaper published in Macon County for a period of two consecutive weeks, immediately following such application, said notice to show the title of such application, the purpose of same and requesting any and all interested persons to file protest thereto. That said application shall state the name of applicant, the purpose of same and that the type of service to be rendered is a public necessity and public convenience.

Sec. 3. That the governing board of said incorporated city or town shall act upon such application within a period of 60 days following the filing thereof to first ascertain if a public convenience and necessity exist and shall not issue such permit unless and until public convenience and necessity require same. That in the event any person desiring to operate a taxicab as herein defined outside the corporate limits of any city or town, said applicant shall first make application to the Board of County Commissioners of Macon County which said board shall be governed by all the provisions herein as applies to the governing board of any incorporated city or town as herein provided.

Sec. 3½ The governing board of any incorporated city or town, as well as the Board of County Commissioners of Macon County, shall each have the power and authority to require drivers and operators of taxicabs, as herein defined, who are granted the privilege or license to operate said taxicabs over the public streets or highways of said city, town or county to pay a license or privilege tax of not exceeding twenty-five dollars ($25.00) for each such privilege or license granted by each such governing body for the operation of taxicabs as herein provided, and said privilege or license tax shall be paid to each such applicable governing authority before any person, firm or corporation shall have the legal right or privilege to operate such taxicabs as herein provided, and such license fee or tax shall be charged in the same manner for any renewal of said privilege of operating such taxicabs.

Sec. 4. That the governing body of any such incorporated city or town may refuse to issue such permit to any applicant unless and until public convenience and necessity has been established to the satisfaction of such governing board or if such applicant has been convicted of the crimes set forth in Section 36A G. S. 160-200 and the governing body of any incorporated city or town in Macon County may revoke any existing permit of any person upon conviction of the crimes set forth in Section 36A G. S. 160-200.

Sec. 5. The operation of any taxicab as defined herein without first obtaining a permit from the governing board of any incorporated city or town as herein provided shall constitute a misdemeanor and upon conviction, the person, firm or corporation so offending may be fined not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or imprisoned not less than one or more than six months or both, in the
discretion of the court: Each and every operation in violation of the provisions of this Act shall constitute a separate and distinct offense. That the governing board of any incorporated city or town in Macon County or the governing board of Macon County shall not entertain any application filed by any person or corporation for a permit or grant such permit to operate a taxicab as herein defined, for a period of one year following the conviction of such person, firm or corporation for a violation of this Act or revocation of such license or permit.

Sec. 6. All persons, firms or corporations now holding permits and now licensed to operate taxicabs in Macon County, or in any of its municipalities, shall not be required to obtain a permit or license as herein set forth in order to obtain their license or permit or secure any renewal thereof.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 675

CHAPTER 592

AN ACT MAKING IT UNLAWFUL TO POSSESS TEAR GAS EXCEPT FOR MILITARY, GOVERNMENTAL, SCIENTIFIC, EDUCATION OR INDUSTRIAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm, corporation or association to possess, use, store, sell or transport within the State of North Carolina, any form of that type of gas generally known as "tear gas", or any container or device for holding or releasing the same; provided, the provisions of this Act shall not apply to the possession, use, storage, sale or transportation of such gas by or for any of the Armed Services of the United States or of this State, or by or for any governmental agency, or municipal and State peace officers of this State or for bona fide scientific, educational or industrial purposes, or for use in safes, vaults and depositories as a means of protection against robbery.

Sec. 2 Any person, firm, corporation or association violating any provision of this Act shall be guilty of a misdemeanor and punishable by fine or imprisonment 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 become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
CHAPTER 593

AN ACT TO AMEND AND REENACT CHAPTER 7 OF THE PUBLIC-LOCAL LAWS OF 1938, EXTRA SESSION, AS AMENDED BY CHAPTER 1227 OF THE 1949 SESSION LAWS, RELATING TO THE TAR RIVER PORT COMMISSION.

WHEREAS, under and by virtue of Chapter 7 of the Public-Local Laws of 1938, Extra Session, as amended, the Tar River Port Commission has been created to construct, own, operate and manage port facilities and related operations on the Tar River in Pitt County; and

WHEREAS, the Tar River Port Commission proposes to issue revenue bonds to finance the construction, maintenance and operation of such facilities, and it is necessary to have its functions, powers and duties more fully and completely set forth to enable it to legally and successfully market the proposed revenue bond issue or issues: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act may be cited as the “Tar River Port Commission Act.”

Sec. 2. Definitions. As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning:

(a) The word “Commission” shall mean the Tar River Port Commission, a public corporation of the State of North Carolina.

(b) The word “project” shall mean the port, dock, storage, transportation, industrial and manufacturing facilities, or any portion thereof, to be constructed on or near the Tar River in Pitt County, North Carolina, and shall include, but not to be limited to, all warehouses; fumigating plants; storage sheds and buildings; access roads and railroads; granaries; agricultural processing plants; loading, transfer and exchange buildings; approaches; service facilities; communications facilities; and administration and other buildings which the commission may deem necessary for the successful operation of the project, together with all equipment, property, rights, easements and interests which may be acquired by the commission for the construction or the operation of such project.

(c) The word “cost” as applied to any project undertaken under the authority of this Act by the commission shall embrace the cost of construction, the cost of the acquisition of all land, rights of way, property, rights, easements and interests acquired by the commission for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the commission, for a period not exceeding one year after completion of construction, cost of financial, engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of

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the project, the financing of such construction and the placing of the project in operation.

(d) The word “bonds” shall mean bonds of the commission authorized under the provisions of this Act.

Sec. 3. There is hereby created a body corporate and politic to be known as “Tar River Port Commission”. The commission is hereby constituted an instrumentality of the State of North Carolina, and the exercise by the commission of the powers conferred by this Act in the construction, maintenance, repair and operation of any project, shall be deemed and held to be an essential governmental function of the State. The commission shall consist of three members, each of whom shall be residents of the County of Pitt. Each member of the commission shall be appointed by joint or appropriate resolution of the Board of Commissioners of Pitt County and the Board of Aldermen of the Town of Greenville, North Carolina, for a term of two years and shall serve until his successor is appointed and has qualified. Each member of the commission may be removed from office by the appointing bodies, for cause.

Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment, but for the unexpired term only.

The commission shall elect one of its members chairman, and another member vice-chairman, who shall serve until their respective successors have been designated. The commission shall elect a secretary and treasurer, who need not be a member. Two members of the commission shall constitute a quorum, and the vote of two members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members of the commission shall not receive regular compensation for their services as members of the commission. Each member shall be paid a per diem compensation, and actual expenses necessarily incurred in the performance of official duties, said per diem to be fixed by the appointing bodies at the time of their appointment or prior to the sale of revenue bonds, and to be paid only from revenues accruing to the commission, as hereinafter provided.

The appointment of the membership of the commission, and any and all official actions taken by the commission prior to this amendment and consolidation are recognized as regular and official acts, and shall not be affected or invalidated by this Act.

Sec. 4. The County of Pitt and the Town of Greenville, North Carolina, respectively, are hereby authorized and permitted to advance or expend such amount or amounts as either or both of said local governments, acting together or separately, may in their discretion determine, not exceeding fifty thousand dollars ($50,000.00), as a loan to Tar River Port Commission to be used in the payment of any portion of the cost of any project or projects.

Sec. 5. General Grant of Powers. The commission shall have perpetual succession and shall have the following powers:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;
(b) To adopt a corporate seal and alter the same at pleasure;
(c) To maintain an office at such place or places within the State as it may designate;
(d) To sue and be sued in its name;
(e) To construct, maintain, repair and operate projects at such locations on or near the Tar River in Pitt County as shall be designated by the commission;
(f) To issue revenue bonds of the commission for any of its corporate purposes, payable from the rents, tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;
(g) To fix and revise, from time to time, and charge and collect tolls, rents and service charges for the use of any portion or all of any project and its various services and facilities;
(h) To establish rules and regulations for the use of any portion or all of any project or facilities to be constructed by it;
(i) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act;
(j) To purchase, solely from funds provided under this Act, such lands, machinery, buildings, structures, equipment, rights of way, franchises, easements and interests in lands deemed by the commission to be necessary for the construction, operation or protection of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof;
(k) To make and enter into all contracts, leases and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;
(l) To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment; to fix their compensation; and to promote and discharge such employees and agents;
(m) To employ contractors and enter into construction contracts for the erection and construction of each and every part of any project in such manner and for such price as it may determine to be for the best interests of the commission.
(n) To accept loans and grants of money or materials or property, at any time, from the United States of America or the State of North Carolina or any agency or instrumentality thereof, or any person, firm or corporation upon such terms and conditions as the lender or grantor may impose;
(o) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Sec. 6. Acquisition of property. The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the State, as it may deem necessary or convenient for the construc-
tion and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the commission.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property, or parts thereof or rights therein, of any person, copartnership, association, or corporation, deemed necessary or convenient for the construction or the efficient operation of any project. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the laws of the State then applicable which relate to condemnation or the exercise of the power of eminent domain as provided in Chapter 40 of the General Statutes and amendments thereof. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the State, county, municipality or the commission except as may be paid from the funds provided under the authority of this Act.

Sec. 7. Revenue Bonds. The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the commission for any of its corporate purposes, including the refunding of its bonds. The principal of and the interest on any issue of such bonds shall be payable from and be secured by a pledge of rents, tolls and revenues of all or any part of any project financed in whole or in part with the proceeds of such issue or with the proceeds of bonds refunded or to be refunded by such issue. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times, not exceeding 35 years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The bonds shall be signed by the chairman of the commission or shall bear his facsimile signature, and the corporate seal of the commission shall be impressed thereon and attested by the secretary and treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman of the
commission. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of this State. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the commission. The proceeds of the bonds of each issue shall be disbursed in such manner and under such restrictions, if any, as the commission may provide in the resolution authorizing the issuance of such bonds, or in the trust agreement hereinafter mentioned securing the same.

The commission is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the commission for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the commission, for the additional purpose or purposes of constructing improvements or enlargements of the project or projects in connection with which the bonds to be refunded shall have been issued and of paying all or any part of the cost of any additional project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Sec. 8. Bonds not to Constitute a Debt or Pledge of Taxing Power. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State of North Carolina or of any county, city, district, or political subdivision thereof, or a pledge of the faith and credit of the State or any county, city, district, or political subdivision thereof, but such bonds shall be payable from the funds herein provided therefor.
from tolls, rents and revenues. The issuance of revenue bonds under the provisions of this Act shall not directly or indirectly or contingently obligate the State or county, city, or district therein or any political subdivision thereof, to levy or to pledge any form of taxation whatsoever therefor. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect.

Sec. 9. Trust Agreement. In the discretion of the commission any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds (subject to the provisions of Section 7 of this Act) may pledge or assign rents, tolls or other revenues of any project. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the right and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project, the rates of rents, tolls and revenues to be charged, the payment, security or redemption of bonds, and the custody, safeguarding and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of the project. It shall be lawful for any bank or trust company incorporated under the laws of this State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual rights of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the project.

Any pledge of rents, tolls or other revenues or other moneys made by the commission shall be valid and binding from the time when the pledge is made; the rents, tolls or other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind, in tort, contract or otherwise, against the commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded, except in the records of the commission.

Sec. 10. Revenues. The commission is hereby authorized to fix, revise, charge and collect rents and tolls for the use of any project and the different spaces, parts or sections thereof, and to contract with or lease to any person, partnership, association, corporation, or agency of the State
or United States desiring the use of all or any part thereof, and to fix the terms, conditions, rents and rates or charges for such use. Such rents, rates, charges and tolls shall be so fixed and adjusted as to carry out and perform the terms and provisions of any contract with or for the benefit of bondholders. Such rents, rates, charges and tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The use and disposition of rents, charges, tolls and revenues shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the same.

Sec. 11. The commission is hereby authorized and empowered to mortgage all or any part of any project as the commission may deem advisable for the further security of any bonds issued under the provisions of this Act. Subject to the provisions of any trust agreement or resolution securing said bonds, the mortgage may provide for the appointment of a receiver and for the foreclosure and sale of the mortgaged property and the application of the sale proceeds to the payment of the principal of and the interest on said bonds.

Sec. 12. Trust Funds. All moneys received pursuant to the provisions of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Sec. 13. Remedies. Any holder of bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of North Carolina or granted hereunder or such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel performance of all duties required by this Act or by such trust agreement or resolution to be performed by the commission or by any officer thereof, including the fixing, charging and collecting of rents, charges and tolls.

Sec. 14. Exemption from Taxation. The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State of North Carolina, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of any project by the commission will constitute the performance of essential governmental functions, the commission shall not be required to pay any taxes or assessments upon any project or any property acquired by the commission under the provisions of this Act, or upon the income therefrom, and any project and any property acquired or used by the commission under the provisions of this Act and
the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom, shall be exempt from taxation.

Sec. 15. Bonds Eligible for Investment. Bonds issued by the commission under the provisions of this Act are hereby made securities in which the State and all political subdivisions of this State, all banks, trust companies, savings and loan associations, all insurance companies, and all administrators, executors, guardians, trustees and other fiduciaries, may properly and legally invest any funds in their control.

Sec. 16. Ownership. When any project is constructed and operated under the authority of this Act, and leased to the State Ports Authority, (a public agency of the State of North Carolina), or its successors or assigns, and such leasing agreement remains in full force and effect until all bonds issued to finance such project, and every part thereof, and the interest thereon shall have been paid, or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, the project shall become a part of the operations of the North Carolina State Ports Authority, and be under their exclusive direction, control and supervision, at the option of the State Ports Authority. In the event the State Ports Authority does not wish to assume the ownership, direction, supervision and control of the project, the project shall continue to be operated by the commission for the use and benefit of the Town of Greenville, North Carolina, and County of Pitt, and all net revenues received from the operation of the project shall be equally divided between the aforesaid two bodies politic.

Sec. 17. Act Liberally Construed. This Act being necessary for the welfare of the State and its inhabitants shall be liberally construed to effect the purposes thereof.

Sec. 18. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 19. Inconsistent Laws Applicable. All other general or special laws, or parts thereof, inconsistent herewith, are hereby declared to be inapplicable to the provisions of this Act.

Sec. 20. 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 5th day of April, 1951.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, subsection (b), of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, as amended, be further amended by striking out the period at the end thereof and inserting in lieu thereof a semi-colon, and by adding thereto the following:

"Provided, however, that in the event the City of High Point hereafter becomes subject to the provisions of the Social Security Act of the United States Government as to any other department of the city, then and in such event the City of High Point shall make to this pension fund the same contribution, in percentage of wage or salary, per member of the fire department of said city as it makes per employee in any other department or departments subject to the provisions of said Social Security Act, such contributions to begin as of the same date as contributions under said Social Security Act; provided, further, that up to a maximum of two per cent (2%) of the salary of each member of the fire department, the city treasurer shall deduct each month from the second pay check of each and every said member an additional amount equivalent to the sum contributed per said member by the city, said amount to be paid into this pension fund each month; provided, still further, that such deductions shall not be retroactive, but shall begin as of the date the other department or departments of the city become subject to the provisions of said Social Security Act."

Sec. 2. That Section 4 of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, as amended, be amended by striking out subsection (4) of said Section and inserting in lieu thereof the following:

"(4) Should he die leaving none of the above named beneficiaries, or should none of them qualify in accordance with the above requirements, then, and in such event, a sum equal to one-half of the amount paid into said pension fund by him shall be paid to the administrator or executor of his estate, or into the office of the Clerk of the Superior Court of Guilford County, if there be no administration of his estate."

Sec. 3. That Section 5 of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, as amended, be amended by striking out said Section and inserting in lieu thereof the following:

"Sec. 5. That in the event any full time paid member of the High Point Fire Department shall hereafter become, in the opinion of the board of examiners, disabled from injury sustained, or disease contracted, while acting in the line of his duties, and is found by the board of examiners
to be unable to work as a fireman, he shall receive each month from said pension fund during such disability whatever proportion of the salary paid him by the City of High Point the board of examiners, in its sole discretion, shall find he is entitled to receive, after taking into consideration the nature and extent of his disability, his income and compensation from all other sources, whether received directly or indirectly, and his ability to earn an income from any other source; provided, however, that in no event shall any compensation be paid him under this Section during such time as his income and compensation from any other source shall equal or exceed the salary paid him by the City of High Point at the time of his disability; provided, further, that if any full time paid member of said department dies, and the board of examiners shall find that his death was proximately caused from said disability, then the contingencies provided for in Section 4 of this Act, and in the order therein enumerated, shall apply; provided, still further, that a lump sum settlement under the provisions of the Workmen's Compensation Act, for the purpose of determining the amount to be paid under this Section, shall be treated as if said lump sum settlement had been distributed over the period over which it would have been paid except for settlement in a lump sum; provided, still further, that the board of examiners shall not be bound by any provision of the North Carolina Workmen's Compensation Act as to whether or not a particular disease is contracted while acting in the line of duty."

Sec. 4. That Section 6 of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, be stricken out and the following inserted in lieu thereof:

"Sec. 6. That in the event any full time paid member of the High Point Fire Department shall hereafter become disabled from injury or disease which the board of examiners shall find was not proximately caused while acting in the line of his duties, and is found by the board of examiners to be unable to work as a fireman, he shall receive monthly therefor during his disability whatever proportion of one-twelfth (1/12th) of three and one-half per centum (3½%) of his total earnings as a full time paid member of said department from the beginning of his full time paid employment until the time of his disability, or for the last 20 years of his full time paid employment, whichever is the shorter, which the board of examiners, in its sole discretion, shall find he is entitled to receive, after taking into consideration the nature and extent of his disability, his income and compensation from all other sources, whether received directly or indirectly, and his ability to earn an income from any other source; provided, however, that in no event shall any compensation be paid him under this Section during such time as his income and compensation from any other source shall equal or exceed the salary paid him by the City of High Point at the time of his disability; provided, further, that three years' full time paid service in said department shall be a prerequisite to benefits under this Section; and provided, further, that if any said full time paid member dies, and the board of examiners shall find that his death was proximately caused from said disability, then the contingencies provided for in Section 4 of this Act shall apply, and in the order therein enumerated.
Sec. 5. That Section 7 of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941 be amended by striking out the same and inserting in lieu thereof the following:

"Sec. 7. If any full time paid member of said department shall sever his connection with said department, whether voluntarily or involuntarily, or by death before eligibility for retirement, he shall be entitled to have refunded to him one-half of all money deducted from his salary which went into said pension fund. If he is later re-employed in said department he shall forfeit the time accrued to him under this Pension Act unless he shall pay into said pension fund on or before the date his re-employment begins the amount refunded him plus interest thereon at the rate of two and one-half per centum (2½%) per annum."

Sec. 6. That Section 8 of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941 be amended by striking out same and inserting in lieu thereof the following:

"Sec. 8. That the board of examiners shall consist of five members; that the Mayor of the City of High Point shall ex officio be the chairman of said board with all the privileges and duties of any other member; that the city council shall elect two other members, one of whom shall be a local physician, and neither of which shall be employed in the fire department; that one member shall be the chief of the fire department, and still another member shall be elected by a majority vote of all full time paid members of the fire department; that all members of said board, other than the mayor, shall be appointed or elected for a term of three years, and they shall be selected within five days after the ratification of this Act and all members of said board shall promptly thereafter take the oath of office administered to other officials of the city and shall then enter upon their duties, and the appointed or elected members shall serve until the 15th day of March, 1954, or until their successors are appointed or elected and duly qualified. Vacancies must be filled in the same manner as provided in the original selection, except that upon the resignation, or refusal to serve, of the mayor, the city council shall appoint some one to fill his unexpired term."

Sec. 7. That a new Section, to be designated Section 8½ of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, be added, which shall read as follows:

"Sec. 8½. The said board of examiners is vested with authority to determine all matters affecting the administration of this Act, including the power and authority to determine the claims of firemen coming under the provisions of this Act, and the decision of a majority of a quorum of the board shall be final, and there shall be no appeal therefrom. The board may meet at any time upon the call of the chairman, or upon the call of any three members if the chairman neglects or refuses to call a meeting. Two days' written notice of the time and purpose of a meeting to determine the claims of firemen shall be given, but the failure to give such notice shall not invalidate the proceedings at any such meeting, provided all members of the board are present. Two days' oral notice of the time of the meeting shall be sufficient as to meetings held for any other purpose.
The board shall designate someone, who need not be a member of the board, to act as secretary at its meetings, and it shall be his duty to give notice of all meetings. A majority of the members of the board shall constitute a quorum at any meeting except meetings to determine contested claims of firemen, in which event the three members not connected with the fire department shall constitute a quorum. At any duly held meeting a majority vote of those present shall decide any matter coming before the meeting, but any member of the board who is employed in the fire department shall be disqualified from voting in the determination of his own claim for compensation. All claims of firemen for benefits under the provisions of this Act shall be made in writing and shall state the nature of the claim and the relief demanded. All claims shall be filed with the chairman of the board of examiners within 60 days from the date the claim arose. Failure to so present a written claim within said 60-day period, or acceptance of a refund of one-half of all money deducted from his salary which went into said pension fund, shall operate as a bar to the consideration and payment of said claim; provided, however, that the time for presenting any claims which arose prior to the enactment of this Section shall be extended to a date 60 days from said date.

As a condition prerequisite to the payment of benefits for disability under either Section 5 or 6 of this Act, the board of examiners may require the claimant: (1) to submit to any medical examinations by physicians the board may select which the board may consider advisable; (2) to produce for inspection by the board any records pertaining to the income or financial status of the claimant; (3) to answer such inquiries as the board may make into the financial status or income or physical condition of the claimant. The failure of the claimant to comply with these conditions shall operate as a bar to the payment of benefits hereunder so long as such non-compliance continues. Any fireman who prosecutes before the board of examiners a claim for benefits hereunder shall thereby forfeit his right to a refund of any payments by him into said pension fund."

Sec. 8. That Section 10 of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, as amended, be amended by adding at the end thereof the following:

"The board of examiners is authorized and empowered to pay out of this pension fund all expenses incurred in connection with the administration of this Act, including reasonable fees of an attorney employed by the fire department to assist in having this Act amended from time to time, or to represent the fire department in connection with any contested claim for benefits under this Act."

Sec. 9. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 10. 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 5th day of April, 1951.
H. B. 784

CHAPTER 595

AN ACT TO VALIDATE CERTAIN ACTS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. Any and all acts heretofore done by the Board of Commissioners of the Town of Laurinburg, in the improving of the streets of the Town of Laurinburg and the assessments levied therefor, are hereby in all respects approved and validated. Nothing contained in this Act shall affect pending litigation.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 799

CHAPTER 596

AN ACT TO AUTHORIZE THE CITY OF DURHAM OR THE BOARD OF COMMISSIONERS OF DURHAM COUNTY, BY SECURING LIABILITY INSURANCE, TO WAIVE GOVERNMENTAL IMMUNITY FOR DAMAGES RESULTING FROM THE NEGLIGENT OPERATION OF MOTOR VEHICLES, AND TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF DURHAM TO COMPENSATE PERSONS FOR CLAIMS ARISING SINCE JANUARY 1, 1951.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Durham or the Board of County Commissioners of Durham County, are each hereby authorized and empowered, but not required, to waive governmental immunity from liability for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by an officer, agent or employee of said city or county, respectively when acting within the scope of his authority or within the course of his employment. Said city or county may waive said immunity only by securing liability insurance therefor, as is hereinafter provided, and the securing of such insurance constitutes an election to waive any defense of governmental immunity by the city or county securing the same to the extent of the amount of the insurance so obtained.

Sec. 2. The contract of insurance purchased pursuant to this Act must be one issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State, and must by its terms adequately insure said city or county, as the case may be, against any and all liability for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by an officer, agent or employee of said city or county, as the case may be, when acting within the scope of his authority or within the course of his
employment. Any company or corporation which enters into a contract of
insurance as above described with said city or county, by such act, waives
any defense based upon the governmental immunity or said city or county
from liability.

The Governing Body of the City of Durham and the Board of County
Commissioners of Durham County are each authorized and empowered to
pay, as a necessary expense, the lawful premiums for such insurance
secured by the city or county, out of the general tax revenues or other
appropriate funds.

Sec. 3. Any person sustaining damage, or in case of death, his personal
representative, may sue the City of Durham or Durham County, as the case
may be, as provided by this Act, for the recovery of such damages in any
court of competent jurisdiction in Durham County; and it shall be no
defense to any such action that the operation of such motor vehicle by
such officer, agent or employee, was in pursuance of a governmental,
municipal, or discretional function of said city or county if, and to the
extent, said city or county being sued, has insurance coverage as provided
by this Act.

Except as hereinbefore expressly provided, nothing in this Act shall
be construed to deprive said city or county of any defense whatsoever to
any such action for damages, or to restrict, limit or otherwise affect any
such defense, which said city or county may have at common law or by
virtue of any statute (whether general, special, private or local); and
nothing in this Act shall be construed to relieve any person sustaining dam-
ages, or any personal representative of any decedent, from any duty to
give notice of such claim to said city or county, or to commence any civil
action for the recovery of damages, within the applicable period of time
prescribed or limited by statute.

Sec. 4. The City of Durham may incur liability pursuant to this Act
only with respect to a claim arising after said city has procured liability
insurance pursuant to this Act and during the time when such insurance
is in force and Durham County may incur liability pursuant to this Act
only with respect to a claim arising after said county has procured liability
insurance pursuant to this Act and during the time when such insurance
is in force.

Sec. 5. No part of the pleadings which relates to or alleges facts as
to a defendant's insurance against liability shall be read or mentioned in
the presence of the trial jury in any action brought pursuant to this Act.
Such liability shall not attach unless the plaintiff shall waive the right
to have all issues of law or fact relating to insurance in such an action
determined by a jury and such issues shall be heard and determined by
the judge without resort to a jury and the jury shall be absent during any
motions, arguments, testimony or announcement of findings of fact or
conclusions of law with respect thereto unless the defendant shall ask
for a jury trial thereon.

No plaintiff to an action brought pursuant to this Act nor counsel,
nor witness therefor, shall make any statement, ask any question, read
any pleadings or do any other act in the presence of the trial jury in such
case so as to indicate to any member of the jury that the defendant's liability would be covered by insurance, and if such is done judgment shall be entered as of nonsuit and the plaintiff shall be taxed with the costs, but such judgment as of nonsuit shall not preclude or bar plaintiff from instituting another action based upon the same cause of action.

Sec. 6. The Governing Body of the City of Durham is hereby authorized to investigate any claim for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by an officer, agent or employee of said city when acting within the scope of his authority or within the course of his employment. Notwithstanding the provisions of Section 4 of this Act, upon production of proof satisfactory to the said governing body that said death or injury to person or property was so caused as claimed and that there was no contributory negligence on the part of the person in whose behalf the claim is asserted, the said governing body is authorized, in its discretion, to pay out of the general fund of the city such sum as will constitute reasonable compensation for said death or injury. This Section shall apply only with respect to deaths or injuries to person or property occurring on or subsequent to January 1, 1951, and prior to the securing of liability insurance by the City of Durham as hereinbefore authorized by this Act.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 802

CHAPTER 597

AN ACT EXTENDING THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF GRIMESLAND IN PITT COUNTY SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE BOUNDARY LINES THEREOF.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other powers granted by law, all police and law enforcement officers of the Town of Grimesland in Pitt County are hereby authorized and empowered to make arrests, preserve the peace, and serve criminal process at any point within one mile of the corporate boundary lines of the Town of Grimesland.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
H. B. 816

CHAPTER 598

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF MOREHEAD CITY IN CARTERET COUNTY TO INCLUDE ALL THE TERRITORY WITHIN ONE MILE OF THE CORPORATE BOUNDARY LINES.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other authority granted by law, the police and law enforcement officers of the Town of Morehead City in Carteret County are hereby authorized and empowered to make arrests, preserve the peace, and serve criminal process at any point within one mile of the corporate boundary lines of the Town of Morehead City.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 823

CHAPTER 599

AN ACT TO AMEND CHAPTER 899 OF THE SESSION LAWS OF 1949, RELATING TO PROFESSIONAL BONDSMEN AND OTHERS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 899 of the Session Laws of 1949 is stricken out and the following substituted in lieu thereof:

"Sec. 2. Every person, firm, or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule of financial condition with the Clerk of Recorder's Court of Durham County, and the financial responsibility of the obligor named in all bail or other bonds executed by said professional bondsman shall be approved by said clerk. Every person, firm, or corporation licensed as a professional bondsman must keep on deposit with the Clerk of Recorder's Court of Durham County in cash, bonds, building and loan stock or first mortgages upon real estate to be approved by the clerk a sum equal to twenty-five per cent (25%) of the bail or other bonds signed by said professional bondsman still in effect. When at such time the cash, bonds, building and loan stock or first mortgages deposited with the clerk amount to less than twenty-five per cent (25%) of the bail or other bonds in effect signed by a professional bondsman, the Clerk of Recorder's Court of Durham County shall demand from such professional bondsman an additional amount to be placed on deposit in order that the deposit shall equal twenty-five per cent (25%) of the bail or other bonds in effect signed by said professional bondsman. Upon failure of the professional bondsman to make such additional deposit with the said clerk, the clerk shall refuse to accept any further bonds signed by said bondsman until such time as his deposit exceeds twenty-five per cent (25%) of the bonds outstanding signed by said bondsman."

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“All bonds ordered by the court to be forfeited shall be paid on or before the 10th day of the month following the order of forfeiture.”

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 upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 826  
CHAPTER 600

AN ACT TO AMEND SECTION 115-46 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 115-46 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following words:

“Provided that in Davidson County the board of education may fix the compensation of each member at not to exceed ten dollars ($10.00) per diem and five cents (5c) a mile to and from the place of meeting.”

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

H. B. 853  
CHAPTER 601

AN ACT TO MAKE UNLAWFUL THE WRONGFUL USE OF FIRE FIGHTING EQUIPMENT AND SIGNALING DEVICES IN THE UNINCORPORATED TOWN OF KING, IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall enter a building which is used to house fire fighting equipment in the unincorporated town of King, in Stokes County, and shall tamper with, injure, damage or destroy any of the fire fighting equipment contained therein, or shall cause any siren or other signaling device, which is customarily used to signal the existence of a fire, to be set off, blown, discharged or otherwise operated so as to emit a sound which is commonly understood in that community to indicate the existence of a fire, shall be guilty of a misdemeanor and punished in the discretion of the court: Provided, that it shall not be unlawful for any person to operate such siren or other signaling device when this act is done with the intent to indicate the existence of a fire, or some other emergency.

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

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.
H. B. 905  

CHAPTER 602

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF PEMBROKE TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF PEMBROKE IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The authority of police officers of the Town of Pembroke in Robeson County to make arrest, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include all territory within one mile of the corporate limits of the Town of Pembroke.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 5th day of April, 1951.

S. B. 378  

CHAPTER 603

AN ACT TO CONSOLIDATE THE TOWNS OF WAYNESVILLE AND HAZELWOOD, NORTH CAROLINA, INTO ONE TOWN TO BE KNOWN AS THE TOWN OF WAYNESVILLE, AND TO PROVIDE A CHARTER THEREFOR.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Waynesville and Hazelwood, North Carolina, within the boundaries as established in Section 3 hereof or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Waynesville and shall under that name have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted in this charter, the Town of Waynesville as herein constituted shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Waynesville by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, land, right of way, privilege and easement necessary for any such purposes,
subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of aldermen shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive—The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Waynesville shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of aldermen.

Sec. 3. Corporate Limits—The corporate limits of the Town of Waynesville, as herein constituted, shall include all of the territory heretofore included within the corporate limits of the Town of Waynesville and the Town of Hazelwood respectively, and such other territory as may be added prior to May 1st, 1951.

BOARD OF ALDERMEN

Sec. 4. Creation, Salary and Composition of Mayor and Board of Aldermen. Except as otherwise provided in this charter all powers of the town shall be vested in a mayor, a city manager, and a board of aldermen of five members nominated and elected as hereinafter provided. Three members of the board of aldermen shall be elected from Ward No. 1, consisting of all the territory within the corporate limits North and East of a line described as follows:

A line beginning at the southwesterly corner of the former corporate line of the Town of Waynesville at a 30-inch forked maple near the site of the old Sulphur Springs Hotel, and runs thence S. 58 degrees E. 238 feet to a point on the West side of the pavement of the Sulphur Springs Road; thence S. 15 degrees 30' W. 199 feet to a concrete marker on the West bank of Richland Creek near the old Sulphur Springs Hotel site; thence running with the former Waynesville-Hazelwood corporate line in
a southeasterly direction to a point in the West margin of U. S. Highway 19A-23; thence in a southeasterly direction to the Northeast corner of the Belle Meade Subdivision; thence running due South to Farmer Branch.

Two members of the board of aldermen shall be elected from Ward No. 2 consisting of all the territory within the corporate limits South and West of the line hereinbefore described in this Section.

The term of office of the mayor and the board of aldermen shall be for two years and until their successors are elected and qualified, and shall begin on the first day of June next following their election. If a vacancy occurs in the office of mayor or alderman, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of aldermen. Each member of the board of aldermen shall receive a salary of $480.00 per year; the mayor shall receive a salary of $500.00 per year if the mayor does not hold regular court, $980.00 per year if the mayor does hold regular court; the city manager shall receive such salary as the board of aldermen may determine; members of the board of aldermen shall be qualified electors of the town. A member of the board of aldermen ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 5. Meeting of the Board of Aldermen. At 8:00 o'clock, P.M., on the first Tuesday following each regular municipal election, the board of aldermen shall meet at the Town Hall of Waynesville and the newly elected members shall assume the duties of office. Thereafter the board of aldermen shall meet at such times and places as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of aldermen. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of aldermen and of committees thereof shall be open to the public, and the rules of the board of aldermen shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of aldermen or a committee thereof may by a three-fifths vote of all the members authorize an executive meeting.

Sec. 6. Mayor and Mayor Pro Tem. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, and by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of aldermen, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.
Sec. 7. Board of Aldermen Rules. The board of aldermen shall be the judge of the election and qualifications of its members, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of aldermen in any such case shall be subject to review by the courts. The board of aldermen shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the board of aldermen shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of aldermen shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of aldermen only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of aldermen. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Waynesville."

Sec. 10. When Ordinances and Resolutions Take Effect—Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of aldermen shall take effect at the time indicated therein, but not less than ten days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three members of the board of aldermen shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of aldermen except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.
Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published at least once in some newspaper having general circulation in said town.

**NOMINATION AND ELECTIONS**

Sec. 12. Municipal Elections. The regular election for members of the board of aldermen and a mayor shall be held on Tuesday following the first Monday in May in odd numbered years, and shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein. The board of aldermen may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulation of Election for 1951. The election to be held in 1951 shall be held at a date to be determined by the County Board of Elections of Haywood County, which date shall be not less than 60 days, nor more than 90 days after the date upon which this Act becomes effective in respect to the consolidation of the Towns of Waynesville and Hazelwood, and shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Nominations. Any qualified elector of the town may declare himself a nominee for membership on the board of aldermen from his respective ward, or as mayor by filing a statement with the town clerk not earlier than 90 days, nor later than 30 days before the election in the following form:

"I hereby declare myself a candidate for the office of alderman from Ward No. (or mayor) to be voted on at an election to be held on the day of , 19 .

Candidate

Filed day of , 19 .

Town Clerk

The town clerk shall take and preserve the name and address of each person declaring himself as a nominee for office. Any candidate may withdraw his nominations not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk.

Sec. 15. Ballots. The full names of candidates nominated for board of aldermen or mayor in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed a separate ballot for mayor, and as many sets of ballots as there are candidates for the office of aldermen. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabet-
ical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of Mayor and Board of Aldermen. The mayor and members of the board of aldermen shall be elected by the qualified voters of the Town of Waynesville at large, but candidates for membership on the board of aldermen shall be nominated from their respective wards as hereinbefore designated. Every qualified voter shall be entitled to vote for a mayor and as many candidates as there are members to be elected to the board of aldermen. All candidates for aldermen up to the number to be elected, who receive the largest number of votes, shall be declared elected, and the candidate receiving the largest number of votes for the office of mayor shall be declared elected to that office.

Sec. 17. Appointments of Officers and Employees. The board of aldermen 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 town when appointed. He shall hold office during the pleasure of the board of aldermen, and shall receive such compensation as it shall fix by ordinance.

Sec. 18. Power and Duties of Manager. The city manager shall (1) be the administrative head of the town government; (2) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the board of aldermen are faithfully executed; (3) attend all meetings of the board of aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the board of aldermen from time to time upon the affairs of the town, keep the board of aldermen fully advised of the town's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents and other employees of the town.

Sec. 19. Appointment and Removal of Officers. Such town officers and employees as the board of aldermen shall determine are necessary for the proper administration of the town 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 board of aldermen at the next meeting thereof following any such appointment or removal.

Sec. 20. Control of Officers and Employees—Officers and employees of the town shall perform such duties as may be required of them by the city manager, under general regulations of the board of aldermen, including the right to combine the duties of two or more of said offices to be handled by one person.

Sec. 21. Police Jurisdiction. All law enforcement officers of the Town of Waynesville, in addition to the authority generally conferred by law, shall have the power of arrest and law enforcement, together with authority to serve all legal process, either criminal or civil, at any point within the watershed area from which the Town of Waynesville draws its water supply and within the municipal garbage disposal areas.
Sec. 22. Town Clerk. The town clerk shall keep the records of the board of aldermen and perform such other duties as may be required by law or the board of aldermen.

Sec. 23. Duties of Town Attorney or Attorneys. The town attorney or attorneys shall be attorneys at law who shall have practiced in the State of North Carolina for at least three years. He or they shall be the chief legal adviser of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his or their duty, either personally or by such assistants as he or they may designate, to perform all services incident to the department of law; to attend all meetings of the board of aldermen; to give advice in writing, when so requested, to the board of aldermen or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of aldermen may require. In addition to the duties imposed upon the town attorney or attorneys by this charter or required by ordinance or resolution of the board of aldermen he or they shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 24. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository or depositories all money belonging to the town.

Sec. 25. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Sec. 26. Custody of Town Money. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository or depositories. Such institution or institutions shall be designated by the board of aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.
Sec. 27. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 28. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of aldermen may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than three thousand dollars ($3,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance; provided, that in determining the lowest responsible bidder, the city manager and the board of aldermen may take into consideration the questions of the promptness of delivery of materials, equipment or supplies and the character and availability of the contemplated contractual services desired.

Sec. 29. Contracts for Town Improvements. Any town improvement costing more than three thousand dollars ($3,000.00) shall be executed by contract except where such improvement is authorized by the board of aldermen to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than three thousand dollars ($3,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of aldermen shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of aldermen.

Sec. 30. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same was published in a newspaper of general circulation within the town at least ten days before its passage by the board of aldermen.

Sec. 31. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of aldermen, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.

MISCELLANEOUS PROVISIONS

Sec. 32. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of aldermen, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.
Sec. 33. Personal Interest. Neither the mayor nor any member of
the board of aldermen nor any officer or employee of the town shall have
a financial interest, direct or indirect, in any contract with the town, or
be financially interested, directly or indirectly in the sale to the town of
any land, materials, supplies or services, except on behalf of the town as
an officer or employee. Any wilful violation of this Section shall consti-
tuate malfeasance in office, and any officer or employee of the town found
guilty thereof shall thereby forfeit his office or position. Any violation
of this Section, with the knowledge express or implied of the person or
corporation contracting with the town shall render the contract voidable
by the board of aldermen.

Sec. 34. Oath of office. Every officer of the town shall, before enter-
ing upon the duties of his office, take and subscribe to the following oath
or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the constitution and
will obey the laws of the United States and of the State of North Caro-
lna, that I will, in all respects, observe the provisions of the charter and
ordinances of the Town of Waynesville and will faithfully discharge the
duties of the office of

Sec. 35. Continuance of Contracts. All contracts, debts or obligations
entered into by the Town of Waynesville or the Town of Hazelwood, or
for their benefit, prior to the taking effect of this charter, shall continue
in full force and effect. Public improvements for which legislative steps
have been taken under laws or charter provisions existing at the time
this charter takes effect may be carried to completion in accordance with
the provisions of such existing laws and charter provisions.

Sec. 36. Saving Clause. If any part of this charter shall be declared
invalid by a court of competent jurisdiction, such judgment shall not in-
validate the remainder of the charter. The provisions of this charter
shall supersede all laws and ordinances not consistent herewith, insofar
as the Towns of Waynesville and Hazelwood are affected thereby.

Sec. 37. Bonds Assumed. All bonds heretofore issued and unpaid by
either the Town of Waynesville or the Town of Hazelwood shall be as-
sumed by the Town of Waynesville as herein constituted and taxes shall
be levied for payment thereof as the same shall become due.

Sec. 38. Real and Personal Property. The title to all property both
real and personal, and the ownership of all the rights of way and ease-
ments heretofore owned by the Town of Waynesville shall continue to be
owned by the Town of Waynesville as herein constituted and the title to
all real and personal property now owned by the Town of Hazelwood and
the title to all rights of way and easements for streets, water and other
purposes owned by the Town of Hazelwood is hereby transferred to the
Town of Waynesville as herein constituted, to be used for such municipal
purposes as the board of aldermen of the Town of Waynesville as herein
constituted may hereafter authorize and direct.

Sec. 39. Ordinances: Effective Duration. That the ordinances and by-
laws in force in the Town of Waynesville shall continue to be the ordi-
nances and bylaws effective under the corporation hereby established un-
til repealed or modified by the board of aldermen to be elected under the provisions of this Act.

Sec. 40. Officers: Terms of Incumbents Extended. That the term of office of the Mayor and Board of Aldermen of the Town of Waynesville, as heretofore constituted, and the term of office of the Mayor and Board of Aldermen of the Town of Hazelwood, as heretofore constituted, are hereby extended until such time as their successors are elected and qualified in the event the proposed consolidation of the Towns of Waynesville and Hazelwood does not become effective; or in the event such consolidation does become effected then until such time as a mayor and board of aldermen are elected and qualified for the consolidated Towns of Waynesville and Hazelwood as herein constituted and designated the Town of Waynesville.

Sec. 41. Election on Consolidation: Petition. That the qualified voters of either the Town of Waynesville or the Town of Hazelwood shall have the right to petition the mayor and board of aldermen of their respective municipalities for the call of an election on whether or not the qualified voters of said municipality approve or disapprove the consolidation of the two municipalities under the provisions of this Act; provided that said petition properly signed by fifteen per cent (15%) of the qualified voters of either of said towns shall be filed within 15 days after the date of the ratification of this Act.

Sec. 42. Election Procedure. That upon the filing of a petition duly signed by fifteen per cent (15%) or more of the qualified voters of either the Town of Waynesville or the Town of Hazelwood to their respective boards for the calling of an election on the question of approving or disapproving of this Act of consolidation of said two municipalities, then and in that event it shall be the duty of the mayor and board of aldermen within five days (exclusive of Sunday) after the receipt of the petition has been filed to call an election on said question, which election shall be held not later than 32 days after the expiration of the said five-day period.

Sec. 43. Election Procedure (Continued). Upon petition duly signed by at least fifteen per cent (15%) of the qualified voters of either municipality and the calling of the election by said municipality as herein provided, the mayor and board of aldermen shall cause to be submitted to the qualified voters of said election a ballot on which shall be printed the words "For Consolidation" and "Against Consolidation".

Sec. 44. Election: Effect of Vote Against Consolidation. If, upon such election the majority of the qualified voters of either town voting in said election shall cast their ballots against consolidation, then and in that event the terms and provisions of this Act shall become ineffective and the consolidation shall not be consummated provided, however, that such vote shall not invalidate the Sections herein providing for the extension of the terms of office and the later holding of elections in either of said municipalities or the extended time for making the tax budget in either of said municipal corporations.

Sec. 45. Election: Failure to Hold. That if neither of said municipal corporations shall hold an election in accordance with the provisions hereof in full compliance with the provisions hereof and within the period of
time herein specified, or if such election shall be held and a majority of
the qualified voters of neither of said municipal corporations voting in
said election shall vote against consolidation then and in that event all
the terms and provisions of this Act shall become effective.

Sec. 46. Election: Alternative Results. That if no petition shall be
filed, as herein provided, and no election called, or if upon such election
the voters of neither municipality shall cast a majority vote as herein
provided against consolidation, then and in that event it shall be the duty
of the Board of Elections of Haywood County to call an election, as pro-
vided in Section 13 of this Act.

Sec. 47. Election: Alternative Results; Effects. That in the event an
election should be held either in the Town of Waynesville or in the Town
of Hazelwood, as herein provided, and the election so held in either town
should result in a vote of a majority of the qualified voters voting in
said election against consolidation, then and in that event it shall be the
duty of the Mayor and Board of Aldermen of the Town of Waynesville,
and the duty of the Mayor and Board of Aldermen of the Town of Hazel-
wood to proceed to call an election in the respective towns for the election
of officers, fixing a date for such election as early as practicable for
the election of officers for the remaining term of office of said municipali-
ities according to the provisions of law relating thereto.

Sec. 48. Budget and Tax Levy for 1951. In the event the consolida-
tion of the Towns of Waynesville and Hazelwood shall not become effec-
tive prior to the date provided for fixing the budget or making the tax
levy in the Towns of Waynesville and Hazelwood respectively, the gov-
erning bodies of those two towns shall proceed as provided by law to fix
their respective budgets or to levy their respective taxes; and in the event
such consolidation is thereafter effected then the governing body of the
consolidated Town of Waynesville, as constituted under this Act, shall
proceed to combine and administer the budgets previously adopted by
the Towns of Waynesville and Hazelwood and collect and administer the
tax levies of both towns for the remainder of the fiscal year; and in the
event such consolidation is effected after the budgets of the respective
towns are fixed, but before the respective tax levies are made then in
such event the governing body of the consolidated Town of Waynesville,
as constituted under this Act, may proceed to combine and revise the
budgets previously adopted by the Towns of Waynesville and Hazelwood
respectively, and may make one tax levy for the consolidated towns.

Sec. 49. All laws and clauses of laws in conflict with this Act are
hereby repealed.

Sec. 50. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th
day of April, 1951.
S. B. 412  CHAPTER 604

AN ACT TO PRESCRIBE AND REGULATE THE SALARIES AND EMOLUMENTS OF CERTAIN OFFICERS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:


Sec. 2. The Sheriff of Granville County shall be paid by the county, in equal monthly payments, a salary of not less than twenty-six hundred dollars ($2,600.00) and not more than forty-four hundred dollars ($4,400.00) per annum, to be fixed by the board of commissioners of said county. And the said board of commissioners of said county shall also allow and pay the said sheriff in lieu of and as travelling expenses a sum of not less than fifty dollars ($50.00) or more than one hundred dollars ($100.00) per month.

Sec. 3. The Sheriff of Granville County may appoint a jailer, whose salary shall be fixed by the board of commissioners of said county, and be paid to him monthly by the county. Said county shall also pay to said jailer for the feeding of prisoners such sums monthly and at such rates as may be fixed by said board of commissioners. Said jailer, in addition to his duties as jailer, shall be a deputy sheriff and shall be clothed with all the powers and authority possessed by other regular deputies sheriff. He shall assist in holding the Superior and Recorder’s Courts of Granville County and in serving process and other papers and shall perform such other duties as may be assigned him by the sheriff. He shall receive no other compensation for performing any of the duties of his office except as herein provided for, and he shall keep a correct record of the fees collected by him and make returns of same to the county treasury in the same manner provided for other officers of said county.

Sec. 4. The Sheriff of Granville County is hereby authorized and empowered to appoint a full-time paid deputy sheriff who shall have the same powers and authority as other deputies sheriff of the county. Said deputy sheriff, when appointed, shall be paid a monthly salary by Granville County, to be fixed by the board of commissioners of said county of not less than one hundred and twenty-five dollars ($125.00) per month and not more than two hundred and fifty dollars ($250.00) per month. Said deputy sheriff shall assist in holding courts and in collecting taxes and shall perform such other duties of the office as may be assigned him or her by the sheriff. He or she shall keep a correct record of all fees collected by him or her and shall make returns of same to the county treasury in the same manner provided for other officers of said county.

Sec. 5. The Board of Commissioners of Granville County may authorize the sheriff of said county to appoint two or more deputies sheriff, who shall possess all the powers and authority of other regular deputies sheriff, and who shall be paid salaries by the county of not less than one hundred and fifty dollars ($150.00) and not more than two hundred and
fifty dollars ($250.00) per month each and such additional sums by way of travelling and other expenses as may be just, both said salaries and said travelling expenses to be determined and fixed by said board of county commissioners, who, at the time of fixing the annual budget for the county or at any other time, with the consent of the sheriff and said deputy or deputies, may discontinue the payment of the salaries and travelling or other expenses of said deputies and order that they be paid the fees that are or may be allowed by law, said order to take effect not less than thirty days after the same is made except by and with the consent of said sheriff and said deputy or deputies.

The action of the Board of Commissioners of Granville County in paying salaries to two of the deputies sheriff beginning on July 1st, 1949, and the acts of said deputies in making arrests, serving process and performing the other duties connected with the office of deputy sheriff beginning on July 1st, 1949, and during the period from that date to the effective date of this Act are hereby validated.

Sec. 6. The Sheriff of Granville County may appoint such other deputies sheriff as he may deem necessary, but said deputies sheriff shall receive only such fees and commissions as are or may be allowed by law.

Sec. 7. The Sheriff of Granville County and his deputies are hereby authorized and directed to charge a fee of one dollar ($1.00) each for summoning jurors and witnesses in both criminal and civil cases, but the fees so earned by the sheriff or by any of his deputies who is paid a salary as such deputy by the county shall be faithfully accounted for to the county treasury.

Sec. 8. For every distillery used or designed and intended to be used in the manufacture of illicit intoxicating liquor which shall be seized by the sheriff, deputy sheriffs, constables or other police officers of Granville County and delivered to the proper officials for destruction, the Board of Commissioners of Granville County shall cause to be paid from the funds of the county to such officer or officers seizing and delivering a distillery as aforesaid the sum of fifteen dollars ($15.00): Provided no payment shall be made to an officer who is paid a salary by the county or State, and when a distillery is seized by two or more officers, some of whom are paid salaries and some are not, the county shall pay to those who are not paid a salary only a proportionate part of said sum of fifteen dollars ($15.00). Also the Board of Commissioners of Granville County are authorized and empowered, in their discretion, to pay to the nonsalaried officers the sum of fifteen dollars ($15.00) for each person found engaged in and convicted of operating any distillery or of the possession of materials and utensils designed and intended to be used in the manufacture of intoxicating liquor in said county. The full fees provided for above shall be taxed in the bill of costs against each and every defendant convicted of manufacturing intoxicating liquor, but if said fees are not paid by the defendant or defendants, the county shall pay the same to the officer or officers entitled thereto, provided that the county shall pay only one fee for each distillery which may be seized. The fee for making an arrest of any person charged with, and found guilty of, violating the prohibition laws in Granville County shall be five dollars ($5.00) in addi-
tion to the fees provided for seizing a distillery and for the conviction of any person of manufacturing intoxicating liquor. This arrest fee shall be taxed in the bill of costs and paid as other costs are paid in criminal actions. All officers making such arrests, who may be serving on salaries, shall account for and pay over this arrest fee in the same manner as other arrest fees are accounted for by them. And if an arrest for a violation of the prohibition laws is made by two or more officers, some of whom are paid salaries by the county or the State and some of whom are paid fees only, this arrest fee shall be prorated among them.

Sec. 9. The Clerk of the Superior Court of Granville County shall receive for his services as clerk of said court a salary, to be fixed by the board of commissioners of said county, of not less than twenty-eight hundred dollars ($2,800.00) and not more than forty-four hundred dollars ($4,400.00) per annum, payable monthly; and for his services as clerk of the recorder's court of said county, he shall receive a salary of not less than fifty dollars ($50.00) per month and not more than one hundred and fifty dollars ($150.00) per month; and for his services as judge of the juvenile court, he shall receive a salary of not less than twenty-five dollars ($25.00) per month, all to be paid by the county and to be fixed by the board of commissioners.

The Clerk of the Superior Court of Granville County may appoint an assistant or deputy clerk, subject to the provisions of the general law as to the appointment, qualification, jurisdiction, powers, duties and liabilities of such assistant or deputy clerk, who shall be paid by the county for his or her services a salary, to be fixed by the board of commissioners of said county, of not less than one hundred dollars ($100.00) and not more than three hundred dollars ($300.00) per month. Said Clerk of the Superior Court of Granville County may also appoint a deputy clerk or stenographer, who shall be paid by the county for his or her services a salary, to be fixed by the board of commissioners of said county, of not less than one hundred dollars ($100.00) and not more than two hundred and fifty dollars ($250.00) per month. The Board of Commissioners of Granville County may authorize the Clerk of the Superior Court of said county to appoint another deputy clerk or stenographer, who shall be paid by the county for his or her services a salary, to be fixed by said board of commissioners, of not less than one hundred dollars ($100.00) and not more than two hundred and fifty dollars ($250.00) per month. If said Clerk of the Superior Court shall appoint a deputy or deputies clerk as herein allowed, said deputy or deputies shall possess all the authority, powers and duties conferred, and be subject to all the liabilities imposed, upon deputies clerk by the general law.

Said assistant clerk, deputy clerks and stenographers shall also assist the Clerk of the Superior Court with his duties as Clerk of the Recorder's Court and as Judge of the Juvenile Court of Granville County and shall perform such other duties in connection with the office of Clerk of the Superior Court of Granville County as may be assigned them by the clerk.

Sec. 10. The Register of Deeds of Granville County shall receive for his or her services a salary, to be fixed by the board of commissioners of said county, of not less than twenty-six hundred dollars ($2,600.00)
and not more than forty-four hundred dollars ($4,400.00) per annum, payable monthly by the county. The Register of Deeds of Granville County may appoint two deputies register of deeds, a deputy and a typist or two typists, as he or she may deem best, who shall be paid by the county for his, her or their services a salary or salaries, to be fixed by the board of commissioners of said county, of not less than one hundred dollars ($100.00), or more than two hundred and fifty dollars ($250.00) per month each; and if the said register of deeds shall appoint a deputy or deputies as herein allowed, said deputy or deputies shall possess all the authority, powers and duties conferred upon, and be subject to all the liabilities imposed upon, deputies register of deeds by the general law.

Sec. 11. The Board of Commissioners of Granville County may, in its discretion, allow and pay from county funds such sums as it may deem proper for additional clerical assistance in the office of the register of deeds of said county and for additional clerical assistance in the office of the Clerk of the Superior Court of said county.

Sec. 12. The Auditor of Granville County shall receive a salary, to be fixed by the board of commissioners of said county, of not less than twenty-four hundred dollars ($2,400.00) and not more than thirty-four hundred dollars ($3,400.00) per annum, payable monthly. The Board of Commissioners of Granville County may also cause to be paid to said auditor out of county funds a sum not to exceed five hundred dollars ($500.00) per annum for acting as supervisor of taxes; and it may likewise cause to be paid to said auditor out of county funds another sum not to exceed five hundred dollars ($500.00) per annum for collecting taxes, either or both of said sums to be paid at such times and in such amounts as said board of commissioners shall direct.

The Board of Commissioners of Granville County may allow the auditor of said county to employ such clerical assistants, to be paid monthly by the county, as said board may deem necessary for the proper performance of the duties of his office at such salary or rate of pay as said board may determine to be just.

Sec. 13. The jailer, assistant Clerk of the Superior Court and all of the deputies, stenographers, typists and employees provided for in this Act shall hold their offices or positions at the pleasure of the officer vested by law with the authority to appoint or employ them respectively.

Sec. 14. The provisions of this Act shall apply to the officers or employees who may be holding the various offices or positions to which said Act relates at the time when said Act goes into effect without the necessity of said officers' or employees' being reappointed or reemployed, as well as to those who may thereafter be appointed or employed.

Sec. 15. The Board of Commissioners of Granville County is hereby authorized to pay to its members from county funds for their services as county commissioners the sum of not less than seven dollars and fifty cents ($7.50) and not more than fifteen dollars ($15.00) per day each for such days as they are actually in session; and they shall allow and pay to themselves from county funds travelling expenses at five cents (5c) per mile for each mile actually traveled by them respectively in
going to and returning from regular or special meetings of said board, provided that the chairman of said board may be paid a salary of not more than fifty dollars ($50.00) per month and mileage.

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed, but Chapter 306 of the Session Laws of 1945 and such parts of Chapter 102 of the Public-Local Laws of 1919, as amended, and other laws not in conflict with this Act, are not repealed and shall remain in full force and effect.

Sec. 17. This Act shall be in full force and effect from and after the first day of July, 1951.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

S. B. 439

CHAPTER 605

AN ACT RELATING TO THE TERMS OF OFFICE OF THE COUNTY SURVEYOR AND COTTON WEighERS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The incumbent county surveyor and cotton weigher of Wadesboro and/or of Anson County shall continue to hold office until the first Monday in December, 1952.

Sec. 2. The Anson County surveyor and Anson County or Wadesboro cotton weigher shall in the general election for the election of county officers in the year 1952 be elected for terms of four years respectively and upon assuming their office on the first Monday in December, 1952, shall hold such office until the first Monday in December, 1956, and until their successors are duly elected and qualified, and in the general election for the election of county officers held in the year 1960, and quadrennially thereafter, there shall be elected a county surveyor, county and/or Wadesboro cotton weigher who shall serve for terms of four years each.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 53

CHAPTER 606

AN ACT TO REWRITE ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES RELATING TO STREAM SANITATION.

The General Assembly of North Carolina do enact:

Section 1. Article 21 of Chapter 143 of the General Statutes, as it appears in the 1947 Cumulative Supplement to the General Statutes, the same being Chapter 1010 of the Session Laws of 1945, as amended by Chapter 786 of the Session Laws of 1947, is hereby amended by rewriting said Article in its entirety to read as follows:

"Section 143-211. Declaration of policy. It is hereby declared to be the policy of the State that the water resources of the State shall be prudently utilized in the best interest of the people. To achieve this purpose, the government of the State shall assume responsibility for the quality of said water resources. The maintenance of the quality of the water resources requires the creation of an agency charged with this duty, and authorized to establish methods designed to protect the water requirement for health, recreation, fishing, agriculture, industry, and animal life. This agency shall establish and maintain a program adequate for present needs, and designed to care for the future needs of the State.

"Section 143-212. Definitions. The terms used in this Article are defined as follows:

(1) The term "committee" shall mean the committee in the North Carolina State Board of Health as hereinafter provided, and the term "member" shall mean member of said committee.

(2) The term "waters" shall mean any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway or any other body or accumulation of water, surface or underground, public or private, natural or artificial, which is contained within, flows through, or borders upon this State or any portion thereof, including those portions of the Atlantic Ocean over which the State has jurisdiction.

(3) The term "waste" shall mean and include the following:

(a) "Sewage" which shall mean water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present.

(b) "Industrial waste" which shall mean any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade, or business, or from the development of any natural resource.

(c) "Other waste" which shall mean sawdust, shavings, lime, refuse, offal, oil, tar chemicals, and all other substances, except industrial waste and sewage, which may be discharged into or placed in such proximity to the water that drainage therefrom may reach the water.

(d) The terms "waste," "industrial waste," and "other wastes" shall not be construed to include silt, soil and its natural content which may in anywise be discharged into streams.

(4) The term "person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, government agencies, or private or public corporations organized or existing under the laws of this State or any other State or Country.

(5) Whenever reference is made in this Article to the "discharge of waste," it shall be interpreted to include the discharge of wastes into any unified sewerage system or arrangement for sewage disposal, which system or arrangement in turn discharges the waste into the waters of the State.

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(6) The term "pollution" means a condition of any waters (as determined by Standardized tests under conditions and procedures to be prescribed by official regulations to be issued under authority of this Article) which is in contravention of the standards established and applied to such waters pursuant to Section 143-215 of this Article.

(7) The term "standard" or "standards" means such measure or measures of the quality of waters as are established by the committee pursuant to Section 143-215 of this Article.

(8) The term "sewer system" means pipe lines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage, industrial waste or other wastes to a point of ultimate disposal.

(9) The term "treatment works" means any plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills, or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes.

(10) The term "disposal system" means a system for disposing of sewage, industrial waste or other wastes, and including sewer systems and treatment works.

(11) The term "outlet" means the terminus of a sewer system, or the point of emergence of any sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.

(12) The term "watershed" means a natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed designated by the committee for purposes of Sections 143-215, 143-215.1 and 143-215.2 to be defined by the committee in its official regulations.

(13) The term "effective date" means the date, as established pursuant to Section 143-215 and announced by official regulations of the committee, after which the provisions of Sections 143-215.1 and 143-215.2 of this Article shall become applicable and enforceable, with respect to persons within one or more watersheds designated by the committee.

"Section 143-213. Stream Sanitation Committee—Creation.

(a) Establishment of Committee: For the purpose of administering this Article, there is hereby created within the State Board of Health a permanent committee to be known as the "State Stream Sanitation Committee" which shall be composed of eight members as follows: The Chief Engineer of the State Board of Health, ex officio, the Chief Engineer of the Water Resources and Engineering Division of the Department of Conservation and Development, ex officio, and six members appointed by the Governor, one who shall at the time of appointment be actively connected with and have had production experience in the field of agriculture, one who shall at the time of appointment be actively connected with and have had experience in the wildlife activities of the State, two who shall at the time of appointment be actively connected with and have had practical experience in waste disposal problems of municipal government, and two who shall at the time of appointment be actively connected with and
have had industrial production experience in the field of industrial waste disposal. Of the members initially appointed by the Governor, two shall serve for terms of two years each, two shall serve for terms of four years each, and two shall serve for a term of six years. Thereafter, all appointments shall be for terms of six years. Ex officio members shall have all the privileges, rights, powers and duties held by appointed members under the provisions of this Article except the right to vote.

(b) All appointments by the Governor, except the initial appointments, shall be made during a session of the General Assembly and shall be subject to the confirmation of the Senate; except that appointments made to fill vacancies occurring by reason of death, resignation or removal from office as provided below shall be valid until the first convening of the General Assembly following such interim appointment. In each instance the appointment shall be of a person of experience in the same field as that of the member who is being replaced. The Governor may at any time, after notice and hearing, remove any member for gross inefficiency, neglect of duty or other sufficient cause.

(c) Initial Appointments. In order to make available to the State the benefit of the six years of study by the State Stream Sanitation and Conservation Committee created for that purpose by the Legislature of 1945, all members appointed by the Governor initially, except the member who shall have had experience with wildlife activities, shall be from the present membership of the State Stream Sanitation and Conservation Committee.

(d) Compensation of Committee Members: No salary or other compensation, for services thereon, shall be allowed members of the committee who already receive compensation as officials or employees of State departments. Service on the committee is to be considered as part of the duties of such officials as representatives of the respective departments. Reimbursement for travel shall be made from travel funds available in their respective departments. The other members shall receive ten dollars ($10.00) per day, including necessary time spent in traveling to and from their place of residence within the State to any place of meeting or while traveling on official business of the committee. In addition, they shall receive mileage according to State practice while going to and from any place of meeting, or when on official business of the committee.

"Section 143-214. Organization of committee; meetings; executive secretary.

(a) First Meeting—Organization—Rules—Regulations: The committee shall, within 30 days after its appointment, meet and organize, and elect from among its members a chairman and such other officers as it may choose for such terms as may be specified by the committee in its rules and regulations. The chairman may appoint members to such committees as the work of the committee may require.

(b) Meeting of committee: The committee shall meet regularly, at least once every six months, at places and dates to be determined by the committee. Special meetings may be called by the chairman on his own initiative, and must be called by him at the request of two or more members of the committee. All members shall be notified by the chairman in
writing of the time and place of regular and special meetings at least seven days in advance of such meeting. Five members shall constitute a quorum.

(c) Executive Secretary: The committee shall appoint an executive secretary, who shall be a well qualified individual, fully trained and experienced in the field of waste disposal. Such executive secretary shall be the administrative officer of the committee and shall have the authority to perform in the name of the committee such functions and duties of the committee as shall be delegated to him by formal resolution. The executive secretary shall:

(1) Attend all meetings, but without the power of voting,
(2) Keep an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work, and shall make these records available for public inspection at all reasonable times,
(3) Direct the work of the personnel employed by the committee and perform such other duties as the committee may from time to time direct.

(d) Personnel and Facilities of Committee: The committee shall have the authority to employ clerical, technical, and professional personnel with such qualifications as the committee may prescribe, in accordance with the State Personnel Regulations and Budgetary Laws, and shall have the authority to pay such personnel from any appropriations made to the committee, or from any appropriations made to any other agency of the State for the benefit of the committee. In the interest of efficient use of personnel and facilities, technical, laboratory, or other services shall be performed, insofar as practicable, by personnel of presently existing State agencies. The committee shall have authority to compensate such State agencies for services received. The Attorney General shall act as attorney for the committee.

(e) Fiscal Affairs of Committee: For the more efficient conduct of the fiscal affairs of the committee, as well as for the convenience of any State agency, officer or department that may hold or have appropriated to or the custody of funds for the use and benefit of the committee, all such funds shall be held in a separate or special account on the books and records of such State agency, officer or department with a separate financial designation or code number to be assigned by the budget bureau or its agent, and said funds shall be expended solely upon the proper authorization or order of the committee.

"Section 143-215. Water classification; standards and assignment of classifications.

(a) Duties of Committee Under This Section: The committee is hereby directed and empowered, as rapidly as possible within the limits of funds and facilities available to it, and subject to the procedural requirements of this Article:

(1) To develop and adopt, after proper study, a series of classifications and the standards applicable to each such classification, which will be appropriate for the purpose of classifying each of the waters of the State in such a way as to promote the policy and purposes of this Article most effectively;
(2) To survey all the waters of the State and to separately identify all such waters as the committee believes ought to be classified separately in order to promote the policy and purposes of this Article, omitting only such waters as, in the opinion of the committee, are insufficiently important to justify classification or control under this Article; and

(3) To assign to each identified water of the State such classification, from the series adopted as specified above, as the committee deems proper in order to promote the policy and purposes of this Article most effectively.

(b) Criteria for Classification: In developing and adopting classifications, and the standards applicable to each, the committee shall recognize that a number of different classifications should be provided for (with different standards applicable to each) so as to give effect to the need for balancing conflicting considerations as to usage and other variable factors; that different classifications with different standards applicable thereto may frequently be appropriate for different segments of the same water; and that each classification and the standards applicable thereto should be adopted with primary reference to an existing or a contemplated best usage to be made of the waters to which such classification will be assigned.

(c) Criteria for Standards: In establishing the standards applicable to each classification, the committee shall consider, and the standards when finally adopted and published shall state: The extent to which any physical, chemical, or biological properties should be prescribed as essential to the contemplated best usage.

(d) Criteria for Assignment of Classifications: In assigning to each identified water the appropriate classification (with its accompanying standards), the committee shall consider, and the decision of the committee when finally adopted and published shall contain its conclusions with respect to the following factors as related to such identified waters:

(1) The size, depth, surface area covered, volume, direction and rate of flow, stream gradient and temperature of the water;

(2) The character of the district bordering said water, including any peculiar suitability such district may have or any dominant economic interest or development which has become established in relation to or by reason of any particular use of such water;

(3) The uses which have been made, are being made, or may in the future be made, of such water for transportation, domestic consumption, industrial consumption, bathing, fishing and fish culture, fire prevention, the disposal of sewage, industrial wastes and other wastes, or any other uses;

(4) The extent to which such water is already receiving sewage, industrial waste, or other waste as a result of present or past usage of the water, and the relative economic values involved in improving or attempting to improve the condition of such water.

(e) Proposed Adoption and Assignment of Classification: Prior to the adoption by the committee of the series of classifications and standards applicable thereto as specified in subparagraph (a) (1) of this Section, prior to the assignment by the committee of any such classifications to any waters as specified in subparagraph (a) (3) of this Section, and prior
to any modification of any of such actions previously taken by the committee, the committee shall give notice of its proposed action and shall conduct one or more public hearings with respect to any such proposed action in accordance with the following requirements:

(1) Notice of any such hearing shall be given not less than 20 days before the date of such hearing and shall state the date, time, and place of hearing, the subject of the hearing, and the action which the committee proposes to take. The notice shall either include details of such proposed action, or where such proposed action, as in the case of proposed assignments of classifications to identified waters, is too lengthy for publication, as hereafter provided for, the notice shall specify that copies of such detailed proposed action can be obtained on request from the office of the committee in sufficient quantity to satisfy the requests of all interested persons.

(2) Any such notice shall be published at least once in one newspaper of general circulation circulated in each county of the State in which the water area affected is located, and a copy of such notice shall be mailed to each person on the mailing list required to be kept by the committee pursuant to the provisions of Section 143-215.4.

(3) Any person who desires to be heard at any such public hearing shall give notice thereof in writing to the committee on or before the first date set for the hearing. The committee is authorized to set reasonable time limits for the oral presentation of views by any one person at any such public hearing. The committee shall permit anyone who so desires to file a written argument or other statement with the committee in relation to any proposed action of the committee at any time within 30 days following the conclusion of any public hearing or within any such additional time as the committee may allow by notice given as prescribed in this Section.

(f) Final Adoption and Assignment of Classifications: Upon completion of hearings and consideration of submitted evidence and arguments with respect to any proposed action of the committee pursuant to this Section, the committee shall adopt its final action with respect thereto and shall publish such final action as part of its official regulations. When final action has been adopted and is published with respect to the assignment of classifications applicable to the identified waters of any one or more watersheds within the State, the committee shall likewise publish as part of its official regulations, the effective date for the application of the provisions of Section 143-215.1 and 143-215.2 of this Article to persons within such watershed or watersheds. Such effective date shall not be less than 60 days from the date of such publication.

(g) Committee’s Power to Modify or Revoke: The committee is empowered to modify or revoke from time to time any final action previously taken by it pursuant to the provisions of this Section, any such modification or revocation, however, to be subject to the procedural requirements of this Article.

“Section 143-215.1. Control of new sources of pollution. (a) Required permits: After the effective date applicable to any watershed, no person shall:
(1) Make any new outlet into the waters of such watershed;
(2) Construct or operate any new disposal system within such watershed;
(3) Alter or change the construction or the method of operation of any existing disposal system within such watershed;
(4) Increase the quantity (determined by such method of measurement as the committee shall prescribe by its official regulations) of sewage, industrial waste, or other waste discharged through any existing outlet or processed in any existing disposal system to an extent which would adversely affect the condition of the receiving water within such watershed in relation to any of the standards applicable to such water, or to an extent beyond such minimum limits as the committee may prescribe, by way of general exemption from the provisions of this paragraph, by its official regulations;
(5) Change the nature of the sewage, industrial waste or other waste discharged through any existing outlet or processed in any existing disposal system in any way which would adversely affect the condition of the receiving water within such watershed in relation to any of the standards applicable to such water: Unless such person shall have applied to the committee for and shall have received from the committee a permit therefor and shall have complied with such conditions, if any, as are prescribed by such permit, and in this connection no such permit shall be granted for disposal of wastes into water used for a public water supply where the State Board of Health determines and advises the committee that such waste disposal is sufficiently close to the source of the public water supply as to have an adverse effect thereon until complete plans and specifications have been submitted to and approved by the State Board of Health in accordance with the provisions of Section 130-110 of the General Statutes of North Carolina. In any case where the committee denies a permit, it shall state in writing the reasons for such denial and shall also state the committee's estimate of the changes in the applicant's proposed activities or plans which will be required in order that the applicant may obtain a permit. If any person has obtained the approval of the State Board of Health for the construction, alteration, or change of any disposal system prior to the effective date applicable to any watershed in which such disposal system is located, such person shall not be required to obtain a permit from the committee with respect to such construction, alteration or changes, and further provided that any person who has let a contract for the construction of a plant or who has acquired a plant site and the construction of which plant is begun within twelve (12) months from the ratification of this Bill, shall have the status of a person already established in the discharge of waste, and may proceed with the proposed methods of discharge without the necessity of applying for a permit from this committee."

(b) Committee's Powers as to Permits: The committee shall act upon all applications for permits so as to effectuate the purpose of this Section, by preventing so far as reasonably possible, any pollution or any increase in the pollution of the waters of the State from any additional or enlarged sources. The committee shall have the power:

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(1) To grant a permit with such conditions attached as the committee believes necessary to achieve the purposes of this Section;

(2) To grant any temporary permit for such period of time as the committee shall specify even though the action allowed by such permit may result in pollution or increased pollution where conditions make such temporary permit essential; and

(3) To modify or revoke any permit upon not less than 60 days' written notice to any person affected.

No permit shall be denied and no conditions shall be attached to the permit, except when the committee finds such denial or such conditions necessary to effectuate the purposes of this Section.

(c) Procedure as to Applications and Permits: All applications for permits and all permits issued by the committee, or decisions denying any application for a permit, shall be in writing. The committee shall act on all applications for permits as rapidly as possible and consideration of and action on such applications shall be given preference to all other business of the committee. The committee shall have power to request such information from an applicant and to conduct such inquiry or investigation as it may deem necessary prior to acting on any application for a permit. Failure of the committee to take action on an application for a permit within 90 days shall be treated as approval of such application. The committee shall adopt such forms and rules as it deems necessary, to be published as part of its rules of procedure, with respect to the application for the grant or denial of permits pursuant to this Section.

(d) Hearings and Appeals: Any person whose application for a permit is denied, or is granted subject to conditions which are unacceptable to such person, or whose permit is modified or revoked, shall have the right to a hearing before the committee upon making written demand therefor within 30 days following the giving of notice by the committee as to its decision on such application. Unless such a demand for a hearing is made, the decision of the committee on the application shall be final and binding. If demand for a hearing is made, the procedure with respect thereto and with respect to all further proceedings in the case shall be as specified in Section 143-215.4 and in any applicable rules of procedure of the committee.

"Section 143-215.2. Abatement of existing pollution.

(a) Required Compliance with Special Orders: After the effective date applicable to any watershed, no person shall discharge any sewage, industrial waste, or other waste into the waters of such watershed in violation of, or except upon compliance with the terms of, any special order issued by the committee to such person in accordance with the procedure specified by this Article.

(b) Committee's Powers as to Special Orders: The committee is hereby empowered, after the effective date applicable to any watershed, to issue (and from time to time to modify or revoke) a special order to any person who it finds responsible for causing or contributing to any pollution of water within such watershed. Such an order may direct such person to take, or refrain from taking such action, or to achieve such results, within a period of time specified by such special order, as the committee
deems necessary and feasible in order to alleviate or eliminate such pollution. No such special order shall be issued against a person, or, if issued, the time for compliance therewith by such person shall be extended to the extent necessary, where the committee concludes, after investigation, or where it is demonstrated after a hearing, that it is impossible or, for the time being, not feasible for such person to correct or eliminate the activities causing or contributing to any pollution. Such a situation shall be deemed to exist where no adequate or practical method of disposal or treatment is known for the particular waste for which such person is responsible, or where the cost of any such known method of disposal or treatment is unduly burdensome in comparison with the pollution abatement results which can be achieved, or where a known method of disposal or treatment cannot be adopted because of financial inability (due to statutory restriction on borrowing power or otherwise), or where there is reason to believe that diligent research and experimentation is being carried on to such an extent as to justify postponement of the adoption of relatively inefficient known methods of disposal or treatment until further opportunity is given for the discovery of more effective methods. The burden of proof as to any of such conditions or any other conditions alleged to exist as a reason for the non-issuance of a special order or for extension of the time of compliance therewith shall be upon the person alleging such conditions.

(c) Procedure as to Special Orders: No special order shall be issued by the committee (unless issued upon the consent of a person affected thereby) except after a hearing in accordance with the procedural requirements specified in Section 143-215.4 and in any applicable rules of procedure of the committee. Any special order shall be based on and shall set forth the findings of fact resulting from the evidence presented at such hearing and shall specify the time within which the person against whom such order is issued shall achieve the results required by the special order.

(d) Appeals: Any person against whom a special order is issued shall have the right to appeal in accordance with the provisions of Section 143-215.5. Unless such appeal is taken within the prescribed time limit, the special order of the committee shall be final and binding.

(e) Encouragement of Voluntary Action: The powers conferred by this Section are granted for the purpose of enabling the committee to carry out a State-wide program of pollution abatement to the end that ultimately the purposes of this Article will be achieved. It is the intent of this Section, however, that the committee shall seek to obtain the cooperative effort of all persons contributing to each situation involving pollution in remedying such situation, and that the powers granted by this Section shall be exercised only when the objective of this Section cannot be otherwise achieved within a reasonable time.

(f) Equality of Enforcement Action: It is the intent of this Act that a comprehensive all inclusive effort be made to accomplish the purposes of this Act and to that end it is specifically provided that whenever more than one person is found to be responsible for a condition involving pollution of any segment of any particular water as identified and classified under Section 143-215 that the committee shall endeavor to obtain the
cooperative effort of all such persons and that if this cannot be accomplished and the committee deems it necessary to take enforcement action to correct such pollution, by invoking the power granted by this Act, such action shall be taken against all persons who share responsibility for such condition, to the extent that such persons have not voluntarily undertaken satisfactory remedial measures or have not agreed, by consenting to the issuance of special orders pursuant to this Section to undertake such measures: Provided, however, that where because of operation of law or otherwise, enforcement against any municipality or other political subdivisions of the State cannot be had, no special order shall be issued against any other person within the segment of water where abatement of pollution is sought.

(g) Voluntary Projects; Applications for Certificate of Approval; Installation of Treatment Works and Approval thereof: After the date of enactment of this Article, any person who is discharging or who proposes to discharge, sewage, industrial waste, or other waste into any waters of the State may submit to the committee proposed plans for the installation of treatment works with respect to such sewage, industrial waste or other waste, and apply to the committee for approval thereof. Such applications shall be in such form as the committee may prescribe in its rules of procedure, shall describe in precise detail the nature and volume of the sewage, industrial waste or other waste which the applicant discharges or proposes to discharge, and shall contain or be supplemented by any information whatsoever which the committee may request. The applicant may submit the opinion of any independent expert as to the probable effectiveness and results of such treatment works and the committee may request that the opinion of experts or additional experts be obtained in any case where it considers the same necessary, the expense in connection therewith to be borne by the applicant. Such an application may be filed by any person irrespective of whether any proceedings involving such person have been taken or are pending under any other provision of this Article.

(h) Voluntary Projects, Conditions for Issuance of Certificate: The committee shall make a thorough investigation of any application filed pursuant to this Section before acting thereon, and may require the applicant to submit any statements in support of such application under oath. The committee shall not issue a certificate of approval to any applicant, unless it finds that the proposed treatment works, if installed and operated in accordance with the plans submitted to the committee:

(1) Will provide an effective method of preventing or abating actual or potential pollution of waters into which the applicant is discharging or proposes to discharge any sewage, industrial waste, or other waste; and

(2) Will require such expenditure by the applicant, in relation to the waste treatment problem to be remedied and the size and nature of the applicant's activities resulting in such problem, that it is fair to give the applicant reasonable protection against being required by law, at some later date, to make further capital expenditures in connection with the same waste treatment problem.

(i) Voluntary Projects, Effect of Certificate of Approval: If the committee approves the proposed treatment works, with any modifications it
may recommend, it shall have the power to issue to the applicant a certificate of approval which shall have the following effect and be subject to the following limitations:

(1) Such certificates shall give the person to whom it is issued binding assurance that, for the period specified in the certificate and so long as such person complies with all the terms of the certificate, he will not be required to take or refrain from any further action nor be required to achieve any further results under the terms of this or any other State law relating to the control of water pollution, for the purpose of alleviating or eliminating any pollution or alleged pollution resulting from the sewage, industrial waste or other waste which such person is discharging into any water.

(2) Such certificate shall be effective from the date of its issuance for such period of time as the committee deems fair and reasonable in the light of all the circumstances.

(3) Such certificate shall provide that it shall become void unless the applicant completes the proposed treatment works within a time limit specified in such certificate, and unless the proposed treatment works is constructed and at all times operated in accordance with the plans and specifications approved by the committee pursuant to this Section.

(4) Such certificate shall be effective only with respect to the nature and volume of sewage, industrial waste or other waste described in the application or in the certificate itself after treatment by the proposed treatment works.

(5) Such certificate shall inure to the benefit of any successors or assigns of the applicant subject to the same conditions as are applicable to the applicant.

(6) Such certificate may impose any other limitations on its effectiveness as the committee may deem necessary or appropriate.

(j) Voluntary Projects, Procedure: The committee by rules of procedure, not inconsistent with this Article, may specify any further rules applicable to the granting of certificates of approval pursuant to this Section. Any action by the committee on an application for a certificate of approval is a matter of discretion and consequently there shall be no right to a hearing nor to an appeal with respect to any refusal of the committee to grant any certificate of approval, or to the terms thereof. The committee shall have power to entertain and act on applications for modification of any certificate of approval. The committee shall have no power to revoke or modify a certificate of approval which has been issued, except by agreement, or except where the terms of such certificate have been violated or have not been fulfilled.

(k) Non-voluntary Projects, Effect of Compliance: Any person who installs a treatment works for the purpose of alleviating or eliminating pollution in compliance with the terms of, or as a result of conditions specified in, a permit issued pursuant to Section 143-215.1 or a special order issued pursuant to Section 143-215.2 or a final decision of the committee or a court rendered pursuant to either of said Sections, shall not be required to take or refrain from any further action nor be required to achieve any further results under the terms of this or any other State
law relating to the control of water pollution, for period to be fixed by the committee or court as it shall deem fair and reasonable in the light of all the circumstances after the date when such special order or decision or the conditions of such permit become finally effective, if:

(1) The treatment works results in the elimination or alleviation of pollution to the extent required by such permit, special order or decision and complies with any other terms thereof; and

(2) Such person complies with the terms and conditions of such permit, special order or decision within the time limit, if any, specified there-by, or as the same may be extended, and thereafter remains in compliance.

"Section 143-215.3. General powers of the Committee. (a) Auxiliary Powers: In addition to the specific powers prescribed elsewhere in this Article, and for the purpose of carrying out its duties, the committee shall have the power:

(1) To adopt from time to time and to modify and revoke official regulations interpreting and applying the provisions of this Act and rules of procedure establishing and amplifying the procedures to be followed in the administration of the Article: Provided, that no regulations and no rules of procedure shall be effective nor enforceable until published and filed as prescribed by Section 143-215.4 of this Article;

(2) To conduct such investigations as it may deem necessary to carry out its duties as prescribed by this Article, and for this purpose to enter upon any property, public or private, for the purpose of investigating the condition of any waters and the discharge therein of any sewage, industrial waste or other waste and to require written statements or reports under oath with respect to pertinent questions relating to the operation of any sewer system, disposal system or treatment works: Provided, that no person shall be required to disclose any secret formula, processes, or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision.

(3) To conduct public hearings in accordance with the procedures prescribed by this Article.

(4) To delegate such of the powers of the committee as the committee deems necessary to one or more of its members or to any qualified employee of the committee; provided, that the provisions of any such delegation of power shall be set forth in the official regulations of the committee, and further provided that the committee shall not delegate to persons other than its own members the power to conduct hearings and to make decisions with respect to the classification of waters, the assignment of classifications, or the issuance of any special order for the abatement of existing pollution.

(5) To institute such actions in the Superior Court in the county in which any defendant resides, or has his or its principal place of business, as the committee may deem necessary for enforcement of any of the provisions of this Article or of any official actions of the committee, including proceedings to enforce subpoenas or for the punishment of contempt of the committee.
(6) To agree upon or enter into any settlements or compromises of any actions and to prosecute any appeals or other proceedings.

(b) Research Functions: The committee shall have the power to conduct scientific experiments, research, and investigations to discover economical and practicable corrective methods for waste disposal problems. To this end, the committee may cooperate with any public or private agency or agencies in the conduct of such experiments, research, and investigations, and may, when funds permit, establish research studies in any North Carolina education institution, with the consent of such institutions. In addition, the committee shall have the power to cooperate and enter into contracts with technical divisions of State agencies, institutions and with municipalities, industries, and other persons in the execution of such surveys, studies, and research as it may deem necessary in fulfilling its functions under this Act. All State departments shall advise with and cooperate with the committee on matters of mutual interest.

c) Relation with the Federal Government: The committee as official agency for the State shall cooperate with and is delegated to act in conjunction with the State Board of Health in local administration of all matters covered by Public Law 845, passed by the Congress of the United States in 1948 and future legislation by Congress relating to water quality.

d) Relations with Other States: The committee may, with the approval of the Governor, consult with qualified representatives of adjoining states relative to the establishment of regulations for the protection of waters of mutual interest, but the approval of the General Assembly shall be required to make any regulations binding.

"Section 143-215.4. General provisions as to procedure. (a) Persons entitled to notice, mailing list: In any proceeding pursuant to Section 143-215.1, 143-215.2, 143-215.3 of this Article, the committee shall give notice with respect to all steps of the proceeding only to each person directly affected by such proceeding who shall be made a party thereto. In all proceedings pursuant to Section 143-215, the committee shall give notice as provided by that Section, and it shall also give notice of all its official acts (such as the adoption of regulations or rules of procedure) which have, or are intended to have, general application and effect, to all persons on its mailing list on the date when such action is taken. It shall be the duty of the committee to keep such a mailing list on which it shall record the name and address of each person who requests listing thereon, together with the date of receipt of such request. Any person may, by written request to the committee, ask to be permanently recorded on such mailing list.

(b) Publication and Codification of Committee's Regulations and Rules: All official acts of the committee which have or are intended to have general application and effect shall be incorporated either in the committee's official regulations (applying and interpreting this Article), or in its rules of procedure. All such regulations and rules shall upon adoption thereof by the committee be printed (or otherwise duplicated), and a duly certified copy thereof shall immediately be filed with the Secretary of State. One copy of each such action shall at the same time be mailed to all persons then on the mailing list, and additional copies shall at all times be
kept at the office of the committee in sufficient numbers to satisfy all reasonable requests therefor. The committee shall codify its regulations and rules and from time to time shall revise and bring up to date such codifications.

(c) Notices: All notices which are required to be given by the committee or by any party to a proceeding shall be given by registered mail to all persons entitled thereto, including the committee. The date of receipt for such registered mail shall be the date when such notice is deemed to have been given. Notice by the committee may be given to any person upon whom a summons may be served in accordance with the provisions of law covering civil actions in the Superior Courts of this State. Any notice shall be sufficient if it reasonably sets forth the action requested or demanded or gives information as to action taken. The committee by its rules of procedure may prescribe other necessary practices and procedures with regard to the form, content and procedure as to any particular notices.

(d) Hearing: The following provisions, together with any additional provisions not inconsistent herewith which the committee may prescribe, shall be applicable in connection with hearings pursuant to this Article, except where other provisions are applicable in connection with specific types of hearings:

(1) Any hearing held pursuant to Sections 143-215.1 and 143-215.2 or 143-215.3 whether called at the instance of the committee or of any person, shall be held upon not less than 30 days written notice given by the committee to any person who is, or is entitled to be, a party to the proceedings with respect to which such hearing is to be held, unless a shorter notice is agreed upon by all such parties.

(2) All hearings by the committee shall be open to the public.

(3) A full and complete record of all proceedings at any hearing shall be taken by a reporter appointed by the committee. Any party to a proceeding shall be entitled to a copy of such record upon the payment of the reasonable cost thereof as determined by the committee.

(4) The committee shall follow generally the procedures applicable in civil actions in the Superior Court insofar as practicable, including rules and procedures with regard to the taking and use of depositions, the making and use of stipulations, and the entering into of agreed settlements and consent orders.

(5) Subpoenas issued, by the committee, in connection with any hearing shall be directed to any officer authorized by law to serve process, and the further procedures and rules of law applicable with respect thereto shall be as prescribed in connection with subpoenas, issued by a court of record. In case of a refusal to obey a notice of hearing or subpoena issued by the committee, application may be made to the Superior Court of the appropriate county for enforcement thereof.

(6) The burden of proof at any hearing shall be upon the person or the committee, as the case may be, at whose instance the hearing is being held.

(7) No decision or order of the committee shall be made in any proceeding unless the same is supported by competent, material and substantial evidence upon consideration of the whole record.
(8) Following any hearing, the committee shall afford the parties thereto an opportunity to submit within such time as prescribed by the committee proposed findings of fact and conclusions of law and any brief in connection therewith. The record in the proceeding shall show the committee's ruling with respect to each such requested finding of fact and conclusion of law.

(9) All orders and decisions of the committee shall set forth separately the committee's findings of fact and conclusions of law and shall, where ever necessary, cite the appropriate provision of law or other source of authority on which any action or decision of the committee is based.

(10) The committee shall have the authority to adopt a seal which shall be the seal of said committee and which shall be judicially noticed by the Courts of the State. Any document, proceeding, order, decree, special order, rule, regulation, rule of procedure or any other official act or records of the committee or its minutes may be certified by the secretary of the committee under his hand and the seal of the committee and when so certified shall be received in evidence in all actions or proceedings in the Courts of the State without further proof of the identity of same if such records are competent, relevant and material in any such action or proceeding. The committee shall have the right to take judicial notice of all studies, reports, statistical data or any other official reports or records of the Federal Government or of any sister state and all such records, reports and data may be placed in evidence by the committee or by any other person or interested party where material, relevant and competent.

"Section 143-215.5. Judicial Review. Any person against whom any final order or decision has been made except where no appeal is allowed as provided by 143-215.2 (j) shall have a right of appeal to the Superior Court of the county where the order or decision is effective within 30 days after such order or decision has become final. Upon such appeal the committee shall send a certified transcript of the order or decision and the notice of appeal to the Superior Court. The trial shall be de novo, with the procedure as in other civil matters, and appellant shall have the right to have a jury trial.

Any person discharging wastes into the waters which are the subject matter of the proceedings, whether such discharge is immediate or remote, shall have the right to intervene in said pending proceeding and shall have the same right as any other party to introduce evidence as to the reasonableness of the order as defined. Failure of such person to intervene in the proceeding shall not operate to deny him his right to a full hearing on any order that might subsequently be issued to him as provided in this Section.

Both the person and the committee may introduce evidence bearing upon the reasonableness of the order, and the court and jury shall give due consideration to the practicability, the physical and economic feasibility of disposing of the waste involved, and the economic effect on the community, and shall enter such judgment and orders enforcing such judgment as the public interest and equities of the case may require, and as shall be consistent with the provisions of this Article. Such judgment
and orders shall fix a period of time, during which the compliance there-
with shall constitute a satisfactory method of discharging such wastes.
The appellant shall not, during said period of time, and while in com-
pliance with said orders, be required, by the committee or by any court,
to change further his method or process of discharging his wastes. In
fixing said period of time, due consideration shall be given to the expense
involved. Appeals from the judgment and orders of the Superior Court
will lie to the Supreme Court. No bond shall be required of the committee
in appeal to the courts.

"Section 143-215.6. Violations and penalties. (a) Acts which consti-
tute violations; After the effective date applicable to any watershed it
shall be a violation of this Article for any person within such watershed:
(1) To perform any of the acts specified in Section 143-215.1 (a) with-
out first obtaining a permit as required by Section 143-215.1, or to per-
form any such acts in disregard of the terms of any such permit.
(2) To fail to comply with the terms of any special order issued by
the committee to such person, which has become final, pursuant to Section
143-215.2.

No person, however, shall be charged with nor convicted of any viola-
tion under the provisions hereof by reason of any act or neglect on the
part of such person resulting from any act of God, war, strike, riot or
other event over which such person has no control.

(b) Penalties for Violations: Any person who shall be adjudged to
have violated this Article shall be guilty of a misdemeanor and shall be
liable to a penalty of not less than fifty dollars ($50.00) nor more than
five hundred dollars ($500.00) for each violation. In addition, if any
person is adjudged to have committed such violation willfully, the court
may determine that each week during which such violation continued con-
stitutes a separate violation subject to the foregoing penalty: Provided,
however, that where a vote of the people is required to effectuate the
intent and purpose of this Article by a municipality or other political sub-
division of the State and the vote on the referendum is against the means
of machinery for carrying the same into effect, then, and only then, this
Section shall not apply to the elected officials or to any duly authorized
appointed officials or employees, of said municipality or political sub-
division.

"Section 143-215.7. Effect of unconstitutionality of any clause or part.
Should any clause, Section, or part of this Article be found unconsti-
tutional, all remaining Sections or parts shall have full force and effect.

"Section 143-215.8. Effect on laws applicable to public water supplies,
privies and septic tanks. This Article shall not be construed as amending,
repealing, or in any manner abridging or interfering with Section 130-108
through Section 130-120, inclusive, of the General Statutes of North Caro-
lina relative to the control of public water supplies, as now administered
by the State Board of Health; nor shall the provisions of this Article be
construed as being applicable to or in any wise affecting the authority of
the North Carolina State Board of Health, as contained in Article 12,
Chapter 130, dealing with privies and septic tanks or as affecting the
powers, duties and authority of city, county, county-city, and district

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health departments usually referred to as local health departments or as affecting the charter powers and ordinances and authority to pass ordinances in regard to sewage disposal of municipal corporations."

Sec. 2. All laws and clauses of laws in conflict with this Act are here- by 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 6th day of April, 1951.

H. B. 401

CHAPTER 607

AN ACT TO PROVIDE FOR THE PROPAGATION AND REHABILITA-
TION OF OYSTERS AND CLAMS IN THE WATERS AND
SOUNDS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Director of the Department of Conservation and De-
velopment is hereby directed to make a survey of the waters and sounds
of Brunswick County, and to select and lay out oyster and clam beds in
waters found suitable for that purpose, and to plant therein shells or
seed oysters and clams, and shall plainly and clearly mark and define the
limits and boundaries of each such oyster or clam bed so planted.

Sec. 2. Any such oyster or clam beds so selected and planted under the
provisions of this Act shall be closed to the taking of oysters and clams
for a period of three (3) years from the date of planting, and any person
taking oysters or clams from such beds within a period of three (3) years
from the date of planting shall be guilty of a misdemeanor, and upon
conviction shall be punished by a fine or imprisonment or both, in the dis-
cretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th
day of April, 1951.

H. B. 448

CHAPTER 608

AN ACT TO AUTHORIZE A JUSTICE OF THE PEACE TO HEAR
AND TRY CAUSES ANYWHERE IN HIS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 7-127 of the General Statutes is hereby rewritten
so that the same shall hereafter read as follows:

"7-127. Justice may act anywhere in county.—A justice of the peace
may issue a summons, warrant or other process anywhere in his county,
and may try a cause anywhere in his county, but he shall not be com-
pelled to try a cause out of the township for which he was elected or
appointed."

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Section 1 1/2. Provided that this Act shall only apply to Caldwell County.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 565

CHAPTER 609

AN ACT ENABLING THE CITY COUNCIL OF THE CITY OF HICKORY TO CLOSE OR ABANDON FOR PUBLIC STREET PURPOSES THE AREA DESIGNATED ON THE PLAT OF COMBFORD PARK AS McCOMB DRIVE BETWEEN EIGHTH STREET AND SHUFORD BOULEVARD IN THE CITY OF HICKORY.

WHEREAS, heretofore owners of land in the Northern portion of the City of Hickory known as Combford Park have submitted the plat of a subdivision thereof to the City Council of the City of Hickory, which duly accepted the same and ordered it to be filed; and whereas, the said plat has been duly recorded in the office of the Register of Deeds for Catawba County;

AND WHEREAS, on said plat the area hereinafter described was designated as a portion of McComb Drive and dedicated for public street purposes; and whereas the said area has never been opened or used as a public street;

AND WHEREAS, the Hickory City Administrative School Unit has purchased for public school purposes the tract of land through which the portion of McComb Drive hereinafter described would pass, and it now appears that such portion of McComb Drive will not be required for public street purposes, and that it would not be advisable or expedient to open the same for that it would directly interfere with the school construction program;

AND WHEREAS, the dedicators of said portion of McComb Drive and their successors in interest, and the owners of all land abutting on McComb Drive for the full length thereof have requested the City Council of the City of Hickory to release and convey all right, title and interest of the City of Hickory in and to the said portion of McComb Drive to the Hickory City Administrative School Unit or to such persons as it may designate; NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. That the City Council of the City of Hickory is authorized and empowered to close or abandon for public street purposes the following described area designated on the plat of Combford Park as a portion of McComb Drive:

BEGINNING at a point in the Northern Margin of Shuford Boulevard in the City of Hickory, said point being Eastward 1130 feet from the Eastern property line of 10th Street, measured with the Northern margin of Shuford Boulevard, and runs from said beginning point Northwestwardly and Northeastwardly with the curvature of the Western property
line of McComb Drive as the same appears on the plat of Combford Park hereinafter mentioned 595 feet to a point in the Southern margin of proposed 8th Street; thence North 72 degrees 05' East with the Southern margin of proposed 8th Street 80 feet to a point; thence in a Southwestward and Southeastward direction with the curvature of the Eastern property line of McComb Drive as shown on said plat 620 feet to a point in the Northern Margin of Shuford Boulevard; thence with the Northern margin of Shuford Boulevard South 84 degrees West 70 feet to the beginning. This description covers McComb Drive from Shuford Boulevard to 8th Street as the same appears upon the plat entitled "Combford Park, Hickory, North Carolina", prepared by Wilbur W. Smith, Civil Engineer of Charlotte, North Carolina and dated October, 1926.

Sec. 2. That the City of Hickory is further authorized to release, convey and quitclaim, without public advertisement, all interest of the City of Hickory in and to the area described in Section 1 preceding to the Hickory City Administrative School Unit, or to such grantees as it may designate.

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

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

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 617

CHAPTER 610

AN ACT TO AMEND SECTION 105-345 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PREPAYMENT OF TAXES SO THAT THE SAME SHALL NOT APPLY TO THE CITY OF LEXINGTON AND DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The provisions contained in Subsection 6 of Section 105-345 of the General Statutes of North Carolina relating to discounts for the prepayment of taxes shall not apply to the City of Lexington nor to Davidson County.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 665

CHAPTER 611

AN ACT AMENDING CHAPTER 43 OF THE SESSION LAWS OF 1949 IN RESPECT TO THE ALLOCATION OF DELINQUENT TAXES COLLECTED BY UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 43 of the Session Laws of 1949 is hereby amended by striking out the figures "1945" in the last line of the first paragraph of the preamble thereto and by inserting in lieu thereof the figures "1947".
Chapter 43 of the Session Laws of 1949 is hereby further amended by striking out the figures "1945" in the third line of Section 1 thereof and inserting in lieu thereof the figures "1947".

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 682    CHAPTER 612

AN ACT TO AUTHORIZE THE HENDERSONVILLE HOSPITAL ASSOCIATION TO CONVEY ANY OR ALL OF ITS PROPERTY OR ASSETS OR TRANSFER THE SAME TO A NON-PROFIT OR PUBLIC HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. The Board of Directors of the governing authority of the Hendersonville Hospital Association, a corporation organized under Chapter 127 of the Private Laws of 1911, in the discretion of such Board of Directors or governing authority, is hereby authorized and empowered to convey all of the property of said association, including any hospital or assets of hospital operated by said association, real, personal or mixed, to any person, firm or corporation.

Sec. 2. The Board of Directors or governing authority of the Hendersonville Hospital Association is hereby authorized and empowered, in its discretion, to convey or transfer the assets of property, real, personal or mixed, or the assets of any hospital operated by said association to any non-profit hospital corporation or to any public instrumentality or agency or entity operating a public hospital.

Sec. 3. In the event that the property, real, personal or mixed, or the assets of any hospital operated by the Hendersonville Hospital Association are conveyed and transferred as provided by the above sections of this Act, then, and in that event, the Board of Directors or governing authority of said Hendersonville Hospital Association shall file a complete record of its transfers, accounts and of the final disposition of its affairs and business with the Clerk of the Superior Court of Henderson County, and upon the filing of such record of accounts or record of final disposition, the said Hendersonville Hospital Association shall be dissolved and its charter, upon such filing, is hereby declared to be revoked.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.
H. B. 683  CHAPTER 613
AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lee County is hereby authorized, in its discretion, to defer or postpone until the year 1952 or 1953 the quadrennial revaluation and reassessment of real property for ad valorem tax purposes required under the general law to be made every four years.

Sec. 2. The procedure and methods of effecting such revaluation, reassessment and listing when made shall be governed by the provisions of Chapter 105 of the General Statutes of North Carolina, as amended, and all other laws governing such procedure.

Sec. 3. All deferments or postponements of revaluation and reassessment of real property heretofore made by said Board of Commissioners are hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 745  CHAPTER 614
AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY TO CAUSE AN AUDIT OF THE BOOKS OF SAID COUNTY TO BE MADE BY A CERTIFIED PUBLIC ACCOUNTANT AT THE END OF EACH FISCAL YEAR.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Clay County shall, at the end of each fiscal year, cause an audit to be made of all the books and financial records of the county, which said audit shall be made by a certified public accountant and shall be a complete audit of each fiscal year, reflecting all financial transactions, showing the source of funds, the persons, firms and corporations from whom any funds are collected, to whom paid and all accounts, showing each individual person, firm or corporation to whom any disbursements have been made. Such audit shall be prepared in the regular manner and according to the accepted practices of accounting used by certified public accountants.

Sec. 2. The Board of County Commissioners of Clay County is hereby authorized to appropriate sufficient county funds to pay for the services of said certified public accountant, and a copy of said audit shall be filed in the office of the Clerk of the Superior Court for the inspection of any citizen of Clay County. The Board of County Commissioners, in entering into a contract for the services of any certified public accountant, shall
enter into such contract as provided by Article II of Chapter 153 of the General Statutes, as amended, or as the same may be amended. It shall be unlawful for the Board of County Commissioners, or for any member thereof, to wilfully fail and refuse to carry out the provisions of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 756

CHAPTER 615

AN ACT TO AMEND G. S. 14-359 RELATING TO LANDLORDS AND TENANTS SO AS TO MAKE THE SECTION APPLICABLE TO CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-359 is hereby amended by inserting the name of Caswell County in proper alphabetical order in the list of counties to which said section applies.

Sec. 2. From and after the ratification of this Act all of the provisions of G. S. 14-359 shall apply to the County of Caswell.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 766

CHAPTER 616

AN ACT TO ABOLISH THE EXISTING SYSTEM OF TAX COLLECTING NORTHAMPTON COUNTY AND TO CONSOLIDATE THE OFFICES OF AUDITOR AND TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Section 1. The system of tax collecting in Northampton County, created and established by authority of Chapter 276 of the Public Laws of 1907, Chapter 211 of the Public Laws of 1909, Chapter 106 of the Public Laws of 1901, Chapter 114 of the Public Laws of 1895, Chapter 905 of the Public Laws of 1909, Section 1 of Chapter 201 of the Public-Local Laws of 1939, Sections 5 and 9 of Chapter 166 of the Public-Local Laws of 1917, and Chapter 369 of the Public-Local Laws of 1911, is hereby abolished.

Sec. 2. The Auditor of Northampton County shall be, and perform all the duties of, Tax Collector for Northampton County. He shall be vested with the same power and authority and subject to the same penalties and conditions as are now given by the State to other tax collectors in the collection of taxes, licenses, fees, penalties and other revenues; and he is hereby authorized and empowered to collect all taxes, fees, penalties and other revenues the collection of which is authorized by Subchapters II and III of the General Statutes of North Carolina, or by any other of
the Public Laws of North Carolina; and further, the functions of listing and collecting the dog taxes imposed in Northampton County by authority of Chapter 166 of the Public-Local Laws of 1917 are hereby transferred to the office of the Auditor-Tax Collector, where the said listings and collections shall be made by the said Auditor-Tax Collector, his deputies and assistants. No fees or commissions shall be paid to the Auditor-Tax Collector or to any of his deputies or assistants. All fees and commissions collected shall be paid into the general fund of the county.

Sec. 3. The Board of County Commissioners of Northampton County shall fix the salary of the County Auditor-Tax Collector at a figure within its discretion but not to exceed the salary paid to the Register of Deeds, payable monthly, and such salary shall be payable out of a special tax levy made for said purpose by said county. The Board of Commissioners shall designate and provide necessary office space, furnishings and equipment for the County Tax Collector and shall, by order duly recorded in the minutes, fix the days of the week and the hours of each day on which the County Tax Collector shall attend at his office in person or by deputy. The County Tax Collector shall employ and appoint such deputies and clerical assistants as are necessary, subject to the approval of the Board of County Commissioners; and the salaries of any deputies and assistants so chosen shall be fixed by the Board of County Commissioners in its discretion. The deputy collectors and assistants so appointed shall serve at the will of the Auditor-Tax Collector and the Board of County Commissioners.

Sec. 4. The Auditor-Tax Collector, and each and every deputy tax collector, shall furnish bond in some surety company authorized to do business in the State of North Carolina, for an amount to be fixed by the Board of County Commissioners in its discretion; the said bonds shall be approved as to form and amount by the Board of County Commissioners and the said Board of County Commissioners is hereby authorized and empowered to pay the premiums on the said bonds.

Sec. 5. The Auditor-Tax Collector shall be the custodian of all the tax records of Northampton County and may demand possession of the same at any time whatsoever. Each and every deputy tax collector shall make an accounting to the Auditor-Tax Collector for all funds and monies collected, the said accountings to be made at least once each week, at a time to be specified by the Auditor-Tax Collector, and at any other time that the Auditor-Tax Collector so requires.

Sec. 6. The Tax Collectors of Northampton County, who are acting pursuant to the provisions of law in force prior to the effective date of this Act, shall, on June 1, 1951, make full and complete settlement for all taxes with which they are then charged and thereupon all uncollected tax accounts owing to the County of Northampton shall be turned over to the Auditor-Tax Collector, who shall be charged with the collection and settlement of said taxes in the manner prescribed by law.

Sec. 7. The following Acts, in so far as they pertain to the collecting of taxes in Northampton County, are hereby repealed: Chapter 276 of the Public Laws of 1907, Chapter 211 of the Public Laws of 1909, Chapter 106 of the Public Laws of 1901, Chapter 114 of the Public Laws of 1895, Chapter 905 of the Public Laws of 1909, Section 1 of Chapter 201 of
the Public-Local Laws of 1939, Section 5 and 9 of Chapter 166 of the Public-
Local Laws of 1917, Chapter 369 of the Public-Local Laws of 1911, and all
other laws and clauses of laws in conflict with the provisions of this Act.

Sec. 8. This Act shall be in full force and effect from and after June
1, 1951, and shall be effective as to all taxes listed as of January 1, 1951,
including prepayments of 1951 taxes and any taxes discovered in 1951 for
prior years.

In the General Assembly read three times and ratified, this the 6th
day of April, 1951.

H. B. 788

CHAPTER 617

AN ACT TO AMEND CHAPTER 294 OF THE PUBLIC-LOCAL LAWS
OF 1937, RELATING TO PLATS OR OTHER DRAWINGS TO BE
FILED OR REGISTERED IN THE OFFICE OF THE REGISTER
OF DEEDS OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 294 of the Public-Local Laws of 1937
is amended by striking out in line eight of said section the words “eighteen
inches wide, twenty-four inches long,” and inserting in lieu thereof the
following: “fourteen (14) inches wide, twenty (20) inches long;”.

Sec. 2. Section 1 of Chapter 294 of the Public-Local Laws of 1937
is further amended by striking out in lines nine and ten the words “twenty-
two and one-half inches long by eighteen inches wide,” and inserting
in lieu thereof the following: “twenty-two (22) inches wide by twenty-
seven (27) inches long;”.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 4. This Act shall be in full force and effect from and after its
ratification.

In the General Assembly read three times and ratified, this the 6th
day of April, 1951.

H. B. 794

CHAPTER 618

AN ACT TO EMPOWER THE CITY OF ASHEVILLE, BUNCOMBE
COUNTY AND POLITICAL UNITS THEREIN TO CONTRACT
WITH RESPECT TO THE SALE AND PURCHASE OF WATER,
MAINTENANCE OF WATER AND SEWER LINES AND FOR
OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The City of Asheville, through its governing body, is au-
thorized and empowered to enter into a contract or contracts with Bun-
combe County and with municipal corporations in Buncombe County, North
Carolina, including water districts and water and sewer districts and with
persons, firms and private corporations of said county for the sale and
distribution for consumption in said county, outside of the corporate limits

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of the City of Asheville and either directly to the consumer or for re-sale to the consumer, of water from the municipal water supply of said city; any such contract to be for such period of time and on such terms and conditions as the contracting parties may agree; provided that the provisions of this Act shall not be construed to limit or affect the power of the City of Asheville as now or hereafter conferred by general law to sell and dispose of water outside of the corporate limits of the city.

Sec. 2. The City of Asheville, through its governing body, is authorized and empowered to enter into a contract or contracts with Buncombe County and with municipal corporations in Buncombe County, North Carolina, including water districts and water and sewer districts and with persons, firms and private corporations of said county for the construction, replacement, extension and maintenance of water lines in said county outside of the corporate limits of the City of Asheville, which said city is using or proposes to use for the sale and distribution of water from its municipal water supply; any such contract to be for such period of time and on such terms and conditions as the contracting parties may agree.

At the time of the execution of any such contract or thereafter, the City of Asheville is authorized and empowered to enter into a contract with the owner of any sewer system located in Buncombe County, North Carolina, outside of the City of Asheville, using or proposing to use water sold by the City of Asheville, under the terms of such contract, for the construction, replacement, extension or maintenance of such sewer system.

Sec. 3. The Commissioners of Buncombe County, North Carolina, as the Trustees of any water district or water and sewer district in said County, are fully authorized and empowered to contract with the City of Asheville for the sale and distribution of water by said city in any such water district or water and sewer district through the use of the water distribution system of any such district or otherwise; such sale of water to be for such period of time and on such terms and conditions as the parties may agree.

Sec. 4. The Commissioners of Buncombe County, North Carolina, are authorized to enter into a contract or contracts with the City of Asheville for the sale through a water distribution line or lines belonging to said county, either directly to consumers or for re-sale to consumers, of water from the water supply of the City of Asheville; any such contract to be for such length of time and on such terms and conditions as the parties may agree.

Sec. 5. The Commissioners of Buncombe County, North Carolina, are authorized and empowered to enter into a contract or contracts with the City of Asheville for the construction, replacement, extension or maintenance of any water or sewer distribution system or systems, line or lines in Buncombe County, outside of the City of Asheville, belonging to Buncombe County or belonging to any water district or water and sewer district in the county of which said Commissioners constitute the Trustees, or with respect to which said Commissioners as such, or as Trustees of any such district, are charged with any duties of maintenance; any such contract to be for such period of time and on such terms as the parties may agree.
Sec. 6. Before the Commissioners of Buncombe County enter into any contract for the sale of water in a water district or a water and sewer district in Buncombe County having its own water distribution system, as contemplated by Section 3 hereof, they shall cause a written notice to be published once a week for four successive weeks in a newspaper published in Buncombe County, having the largest or second largest circulation in the county of newspapers so published, giving in said notice in substance the provisions of the proposed contract providing for the sale of water in such district and fixing a time and place in said county, either in said district or at the county courthouse in said county, when and where the Commissioners will meet to receive and consider suggestions with respect to such contract and objections to the execution thereof. Such meeting shall be held not less than thirty (30) days nor more than forty (40) days after the first publication of said notice and during the period between the first publication of the notice and the time of the hearing, a copy of the proposed contract shall be on file with the Register of Deeds of Buncombe County, ex officio Clerk of the Board of Commissioners and open for inspection by any person desiring to inspect the same.

If at such hearing written objection to the execution of said contract is filed by twenty-five (25) qualified voters of the district affected by the contract or by one-third of the qualified voters thereof, whichever is the smaller number, then the Commissioners of the county shall be without power to execute the proposed contract unless and until the same has been approved by the qualified voters of the water district or water and sewer district affected at an election held for that purpose as hereinafter provided. After said hearing the County Commissioners may, in their discretion, either determine not to enter into the proposed contract and record such determination in the minutes of the meeting at which such determination is made, or determine to submit the question of the approval of the contract to the qualified voters of the district.

In the latter event the Board of Commissioners shall call an election to be held in said district and fix the date for the same. They shall designate the polling place or places in the district; shall appoint the registrars and judges for the election and canvass and judicially determine the result of such election when the returns have been filed with them by the officers holding the election and shall record such determination on their records. The notice of the election shall be given by publication at least once a week for three successive weeks in some newspaper published or circulated in the district. Such notice shall contain the substance of the proposed contract between the County Commissioners and the City of Asheville with respect to the sale and distribution of water by the city in such district. The first publication of the notice shall be at least thirty (30) days before the election.

A new registration of the qualified voters of the district shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in a newspaper published in Buncombe County and circulated in said district at least twenty (20) days before the close of the registration books. This notice may be included as a part of the first of the three notices given of the election. Such published notice of registra-
tion shall state the days on which the books will be open for registration of voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided such election shall be held in accordance with the law governing general elections. The ballots to be used in said election shall have printed thereon the words “In favor of approval of contract for sale of water by the City of Asheville in ................................ district” and “Against approval of contract for sale of water by the City of Asheville in ................................ district”; the blanks shall be filled with the name of the water district or water and sewer district in which the election is being held. All other details of said election shall be fixed by the Board of Commissioners and the expenses of holding and conducting the election in the district shall be paid by the Commissioners out of the general fund of the county.

If on any such election the majority of the votes cast is in favor of the approval of the contract for sale of water by the City of Asheville in the district, then the Commissioners of Buncombe County are authorized in their discretion to proceed to the execution of the contract as contemplated by Section 3 hereof; otherwise said contract shall not be executed.

Sec. 7. Water districts or water and sewer districts may be created in Buncombe County by the County Commissioners upon a petition of the qualified voters in such district. The petition shall be signed by a majority of the qualified voters of such proposed district; shall set forth a description of the territory to be embraced therein; shall state the type of district proposed to be created and shall give the name proposed for said district.

Sec. 8. Whenever a petition as prescribed in the next preceding Section of this Act shall have been presented to the Board of Commissioners of Buncombe County, it shall be the duty of said Board within thirty (30) days after the filing of said petition to examine the same in order to determine whether or not the petition contains a sufficient number of signers and whether the said petition is in due form as prescribed by Section 6 hereof. In the event that the said board of Commissioners shall find that the petition contains the requisite number of signers and is in due form in accordance with Section 7 hereof, the said Board of Commissioners of Buncombe County are hereby authorized and empowered to cause a public hearing to be held on the question of the advisability or necessity of establishing or creating said district; they shall have power to fix a day for the said public hearing, not later than sixty (60) days from the date of the filing of said petition with said Board. Notice of such public hearing shall be given by publication in some newspaper published in the City of Asheville and circulated within said proposed district, said publication to be made in said newspaper once a week for four successive weeks, the first publication to appear at least thirty (30) days before the date of said public hearing.

At said public hearing, all property owners, citizens or taxpayers or other persons interested in or affected by the creation of said district, shall have the right to appear before said board and enter any objections which
they may have against the creation or establishment of said district. The said Board of County Commissioners, upon such hearing, may in their discretion, create the said district in accordance with the said petition, or may, in their discretion, refuse to create the said district, or may alter the boundary lines of said district by excluding any property which in their opinion would not be benefited by the proposed improvements, and they may, in their discretion, order a new survey to be made if in their opinion necessary in order to determine the proper boundaries of said proposed district. The determination of the said board of County Commissioners as to the sufficiency of the petition, and the exercise of their discretion as to the advisability and necessity for said district, shall be conclusive.

Sec. 9. In the event the said Board of County Commissioners shall determine that the proposed water district or water and sewer district shall be created, they shall make an order creating said district and designating a name for said district, which may be the name mentioned in the petition. Such order shall set forth a description of the territory which the said Board shall have determined as proper for said district. The said Board shall at the same time appoint three trustees for said district who shall be qualified voters of said district, and who shall hold office for a period of one year or until their successors are appointed and qualified, and at the expiration of their terms of office their successors shall be appointed in like manner by the said Board of County Commissioners: Provided, however, in case of vacancy in said Board of Trustees, due to death, resignation or otherwise, such vacancy shall be filled by the Board of County Commissioners. The trustees so appointed by the County Commissioners shall be clothed with the powers and duties hereinafter mentioned.

Sec. 10. The said board of trustees appointed by the Board of County Commissioners shall elect one of their members as Chairman and one as secretary and shall fix the date for their regular meetings, and may from time to time, upon call of the chairman or two of the trustees, hold special meetings, and a majority of said trustees shall constitute a quorum.

Sec. 11. Every water or water and sewer district created under this Act by the Board of County Commissioners as hereinbefore provided shall be and become a municipal corporation with perpetual existence and may adopt a corporate seal, and may sue and be sued, and may purchase, hold and convey real and personal property, and shall in addition to the powers hereinafter conferred, be clothed with all powers relating to the establishment, regulation, and control of water systems, water sheds, and sewer systems, and extensions thereof as are now conferred on municipal corporations under the laws of North Carolina. In addition to the foregoing powers the trustees of any such district are fully authorized and empowered to enter into a contract or contracts with the City of Asheville or with any other sanitary water or sanitary water and sewer district in Buncombe County or with any other person, firm or private or municipal corporation looking to the construction of a water distribution system or a sewer distribution system or water and sewer distribution systems in said district, and their maintenance or the acquisition, extension, replacement, or maintenance of existing water and sewer systems therein or the
sale and distribution of water in said district. Any such contract shall be for such length of time and on such terms and conditions as the contracting parties may agree.

Sec. 12. Additions to the territory embraced in a water district or a water and sewer district in Buncombe County, now or hereafter existing, may be made by the County Commissioners upon a petition of the qualified voters in the territory proposed to be added to such district. The petition shall be signed by a majority of the qualified voters in such additional territory; shall set forth a description of the territory proposed to be added to such district; shall state the type of district to which the addition is proposed to be made and give its name.

Whenever a petition, as provided in this Section, shall have been presented to the Board of Commissioners of Buncombe County, it shall be the duty of said Board, by the use of the procedure provided by Section 8 of this Act, to determine whether such petition is in due form and to determine after notice and a public hearing, as in said section provided, whether such addition to the territory embraced in an existing district should be made as proposed, the Board of Commissioners being given in proceedings of this kind all of the power and discretion conferred upon them by Section 8 of this Act with respect to the creation of new districts. The determination of said Board as to the sufficiency of the petition and the exercise of their discretion as to the advisability for making the proposed addition to a district shall be conclusive.

If at the time the Board of Commissioners determines that it is advisable to make the proposed addition of territory to an existing district there is outstanding an unpaid bonded indebtedness of such district, the principal and interest of which is or may be met by an ad valorem tax levied on the taxable property in the district, then before any such addition of territory to such district becomes effective, the same must be approved by the qualified voters of the territory proposed to be added to such district at an election held for that purpose. The Board of Commissioners in that event shall call such election to be held in such territory and fix the date for the same. The procedure to be followed in calling said election, giving notice thereof, providing for registration of qualified voters of the territory and holding such election and the powers and duties of the Board of Commissioners with respect to such election shall be as hereinbefore provided in Section 6 of this Act with respect to elections therein provided for and the provisions of said Section insofar as applicable shall apply to elections held under this Section of the Act. The ballots to be used in an election with respect to the addition of territory to an existing district shall have printed thereon the words "In favor of the addition of territory to........................ district" and "Against the addition of territory to........................ district". The blanks shall be filled with the name of the water district or water and sewer district to which it is proposed that an addition be made. If on any such election the majority of the votes cast is in favor of the addition of territory to the district as proposed in the petition filed with respect thereto, then when that result has been determined and declared by the Board of Commissioners of Buncombe County, such territory shall become a part of said district. If the majority of votes
cast is opposed to the addition of territory to said district, the Board of Commissioners shall so declare and the boundaries of the district shall remain unchanged.

When any territory has been added to an existing water district or water and sewer district as herein provided, such added territory shall thereafter be deemed to be a part of that district to the same extent and with the same effects as if it had been a part of the district as originally created.

Sec. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. Nothing contained in Section 1 of Chapter 399 of the Public-Local Laws of 1933 shall be construed to impair or affect to any degree any contract between the City of Asheville and any other contracting party made pursuant to the provisions of this Act and providing for the sale of water outside of the City of Asheville by said City, or to affect or impair any of the provisions of any such contract. Any and all such contracts and the provisions thereof shall be deemed to be valid and enforceable, notwithstanding the provisions of Section 1 of Chapter 399 of the Public-Local Laws of 1933 above referred to.

Sec. 15. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent that they are in conflict therewith. This Act shall not have the effect of repealing any of the provisions of Chapter 399 of the Public-Local Laws of 1933, which is modified and amended to the extent indicated by Section 14 of this Act but not otherwise.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 810 CHAPTER 619

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO EXTEND THE TIME FOR QUADRENNIAL ASSESSMENTS FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Brunswick County is hereby authorized and empowered, in its discretion, to defer or postpone revaluation and reassessment of real property for the year 1951, for a period not exceeding two years. Whenever revaluation is had, same may be by horizontal increase or reduction or by actual appraisal thereof or both.

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 6th day of April, 1951.

H. B. 817  CHAPTER 620
AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS
OF THE BOARD OF COMMISSIONERS OF THE TOWN OF NEW-
PORT, CARTERET COUNTY, NORTH CAROLINA, BY AMENDING
CHAPTER 225 OF THE PRIVATE LAWS OF 1927.

The General Assembly of North Carolina do enact:
Section 1. Section 25 of Chapter 225 of the Private Laws of 1927 is amended by striking out the words “that the commissioners shall receive one dollar cash for each regular meeting of said commissioners which they may attend”, and inserting in lieu thereof the following:
“That each commissioner shall receive not exceeding five dollars for each regular meeting of said commissioners which he may attend.”

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 6th day of April, 1951.

H. B. 819  CHAPTER 621
AN ACT TO AUTHORIZE THE TOWN OF BETHEL IN PITT COUN-
TY TO CONVEY CERTAIN PROPERTY.

The General Assembly of North Carolina do enact:
Section 1. The governing body of the Town of Bethel is hereby au-
thorized, in its discretion, to sell at public or private sale a lot, of the dimensions of thirty-nine feet by two hundred and ten feet situated on the west side of Main Street, and known as the old jail and firehouse lot, which lot is no longer needed for jail or firehouse purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 824  CHAPTER 622
AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OF-
FICERS OF THE TOWN OF KENLY IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:
Section 1. The Chief of Police and each and every member of the Police Department of the Town of Kenly in Johnston County are hereby
given the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Kenly as are now exercised by police officers within the corporate limits of said town.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 834 CHAPTER 623

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1951 DESIGNATED AS H. B. 175 AND ENTITLED “AN ACT TO REQUIRE BONDING COMPANIES AND PROFESSIONAL BONDSMEN TO MAKE A DEPOSIT OF FUNDS WITH THE CLERK OF THE SUPERIOR COURT OF SWAIN COUNTY TO GUARANTEE THE PERFORMANCE OF THEIR OBLIGATIONS”, THE SAME BEING RATIFIED ON FEBRUARY 14, 1951.

The General Assembly of North Carolina do enact:

Section 1. That certain Act of the General Assembly of 1951 designated as H. B. 175 and entitled “An Act to Require Bonding Companies and Professional Bondsmen to Make a Deposit of Funds with the Clerk of the Superior Court of Swain County to Guarantee the Performance of their Obligations”, the same having been ratified on February 14th, 1951, is hereby amended by striking out the period appearing after the word “County” in line five of Section 3 of said Act and by adding after the word “County” the following: “have been discharged and satisfied.”

Sec. 2. That certain Act of the General Assembly of 1951 designated as H. B. 175 and entitled “An Act to Require Bonding Companies and Professional Bondsmen to Make a Deposit of Funds with the Clerk of the Superior Court of Swain County to Guarantee the Performance of their Obligations”, the same having been ratified on February 14th, 1951, is hereby amended by adding a new section to said Act, which said section shall appear immediately after Section 3 of said Act and before Section 4 of said Act, and which new section shall be designated as Section 3½ and shall read as follows:

“Sec. 3½. This Act shall not apply to insurance companies or bonding companies which are licensed by the North Carolina Insurance Commissioner to do business in the State of North Carolina.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.
H. B. 833    CHAPTER 624
AN ACT TO AUTHORIZE THE APPOINTMENT OF SALARIED DEPUTY SHERIFFS IN ASHE COUNTY.

WHEREAS, Ashe County has a population of about 22,000 and the sheriff of said county has no assistance in the enforcement of the law outside of the two incorporated Towns of Jefferson and West Jefferson except deputies without compensation except fees for serving papers; and
WHEREAS, it is desirable to provide more efficient methods of enforcing the law, other than traffic laws, in said county: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Ashe County is hereby authorized, with the approval of the Board of County Commissioners of said county, to appoint a special deputy or deputies.

Sec. 2. Said deputies when appointed shall, under the direction of the sheriff of said county, discharge the duties of full-time deputy sheriffs of Ashe County so long as they remain in office.

Sec. 3. The Board of County Commissioners of Ashe County is authorized and empowered to pay out of the general fund of said county or the fund set up for courts and jail expenses a sum not to exceed one hundred ($100.00) per month, in the discretion of said board, on the salary of such deputy or deputies.

Sec. 4. The said sheriff is empowered to remove any deputy sheriff appointed under this Act at any time and appoint any other in his place; and upon request from the Board of County Commissioners of said county and upon thirty (30) days notice from said board any deputy sheriff appointed under this Act may be removed from office or his salary from public funds be discontinued.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 858    CHAPTER 625
AN ACT AMENDING CHAPTER 579 OF THE SESSION LAWS OF 1947 RELATING TO SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 579 of the Session Laws of 1947 is hereby amended by rewriting the third paragraph of Section 2 of said chapter so as to read as follows:

"The county auditor shall receive an annual salary of forty-eight hundred sixty dollars ($4860.00)."

By rewriting the fourth paragraph of Section 2 of said chapter so as to read as follows:

"The sheriff shall receive an annual salary of fifty-seven hundred ten dollars ($5710.00)."
By rewriting the fifth paragraph of Section 2 of said chapter so as to read as follows:

"The Clerk of Superior Court shall receive an annual salary of forty-nine hundred sixty dollars ($4960.00)."

By rewriting the sixth paragraph of Section 2 of said chapter so as to read as follows:

"The register of deeds shall receive an annual salary of forty-eight hundred sixty dollars ($4860.00)."

By rewriting the seventh paragraph of Section 2 of said chapter so as to read as follows:

"The Judge of the Recorder's Court of New Hanover County shall receive an annual salary of fifty-five hundred dollars ($5500.00)."

By rewriting the eighth paragraph of Section 2 of said chapter so as to read as follows:

"The solicitor of Recorder's Court of New Hanover County shall receive an annual salary of forty-five hundred dollars ($4500.00)."

"By rewriting the first sentence of the second paragraph of Section 2 of said chapter so as to read as follows:

"The Chairman of the Board of County Commissioners shall receive an annual salary of forty-eight hundred sixty dollars ($4860.00)."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 865

CHAPTER 626

AN ACT TO AMEND G. S. 160-200 RELATING TO THE USE OF PROCEEDS FROM PARKING METERS IN THE CITY OF KINGS MOUNTAIN, CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 31 of G. S. 160-200, as it appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by striking out the period at the end of the second paragraph of said subsection, inserting a colon in lieu thereof, and adding the following:

"Provided, that in the City of Kings Mountain in Cleveland County, in addition to the purposes outlined above, proceeds from parking meters may, in the discretion of the board of commissioners of said city, be used for the establishment, maintenance and operation of any and all recreational facilities of said city, including playgrounds, recreation centers, swimming pools, and the acquisition of lands or buildings for such purposes."

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 6th day of April, 1951.
H. B. 871

CHAPTER 627

AN ACT RELATING TO JAIL FEES, SHERIFF'S CAR ALLOWANCE AND AN APPROPRIATION FOR THE ARTIFICIAL BREEDERS ASSOCIATION IN DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-180 is hereby amended by adding a new paragraph at the end thereof:

"In Davie County the Board of County Commissioners is hereby authorized, in its discretion, to fix the jailer's fees in said county in such amount as it may see fit, not to exceed $1.20 per day for each prisoner."

Sec. 2. The Board of County Commissioners of Davie County is hereby authorized, in its discretion, to allow the sheriff such sum as it may see fit as a car allowance for the use of his automobile in performing the duties of his office, not to exceed four hundred dollars ($400.00) per year, and to be payable in equal monthly installments.

Sec. 3. The Board of County Commissioners of Davie County is hereby authorized, in its discretion, to appropriate and pay, not to exceed $50.00 per month, to the Davie County Artificial Breeders Association, such expenditure being in the interest of encouraging the improvement of better stock-raising practices.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 874

CHAPTER 628

AN ACT TO AMEND THE CHARTER OF THE CITY OF ELIZABETH CITY WITH RESPECT TO THE MANNER OF FILLING VACANCIES ON THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Section 1. Whenever the office of any member of the Board of Aldermen of the City of Elizabeth City becomes vacant by reason of death, resignation or otherwise, the Board of Aldermen, at the next meeting following said office becoming vacant, shall appoint some person from the ward in which the vacancy occurs to fill the unexpired term of the Alderman who has vacated said office.

Sec. 2. J. P. Gregory is hereby appointed alderman for the City of Elizabeth City for the unexpired term of S. A. Twiford who has become Mayor of said City.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

565
H. B. 920

CHAPTER 629

AN ACT PROVIDING FOR A REFERENDUM ON THE QUESTION OF REDUCING THE MEMBERSHIP OF THE BOARD OF ALDERMEN OF THE TOWN OF BURGAW FROM FIVE TO THREE MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. In the general municipal election to be held in the Town of Burgaw for the year 1951 there shall be submitted to the qualified voters of the municipality the question of reducing the membership of the governing body of the Town of Burgaw from five members to three members; at which election there shall be submitted the following ballot:

☐ “For reducing the membership of the governing body from five to three members”

☐ “Against reducing the membership of the governing body from five to three members”

Sec. 2. The said election shall be conducted and the results thereof determine and a canvass made, and shall in all other respects be held as now provided for the election of mayor and members of the governing body of the Town of Burgaw. If a majority of the votes cast on said question shall be against reducing the number of the members of the governing body, then, in such event, the membership of said governing body shall consist of five members. If a majority of the votes cast on said question is for reducing the number of the members of said governing body of five to three, then, in such event, at the municipal election to be held in the year 1953, and biennially thereafter, there shall be elected three members of the governing body of said municipality who shall consist of the governing body until their three successors are duly elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1951.

H. B. 929

CHAPTER 630

AN ACT TO EXEMPT VOLUNTEER FIREMEN FROM JURY DUTY IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all members of volunteer fire departments located in Halifax County shall be exempt from jury duty.

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 6th day of April, 1951.
H. B. 955

CHAPTER 631

AN ACT TO AMEND G. S. 160-200 (31), RELATING TO THE USE OF PARKING METER FUNDS, AS THE SAME APPLIES TO THE TOWN OF WARRENTON, IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200(31) is amended by adding at the end thereof the following:

“In the Town of Warrenton, in Warren County, the net proceeds of parking meter funds may be used to construct curbs and gutters along the streets of said Town in those instances where, in the opinion of the governing body of said Town, the construction of the same will facilitate the control of traffic and increase the available parking space for vehicular traffic in said Town.”

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 6th day of April, 1951.

H. B. 958

CHAPTER 632

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE TOWN OF AHOSKIE, IN HERTFORD COUNTY, TO SELL CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and governing body of the Town of Ahoskie, in Hertford County, are authorized to sell that certain property on the south side of Main Street in said Town and known as the Old Farmers Atlantic Bank Building property. The sale of said property shall be made under the provisions of G. S. 160-59.

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 6th day of April, 1951.

S. B. 173

CHAPTER 633

AN ACT TO AMEND CHAPTER 634 OF THE SESSION LAWS OF 1949 SO AS TO EXEMPT CERTAIN AGRICULTURAL PRODUCTS FROM AD VALOREM TAXES IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 634 of the Session Laws of 1949 is hereby amended by inserting in line two immediately following the word “County” the words “and Harnett County”.

567
Sec. 2. Section 2 of Chapter 634 of the Session Laws of 1949 is hereby amended by striking out the period at the end of the section and inserting the following: "and Harnett County."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after January 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

S. B. 370  CHAPTER 634
AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICERS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 409 of the Public-Local Laws of 1935 is amended by striking out the first sentence in said section and inserting in lieu thereof the following: "The Sheriff of Avery County shall receive an annual salary of three thousand dollars ($3,000.00), payable in 12 equal monthly installments. Said salary shall be paid by the Board of County Commissioners out of the General Fund of said County. One deputy shall be paid ($100.00) one hundred dollars per month and all fees he is entitled to at present, or in the future."

Sec. 2. All peace officers of Avery County who receive their compensation from fees or from salaries and fees shall be allowed mileage as travel expense at the rate of 10c per mile necessarily incurred by them in conveying prisoners to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before any court in Avery County, or to any mental institution. Such travel expense shall be taxed in each case in the bill of costs where the prisoner has been convicted, has pled guilty, or entered a plea of nolo contendere and is adjudged to pay and has paid the costs. In those cases where the convicted person pays no cost, the Board of County Commissioners shall pay one half the mileage herein provided for out of the General Fund of said County. The expense so incurred shall be paid directly to officer by the court collecting the same. In all mental cases the full amount shall be paid from the General Fund except when paid by Veterans Administration or by relatives of said mental person. For the purpose of this Act, the term "prisoner" is defined as any person who has been placed under arrest or taken into custody by any peace officer and has been transported from the place of arrest to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before any court in Avery County, or taken to any mental institution.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
S. B. 403

CHAPTER 635

AN ACT TO INCREASE THE CORPORATE AREA OF THE TOWN OF WILSON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the Town of Wilson, North Carolina, be amended and the corporate area and limits of the Town of Wilson, North Carolina, be enlarged by the addition to and inclusion within the corporate limits of the following described property known as Avalon Park:

Beginning at a point where the East property line of Fairfax Avenue intersects the present City limit line located 160 feet North of Northeast Corner of Fairfax Avenue and Grove Street, thence along the East property line of Fairfax Avenue North 3 deg. 59 min. East 436 feet to a monument located where the East property line of Fairfax Avenue and the North property line of the Avalon Park sub-division intersects, this being the Northeast corner of Avalon Park sub-division, thence along the North property line of Avalon Park sub-division North 88 deg. 07 min. West, 1438.61 feet to the intersection of the center line of Tilghman Road, thence along the center line of Tilghman Road, South 16 deg. 00 min. East, 42 feet to the intersection line of Corbett Avenue, thence along the present city limit line is South 71 deg. 00 min. East, 1461 feet to point of beginning.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of 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 9th day of April, 1951.

S. B. 425

CHAPTER 636

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR NINETEEN HUNDRED AND FORTY-SEVEN AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County be and is hereby authorized and empowered in its discretion to turn into the General Fund of the County the proceeds of all uncollected taxes, which may hereafter be collected, for the year 1947 and all prior years.

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

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
S. B. 434

CHAPTER 637

AN ACT RELATING TO THE QUALIFICATIONS AND ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 655 of the Session Laws of 1943 be and the same is hereby repealed.

Sec. 2. That in the second week of June 1951 and in the second week of June every two years thereafter the Governor of the State of North Carolina shall appoint five aldermen, one of whom also shall be appointed mayor, two of whom shall be legal residents of the Town of Wrightsville Beach, and three of whom shall be owners of either a fee simple estate or of an estate by the entirety in real estate located within the limits of the Town of Wrightsville Beach, and who shall be recommended as hereinafter set forth, and who shall constitute the governing body of said town and shall possess and be invested with all the powers and duties which are now or which may be hereafter given by law to governing bodies of cities and towns in the State of North Carolina.

Sec. 3. That on or before the first day of May 1951 and every two years thereafter any person desiring to become a candidate for recommendation to the offices of mayor and aldermen for the Town of Wrightsville Beach shall file with the Clerk of said town his petition for said recommendation signed by at least three property owners or three legal residents, as hereinafter defined, of said town.

Sec. 4. The following persons, and no others, shall be entitled to vote in the election for recommendations as mayor and aldermen hereinafter provided for:

(a) Any person who is over twenty-one years of age and who has been a legal resident of the Town of Wrightsville Beach and of the State of North Carolina for at least twelve months next preceding the dates of the elections hereinafter provided for, and who has caused his name and address to be registered with the Clerk of the Town of Wrightsville Beach on or before May 15th immediately preceding the election. The clerk shall keep a registration book which shall be opened at 8:30 A.M., on the third Saturday before May 15th and closed at 5:00 P.M., May 15th; it shall be the duty of said clerk to be at the Town Hall between the hours of 8:30 A.M., and 5:00 P.M., on the second and third Saturdays immediately preceding May 15th and between the hours of 8:30 A.M., and 7:30 P.M., on the first Saturday immediately preceding May 15th for the registration of voters; the clerk may, but is not required to, register legal residents at any other time during the registration period.

(b) Any person who is over twenty-one years of age and who, or whose lawful spouse, is the owner of either a fee simple estate or of an estate by the entirety in real estate located within the limits of the Town of Wrightsville Beach.

Sec. 5. That immediately after the first day of May 1951 and every two years thereafter, the Clerk of the Town of Wrightsville Beach shall have
ballots printed containing, in alphabetical order, the names and status (whether legal resident or property owner) of those persons who have filed petitions with him as provided in Sec. 3. hereof. On the face of the ballot at the top shall be printed the following instructions:

1. To vote for a candidate on the ballot make a cross (x) mark in the square at the left of his name; do not vote for more than five.

2. If you tear or deface or wrongly mark this ballot return it to the Clerk of the Town of Wrightsville Beach and get another.

3. This ballot must be sealed in the envelope provided, and delivered by voter in person or by mail to the Chairman of the Board of Elections of New Hanover County before 9:00 A.M., Monday, June—, 19—.

At the bottom of the ballot shall be printed the date of the election and the facsimile signature of the Clerk of the Town of Wrightsville Beach. On or before the fifteenth day of May 1951 and every two years thereafter the Clerk of the Town of Wrightsville Beach shall deliver, either to the voter in person, a member of his immediate family, or by mail addressed to his last known address, one ballot to each person entitled to vote as set forth in Sec. 5, together with one return envelope upon the face of which shall be printed the return address of the Chairman of the New Hanover County Board of Elections, together with a printed affidavit as follows:

I ..........................................., do solemnly swear that I am over twenty-one years of age and that:

(a) I have been a legal resident of the Town of Wrightsville Beach and State of North Carolina for at least twelve months next preceding the first Monday in June 19......, residing at .................................................................

.................................................................

(Street Address)

(b) I am, or my lawful spouse is, an owner of either a fee simple estate or an estate by the entirety in real estate located within the limits of the Town of Wrightsville Beach and known as .................................................................

.................................................................

(Either Lot Number or Street Address)

(Strike out whichever of (a) or (b) is inappropriate) Witness my hand this ............ day of ........................................ 19..........

.................................................................

Witness:

.................................................................

Sec. 6. Any qualified person desiring to vote the ballots received by him shall mark with a cross (x) mark in the space provided opposite the names of the respective candidates for whom he desires to vote (but in no case more than five), place the ballot in the envelope and seal it and make and subscribe to the affidavit printed on the envelope before a competent witness who is more than twenty-one years of age and who is not a candidate. The envelope containing the ballot shall then be returned to the Chairman of the County Board of Elections by the voter in person or by mail. Such envelope must be in the hands of the Chairman by 9:00 o'clock A.M., on the first Monday in June following, and no ballot received by him after that time shall be voted or counted.
Sec. 7. The Chairman of the Board of Elections of New Hanover County shall, at 10:00 A.M., in the office of the Clerk of the Town of Wrightsville Beach, publicly call out the names of the voters appearing on the envelopes received by him, and any person desiring to challenge any voter shall do so immediately or lose the right to challenge. If a voter is not challenged when his name is called, the Chairman shall remove the ballot from the envelope in such a way that no one may see for whom the votes are cast and shall place the ballot in a locked ballot box. If any voter is challenged the Chairman shall place the unopened envelope containing his ballot to one side and proceed with the calling of the remaining names. After all ballots, other than those which have been challenged, have been placed in the ballot box, the box shall be opened publicly by the Chairman who shall take the ballots out of the box one by one, shall determine how the ballots shall be called, and shall read aloud distinctly the names of the candidates voted for, and the Clerk of the Town of Wrightsville Beach shall tally the same on a tally sheet. The counting shall be continuous until completed and the results shall then be posted at the Town Hall. Within twenty-four hours thereafter the Chairman shall determine whether or not those voters who have been challenged are qualified and shall count the ballots of those who are qualified and amend the results posted at the Town Hall.

Sec. 8. The two legal residents and the three property owners (as set out in Sec. 2 hereof) receiving the highest number of votes shall be recommended as aldermen of the Town of Wrightsville Beach and of the five the person receiving the highest number of votes shall be recommended as mayor of said town. The Clerk of the Town of Wrightsville Beach and the Chairman of the New Hanover County Board of Elections shall, within twenty-four hours after all votes cast in the election have been counted, forward to the Governor of the State of North Carolina the results of said election.

Sec. 9. The mayor and aldermen appointed by the Governor of the State of North Carolina, in accordance with this Act, shall be sworn in as mayor and aldermen on the first Tuesday in July following their appointment, or, as soon thereafter as possible, before the Clerk of the Town of Wrightsville Beach who shall file with the minutes of the town an executed copy of the oath of each officer.

Sec. 10. The present mayor and aldermen of the Town of Wrightsville Beach shall hold office until Tuesday of the first week in July, 1951, or until their successors are appointed and qualified.

Sec. 11. Should a vacancy occur in offices of mayor or aldermen of the Town of Wrightsville Beach the remaining aldermen of the Town of Wrightsville Beach may recommend to the Governor of the State of North Carolina one of their body or any property owner or legal resident, as defined above, to be appointed by the Governor of the State of North Carolina to fill the vacancy.

Sec. 12. The Chairman of the County Board of Elections of New Hanover County shall receive for his service, in addition to such other compensation as he may receive, the sum of fifty dollars for supervising said cast-
ing of ballots. The said amount shall be paid by the Town of Wrightsville Beach, and the Town of Wrightsville Beach is hereby authorized, empowered and directed to pay such other necessary expenses that may be incurred in carrying out the provisions of this Act.

Sec. 13. Any person violating any section of this Act regarding the opening of ballots or casting of same, or, who shall make any false statement regarding his qualifications to vote, shall be guilty of a misdemeanor and shall be punished by a fine of five hundred dollars ($500.00).

Sec. 14. From and after the first day of July, 1951, the mayor shall receive as compensation for the performance of the duties of his office the sum of four hundred and eighty dollars ($480.00) per year, payable in equal monthly installments. The members of the Board of Aldermen shall each receive as compensation for the performance of the duties of their offices the sum of three hundred dollars ($300.00) per annum, payable in equal monthly installments.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. 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 9th day of April, 1951.

S. B. 446

CHAPTER 638

AN ACT RELATING TO CARNIVAL EXHIBITIONS IN WAYNE COUNTY DURING AND TWO WEEKS PRIOR TO COUNTY FAIR WEEK. (APPLIES ALSO TO JOHNSTON COUNTY).

The General Assembly of North Carolina do enact:

Section 1. No circus, menagerie, wild west show, dog and pony show, or carnival show shall give any performance or exhibition or fill any engagement, or be licensed therefor, in Wayne County at any time during the fourteen days immediately preceding the week during which the regular Wayne County Agricultural Fair is being held, or during the week of said fair except that one carnival, if it has a written contract with the Wayne County Agricultural Fair, may exhibit or be held during said fair week. Any person who violates any provisions of this Act is guilty of a misdemeanor punishable by a fine of one thousand dollars ($1,000.00) or imprisonment for not more than 60 days for each violation of this Act.

Sec. 2. The provisions of this Act shall also apply to Johnston County and Onslow County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
S. B. 494  

CHAPTER 639

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF STANTONSBURG, IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 173 of the Private Laws of 1909 is amended by adding at the end thereof the following:

"The boundaries of said Town are hereby extended to include the following: Beginning at a point in the Northerly Town Limit, which point is 160.2 feet in a southwest direction from the northeast corner of the present town limit, thence North 56 degrees 46 minutes East 1700 feet, to a point in Dan Whitley's field, which point is plus or minus 300 feet in an easterly direction from the center of N. C. Highway No. 58, thence South 24 degrees 50 minutes East plus or minus 2400 feet to the center of N. C. Highway No. 222, thence South 29 degrees 12 minutes East plus or minus 998 feet to the center of a ditch, C. F. Freeman and Mrs. Lena Thompson's corner on the easterly side of the old Snow Hill Road, now known as the Sand Pit Road, thence South 51 degrees 13 minutes West plus or minus 1729 feet to the center of the Norfolk-Southern Railroad, at the point where a 48 inch pipe crosses said railroad, this point is known as the Old Thompson trestle, the present Town Limit corner."

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 9th day of April, 1951.

S. B. 543  

CHAPTER 640

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A SPECIAL JURY COMMISSION FOR DURHAM COUNTY FOR THE PURPOSE OF DRAWING A SPECIAL GRAND JURY TO INQUIRE INTO THE ACTIVITIES AND CONDUCT OF LAW ENFORCEMENT OFFICERS IN THE CITY AND COUNTY OF DURHAM; TO AUTHORIZE THE EMPLOYMENT OF A SPECIAL SOLICITOR IN CONNECTION WITH SUCH INVESTIGATION AND TO PROVIDE FOR THE EXPENSES THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The governing boards of the City of Durham and the County of Durham are hereby authorized jointly to establish from time to time in their discretion a special jury commission for the purpose hereinafter set out. If such jury commission is established, it shall be composed of five (5) members of the City Council of the City of Durham, to be appointed by the Mayor, and three (3) members of the Board of Commissioners of Durham County, to be appointed by the chairman of said Board, all of whom shall serve ex officio as members of the special jury commission without additional compensation. It shall be the duty of the special jury commission, if
established, to select from among all the qualified persons eligible for jury
duty in Durham County the names of eighteen (18) persons, who shall
constitute a special grand jury for the purposes set out in this Act.

Sec. 2. If the special grand jury authorized under Section 1 of this Act
is drawn, it shall choose from among its members a chairman, who shall
have authority to administer oaths. It shall be the duty of the special
grand jury to inquire into, examine and investigate the conduct and activi-
ties of the police department of the City of Durham and of the law en-
forcement officers of Durham County, with particular reference to any
evidence of criminality among such law enforcement officers or any evidence
of collusion with criminal elements or acquiescence in criminal conduct, and
shall also investigate any evidence of organized crime or racketeering in
the county and city and any evidence of a connection between such organized
crime and any officials or employees of the county or city. The special grand
jury shall have the same power and authority with respect to summoning
and examining witnesses under oath, returning bills of indictment, and
carrying on investigations to the same extent and in the same manner as
the regular grand jury of the County, and bills of indictment returned by
it to the Superior Court of Durham County shall have the same force and
effect as bills of indictment returned by the regular grand jury of the
County. The special grand jury shall make such report and recommenda-
tions to the governing bodies of the City and County of Durham as to it
the facts revealed by its inquiries and investigations seem to justify.

Sec. 3. The special jury commission authorized by this Act shall have
power and authority to employ some duly qualified attorney to act as
special prosecutor in connection with the work of the special grand jury
and to employ such clerical assistance and purchase such supplies as may
be needed by the special grand jury and the special prosecutor. The special
prosecutor shall bear the same relation to the special grand jury as the
district solicitor bears to the regular County grand jury, and it shall be
the duty of the special prosecutor to assist the district solicitor in the
prosecution of any cases in the Superior Court upon bills of indictment re-
turned by the special grand jury. All cost, expenses of the special grand
jury and of the special prosecutor and of clerical assistance and supplies
shall be borne one-half by the City of Durham and one-half by the County
of Durham. The City Council of the City of Durham and the Board of
County Commissioners of Durham County are hereby expressly authorized
to appropriate and expend from general or other funds of said City and
County respectively, the amounts of money which may from time to time
be necessary to carry out the provisions of this Act.

Sec. 4. Upon the completion of its investigation and upon making its
reports and recommendations to the governing bodies of the City and Coun-
ty of Durham, any such special grand jury shall make a final report to the
resident judge of the tenth judicial district and shall thereupon be dis-
charged.

Sec. 5. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 6. This Act shall be in full force and effect from and after its
ratification.

575
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

S. B. 579
CHAPTER 641
AN ACT CHANGING THE NAME OF EAST CAROLINA TEACHERS COLLEGE TO EAST CAROLINA COLLEGE.

WHEREAS, the initials of the East Carolina Teachers College, “E. C. T. C.” are often confused with the initials of the Elizabeth City State Teachers College and the East Carolina Training School, causing many complications, including the miscarriage of mails because of the lack of proper identification of the three institutions; and

WHEREAS, the Alumni, the staff of the East Carolina Teachers College and the Student Body of the said institution have voted overwhelmingly in favor of changing the name of the said institution to East Carolina College; and

WHEREAS, the Board of Trustees of East Carolina Teachers College, by resolution, has requested that the General Assembly of North Carolina authorize the change of the name of this institution to East Carolina College: Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the name of the East Carolina Teachers College is hereby changed to East Carolina College.

Sec. 2. That G. S. 116-56 and G. S. 116-59 are hereby amended by making the name “East Carolina Teachers College”, as appears in the said sections, to read “East Carolina College”.

Sec. 3. That all appropriations made by the General Assembly to the East Carolina Teachers College shall be deemed to be for the East Carolina College and all other laws referring to the East Carolina Teachers College shall be considered as having reference to East Carolina College, as set forth in this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 9th day of April, 1951.

H. B. 7
CHAPTER 642
AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

GENERAL FUND

Section 1. That appropriations out of the GENERAL FUND of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for
the two fiscal years ending June thirtieth, nineteen hundred fifty-two and June thirtieth nineteen hundred fifty-three respectively, according to the following schedule:

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<tr>
<th>Section</th>
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<td>(3) Division of Purchase and Contract</td>
<td>$103,960</td>
<td>$93,160</td>
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<td>(4) Salary Lieutenant Governor</td>
<td>$2,100</td>
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<td>(5) Department of Personnel</td>
<td>$72,304</td>
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<tr>
<td>2. Secretary of State</td>
<td>$54,824</td>
<td>$56,374</td>
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<td>3. State Auditor</td>
<td>$116,458</td>
<td>$117,208</td>
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<td>4. State Treasurer</td>
<td>$103,967</td>
<td>$105,392</td>
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<td>5. Department of Justice:</td>
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<tr>
<td>(1) Attorney General</td>
<td>$94,455</td>
<td>$98,085</td>
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<td>(2) Bureau of Investigation</td>
<td>$174,408</td>
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<td>6. Department of Revenue</td>
<td>$1,746,325</td>
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<td>7. Department of Tax Research</td>
<td>$41,752</td>
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<td>8. Department of Public Instruction</td>
<td>$281,050</td>
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<td>9. Department of Archives and History</td>
<td>$69,597</td>
<td>$64,297</td>
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<td>10. State Library</td>
<td>$31,817</td>
<td>$22,317</td>
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<td>11. Library Commission</td>
<td>$32,834</td>
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<td>12. Board of Public Welfare</td>
<td>$219,032</td>
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<tr>
<td>13. State Board of Health</td>
<td>$2,002,029</td>
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<td>14. Adjutant General:</td>
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<tr>
<td>(1) Adjutant General</td>
<td>$320,951</td>
<td>$327,171</td>
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<td>(2) North Carolina Armory Commission</td>
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<td>15. Utilities Commission</td>
<td>$199,588</td>
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<td>16. Insurance Department</td>
<td>$214,308</td>
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<td>17. Department of Labor:</td>
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<td>(1) Department of Labor</td>
<td>$292,727</td>
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<td>(2) Industrial Commission</td>
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<td>18. Department of Conservation and Development:</td>
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<td>$1,236,712</td>
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<td>(2) Commercial Fisheries</td>
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<td>(1) Shellfish Division</td>
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<td>19. State Board of Elections</td>
<td>19,846</td>
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<td>20. Local Government Commission</td>
<td>40,240</td>
<td>39,680</td>
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<tr>
<td>21. Department of Agriculture—Contribution from General Fund</td>
<td>533,703</td>
<td>678,565</td>
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<td>22. Board of Public Buildings and Grounds</td>
<td>351,698</td>
<td>357,691</td>
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<td>23. State Board of Alcoholic Control</td>
<td>131,444</td>
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<td>25. Rural Electrification Authority</td>
<td>36,086</td>
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<tr>
<td>26. Merit System Council</td>
<td>20,405</td>
<td>20,405</td>
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<tr>
<td>27. North Carolina Veterans Commission:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) North Carolina Veterans Com.</td>
<td>223,162</td>
<td>223,162</td>
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<tr>
<td>(2) County Service Officers</td>
<td>85,000</td>
<td>85,000</td>
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<tr>
<td>29. North Carolina Medical Care Commission—Administration</td>
<td>105,338</td>
<td>105,338</td>
</tr>
<tr>
<td>30. Retirement Teachers and State Employees—Administration</td>
<td>105,334</td>
<td>104,334</td>
</tr>
<tr>
<td>31. North Carolina State Ports Authority</td>
<td>74,460</td>
<td>110,060</td>
</tr>
</tbody>
</table>

**IV. EDUCATIONAL INSTITUTIONS**

1. University of North Carolina (Consolidated):
   - (1) General Administration: $44,160 $43,910
   - (2) University of North Carolina: 2,650,675 2,746,145
     - (1) Division of Health Affairs: 979,381 1,094,381
     - (2) Hospital: 350,000 250,000
     - (3) Institute of Fisheries Research: 57,569 55,419
   - (3) State College of Agriculture and Engineering: 2,131,756 2,197,256
   - (4) The Woman's College: 1,058,819 1,060,319

2. Experiment Station—State College: 1,138,025 1,137,025

3. Cooperative Agricultural Extension—State College: 1,393,221 1,393,221

4. East Carolina Teachers College: 486,089 469,089

5. Negro Agricultural and Technical College: 623,739 591,739

6. Western Carolina Teachers College: 277,864 279,364

7. Appalachian State Teachers College: 377,597 377,597


9. Winston-Salem Teachers College (Colored): 170,060 175,260

10. Elizabeth City State Teachers College (Colored): 175,395 147,895

11. Fayetteville State Teachers College (Colored): 152,728 149,428


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14. State School for the Blind and the Deaf:
   (1) State School for the Blind and the Deaf .................. 478,833 467,898
   (2) Blind Student Aid .................................. 2,400 2,400

V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

1. State Hospitals:
   (1) General Administration ............................ $ 108,322 $ 108,322
   (2) State Hospital at Raleigh ......................... 2,302,558 2,279,158
   (3) State Hospital at Morganton .................... 2,161,466 2,355,410
   (4) State Hospital at Goldsboro .................... 1,090,172 1,081,084
   (5) Caswell Training School ......................... 969,452 971,285
   (6) State Hospital at Butner ......................... 1,959,873 2,000,623
   (7) Mental Health Fund ................................ 30,739
   (8) Alcoholic Rehabilitation Fund ................. 158,630 153,575

2. North Carolina Orthopedic Hospital ................... 278,474 278,774

3. North Carolina Sanatorias:
   (1) North Carolina Sanatorium ....................... 1,050,408 1,162,073
   (2) Extension Bureau ................................ 65,910 65,065
   (3) Western North Carolina Sanatorium ............. 746,017 830,802
   (4) Eastern North Carolina Sanatorium ............. 585,889 1,027,909
   (5) North Carolina Sanatorium at Chapel Hill ..... 171,550

4. Correctional Institutions:
   (1) General Administration ............................ 19,445
   (2) Stonewall Jackson Training School ............. 266,436 251,411
   (3) State Home and Industrial School for Girls ... 175,398 187,773
   (4) Morrison Training School ......................... 180,329 168,629
   (5) Eastern Carolina Training School ............. 147,010 102,525
   (6) State Training School for Negro Girls ......... 62,875 87,875

5. North Carolina Hospital for Spastic Children ........ 166,380 136,600

6. Confederate Women's Home ................................ 50,272 49,330

7. Oxford Orphanage .................................... 47,500 47,500

8. Junior Order Orphanage ................................ 50,000


10. Pythian Orphanage ................................... 10,000

11. Odd Fellows Home .................................... 10,000

12. Alexander Schools, Inc. ............................. 10,000

VI. STATE AID AND OBLIGATIONS

1. Board of Public Welfare:
   (1) Care of Dependent Children ..................... $ 38,000 $ 38,000
   (2) Old Age Assistance ................................. 2,774,000 2,774,000
   (3) Aid to Dependent Children ....................... 1,587,500 1,587,500
   (4) Aid to County Welfare Administration ........ 300,000 300,000

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(5) Aid to the Permanently and Totally Disabled ........................................ 350,000 350,000
(6) Hospitalization of the Medically Indigent ........................................... 112,500 112,500
2. Board of Health for Orthopedic Clinics ............................................. 6,500 6,500
3. Industrial Rehabilitation ................................................................. 25,000 25,000
4. Fugitives from Justice ........................................................................... 3,000 3,000
5. Landscrip Fund ..................................................................................... 7,500 7,500
6. Firemen's Relief .................................................................................... 1,750 1,750
7. Bennett Memorial .................................................................................. 50 50
8. Confederate Museum ............................................................................. 200 200
9. Confederate Cemetery ........................................................................... 350 350
10. Retirement Teachers and State Employees—State's Contribution .......... 9,925,677 10,082,275
11. State Aid to Public Libraries ............................................................... 370,563 370,537
12. State Art Society .................................................................................. 6,000 6,000
13. North Carolina Symphony Orchestra .................................................. 15,000 15,000
14. State Soil Conservation Committee ..................................................... 10,000 10,000
15. State Property Fire Insurance Fund ..................................................... 300,000 300,000
16. Medical Care Commission—Indigent Care ........................................... 337,500 337,500
17. North Carolina National Park, Parkway and Forests Development Commission ........................................... 5,885 5,885
18. Contribution to Law Enforcement Officers Benefit and Retirement Fund ........................................... 4,391 4,293
19. North Carolina Communications Study Commission ............................ 12,500 12,500
20. State Board of Health ........................................................................... 50,000 50,000

This appropriation is available upon approval of the Director of the Budget for payment to the North Carolina Cancer Institute, Inc., contingent upon the transfer to the North Carolina Cancer Institute, Inc., of suitable property for the hospitalization of indigent cancer patients, and for the purposes of remodeling, renovating, or equipping said property or any building on same.

21. Merit Salary Increments ................................................................. 641,423 1,304,162
22. Personnel Reclassification ................................................................. 100,000 100,000
23. Salary Increases ............................................................................. 2,208,060 2,264,580

VII. PENSIONS
1. Confederate Veterans and Widows ............................................. $ 190,052 $ 174,728
2. Annie Burgin Craig ............................................................................. 2,400 2,400
3. Mrs. C. B. Aycock, Sr. ......................................................................... 2,400 2,400
4. Mrs. W. W. Kitchin ............................................................................. 2,400 2,400
5. Teachers Who Had Attained age 65 at March 10, 1943....................... 72,000 72,000

VIII. CONTINGENCY AND EMERGENCY
1. To provide for contingency and emergency expenditures for any purpose authorized by

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law for which no specific appropriation is made, or for which inadvertently an insufficient appropriation has been made hereunder. Allotments to be made from this appropriation under the provisions of Section twelve of Article 1 of Chapter 143 of the General Statutes of North Carolina, or of such other statute as may be applicable ...$1,000,000 $1,000,000

IX. PUBLIC SCHOOLS


The appropriations herein provided for “Support of Nine Months Term” include the full amount requested by the State Board of Education for instructional salaries so that said board may establish such salary schedules as may be deemed proper in accordance with the provisions of Section 115-19 of the General Statutes.

2. State Board of Education .................... 190,701 184,576

3. Vocational Education ....................... 2,820,663 2,854,523

4. Purchase of Free Textbooks .................. 1,462,770 1,482,390

5. Vocational Textile Training School ........... 43,617 41,169

6. Purchase of School Buses ..................... 2,121,000 2,271,000

7. Administration of State School Plant Construction, Improvement and Repair Fund ... 35,114 51,279

X. DEBT SERVICE

1. Interest on Bonds ......................... $465,025 $425,625

2. Redemption of Bonds ....................... 1,970,000 2,010,000

3. Interest on Tax Anticipation Notes ........... 25,000 35,000

AGRICULTURE FUND

Sec. 2. That appropriations out of the AGRICULTURE FUND of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June thirtieth, nineteen hundred and fifty-two and June thirtieth, nineteen hundred and fifty-three, respectively, according to the following schedule:

XI. AGRICULTURE

1. Department of Agriculture ................... $1,134,304 $906,000

2. State Fair

(This State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture.)

HIGHWAY AND PUBLIC WORKS FUND

Sec. 3. That appropriations out of the HIGHWAY AND PUBLIC WORKS FUND of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June thirtieth, nineteen hundred fifty-two, and June thirtieth, nineteen hundred fifty-three, respectively, according to the following schedule:
XII. HIGHWAY AND PUBLIC WORKS

<table>
<thead>
<tr>
<th>Item</th>
<th>1951-52</th>
<th>1952-53</th>
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<tbody>
<tr>
<td>1. Administration</td>
<td>$400,000</td>
<td>$400,000</td>
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<tr>
<td>2. Department of Motor Vehicles, Highway Patrol, Drivers License and Safety Promotion</td>
<td>$5,292,672</td>
<td>$4,933,915</td>
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<tr>
<td>3. Maintenance of State Highways</td>
<td>$8,000,000</td>
<td>$8,000,000</td>
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<tr>
<td>4. Maintenance and/or Construction County Highways</td>
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<td>5. Betterments State and County Highways:</td>
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<tr>
<td>(1) General Betterments</td>
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<td>$12,000,000</td>
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<tr>
<td>(2) Retreatments</td>
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<td>$5,000,000</td>
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<tr>
<td>6. Construction State and County Highways:</td>
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<tr>
<td>(1) To Match Federal Aid</td>
<td>$12,000,000</td>
<td>$12,000,000</td>
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<tr>
<td>7. Scenic Highway</td>
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<td>$200,000</td>
</tr>
<tr>
<td>8. Maintenance of Highways in Cities and Towns</td>
<td>$2,500,000</td>
<td>$2,500,000</td>
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<tr>
<td>9. Probation Commission</td>
<td>$188,967</td>
<td>$187,067</td>
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<tr>
<td>10. Parole Commission</td>
<td>$131,492</td>
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<td>11. Bus Investigations</td>
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<td>12. Employer’s Contribution to Retirement System</td>
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<td>13. Contribution to Law Enforcement Officers</td>
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<tr>
<td>14. Merit Salary Increments</td>
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XIII. DEBT SERVICE (HIGHWAY FUND)

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<tr>
<th>Item</th>
<th>1951-52</th>
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<tbody>
<tr>
<td>1. Interest on Bonds (Old)</td>
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<td>$1,157,655</td>
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<tr>
<td>2. Sinking Fund Installments</td>
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<tr>
<td>3. Redemption of Bonds (Old)</td>
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<tr>
<td>4. Interest on Secondary Road Bonds</td>
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<td>5. Redemption of Secondary Road Bonds</td>
<td>$6,100,000</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>(Transfers or changes may be made to and/or from Titles XII-3, 4, and 5 under authorization by the Director of the Budget: Provided, no item shall be reduced more than fifteen per cent (15%).)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Provided, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under titles XII-one, three, four, five and six.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Provided, however, that it is the intent and purpose of the General Assembly that the State Highway and Public Works Commission shall give preference in the expenditure of the items of construction and State and County betterments for the extension and improvements of the public roads and bridge facilities of those sections of the State that have not heretofore been accorded equal opportunities in the development of the highway</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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system, to the end that all sections of the State may, insofar as possible, be provided with benefits of an improved highway system.

(The appropriations made herewith to Titles XII-three and four include twenty-five thousand dollars ($25,000.00) for each year to be transferred or paid to the State Hospital at Raleigh, and include eighteen thousand dollars ($18,000.00) for each year to be transferred or paid to the State Hospital at Goldsboro for care, custody and treatment of the criminally insane, and include twenty-one thousand and nine hundred ($21,900.00) for each year to be transferred or paid to the North Carolina Sanatorium for care, custody and treatment of the prisoners who have tuberculosis.)

Sec. 4. That fees or compensations to be paid to members of boards or commissions for attendance out of or under the appropriations made in Sections one, two and three of this Act shall be fixed at rates per diem as shown in the following schedule:

Advisory Budget Commission, seven dollars ($7.00) and necessary travel expenses.
State Board of Education, seven dollars ($7.00) and necessary travel expenses.
State Highway and Public Works Commission, seven dollars ($7.00) and necessary travel expenses.
State Board of Alcoholic Control, seven dollars ($7.00) and necessary travel expenses.
State Board of Agriculture, seven dollars ($7.00) and necessary travel expenses.
State Board of Health, seven dollar ($7.00) and necessary travel expenses.
State Board of Elections, seven dollars ($7.00) and necessary travel expenses.
Medical Care Commission, seven dollars ($7.00) and necessary travel expenses.
State Hospitals Board of Control, seven ($7.00) and necessary travel expenses.
Board of North Carolina Hospital for Treatment of Spastic Children, seven dollars ($7.00) and necessary travel expenses.
State Board of Correction and Training, seven dollars ($7.00) and necessary travel expenses.
Board of Directors of the North Carolina Sanatorium for the treatment of Tuberculosis, seven dollars ($7.00) and necessary travel expenses.
Board of Conservation and Development, seven dollars ($7.00) and necessary travel expenses.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, five dollars ($5.00) per day and necessary travel expenses in accordance with the following schedule.

Travel expenses allowed board members shall be as follows: For transportation, using personally owned automobile, seven cents (7c) per mile of travel; for bus, railroad and pullman, or other public conveyance, actual
fare; for subsistence—hotels and meals—actual amount expended but not in excess of seven dollars ($7.00) per day.

Sec. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine as amended.

**GENERAL PROVISIONS**

Sec. 6. That allowances out of or under the appropriations made in Sections one, two and three of this Act and out of receipts of departments and agencies operating out of their own receipts for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel authorization by the Director of the Budget for out-of-State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

For Subsistence—hotel and meals, actual expenses not to exceed seven dollars ($7.00) per day; for out-of-State travel when authorized, actual expenses not to exceed ten dollars ($10.00) per day; for transportation, using personally owned automobile, seven cents (7c) per mile of travel; for bus, railroad, pullman or other public conveyance, actual fare.

Sec. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

**SPECIAL PROVISIONS**

Sec. 8. That the cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commissions under Section twenty-four of Chapter two of the Public Laws of one thousand nine hundred and twenty-one, which cost is hereby fixed at three thousand and five hundred dollars ($3,500.00) for each year, shall be paid out of the funds of the State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Sec. 9. That all expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for the use of offices, occupancy and telephone service, by the Banking Department, shall be paid out of fees collected under Chapter fifty-three, Section one hundred and twenty-two, of the General Statutes of North Carolina.

Sec. 10. That appropriations made to the North Carolina School for the Deaf under Title IV-thirteen and to the State School for the Blind and the Deaf under Title IV-fourteen-(1) Section one of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institution shall be reimbursed for these items by the counties liable therefor under the provisions of Chapter one hundred and sixteen, Section one hundred and eighteen, of the General Statutes of North Carolina.
Sec. 11. That appropriations made to the Oxford Colored Orphanage under Title V-nine, Section one, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Sec. 12. That appropriations made to the Board of Public Welfare for Old Age Assistance under Title VI-one-(2), and for Aid to Dependent Children under Title VI-one-(3) of Section one of this Act are declared to be for such sums which, added to the unexpended balances remaining in the appropriation for the said purposes for the biennium of one thousand nine hundred and forty-nine-fifty-one at the end of said biennium, shall be equal to the sum of two million seven hundred and seventy-four thousand dollars, for each year of the biennium, for Old Age Assistance, and one million five hundred and eighty-seven thousand five hundred dollars, for each year of the biennium, for Aid to Dependent Children. Out of the appropriation made to the State Board of Public Welfare for hospitalization of the medically indigent under Title VI-1-(6) the State Board of Public Welfare is authorized to pay necessary administrative costs, and the same shall be a proper charge against said appropriation.

Sec. 13. That the Directors of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with the Act creating the Teachers' and State Employees' Retirement System.

Sec. 14. That receipts of the North Carolina Industrial Commission collected under Section one hundred, Subsection (j) of Chapter ninety-seven of the General Statutes of North Carolina originally credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as provided by law, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurers, sufficient appropriation out of General Fund revenue to operate the commission is provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Sec. 15. Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health-Industrial Hygiene Division are enacted:

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission and that the Board of Health shall file with the Industrial Commission sufficient reports to enable it to carry
out the provisions of the occupational disease law. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Sec. 16. That appropriations made for the purchase of public school buses under Title IX-6 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium one thousand nine hundred and fifty-one-fifty-three. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may have or hereafter be appropriated for the purchase of public school buses. It is the intent to provide a reserve out of the normal appropriations for the replacement of school buses.

Sec. 17. That the amounts included in the appropriations for the State Hospital at Butner under Title V-one-(6) for the care of the feeble minded may be transferred by the Director of the Budget to Caswell Training School when provision for the care and treatment of those temporarily transferred or admitted to Butner Hospital is made through construction of adequate facilities under the permanent improvement program.

Sec. 18. The Director of the Budget is authorized and directed to appropriate out of any surplus accrued or accruing to the Highway Fund or out of any additional revenues collected for the Highway Fund or for transfer from any funds appropriated in this Act for highway purposes, sufficient funds to liquidate the interest and bond redemption requirements that may be necessary to be paid during the biennium nineteen hundred fifty-one-fifty-three on any Highway Bonds which may be issued by legal authorization subsequent to the passage of this Act, or, for which adequate provision for payment is not provided in this Act.

Sec. 19. The funds appropriated for the Department of Conservation and Development for fire prevention and control shall not be expended in any county unless said county shall contribute at least 25% of the total cost of such fire prevention program.

Sec. 20. Upon application of the Hospitals Board of Control the Director of the Budget with the approval of the Advisory Budget Commission is authorized and empowered to transfer from the appropriation provided for State Hospitals—General Administration under Title V-one-(1) to increase the appropriations for Mental Institutions under Titles V-one-(2), (3), (4), (5) and (6) sums not in excess of fifty thousand dollars ($50,000) in each of the fiscal years 1951-52 and 1952-53 for the purpose of employing trained Medical Specialists, and sums not in excess of twenty-five thousand dollars ($25,000) in each of the fiscal years 1951-52 and 1952-53 for the purpose of providing in-service training.

Sec. 21. Appropriations under section 1 of this act, to cover salary costs resulting from approved classification and pay plans, shall be transferred by the Assistant Director of the Budget to the various departments, institutions and agencies as may be approved by the State Personnel Director.
Sec. 22. That appropriations included in this Act for salary increments shall be transferred by the Assistant Director of the Budget to the various departments, institutions, and agencies upon statements approved by the State Personnel Director.

In all positions in departments, institutions, and agencies under jurisdiction of the Personnel Department, which have not been classified or salary ranges have not been established by the Personnel Department, the State Personnel Director may approve distribution of such salary increases on basis of present classifications or any other factors that will produce an equitable distribution of such salary increases.

Sec. 23. That salaries and wages of all full time permanent officers and employees of the various State departments, institutions, and agencies, excluding employees of the Public Schools, and officers or employees, the amount of whose salaries are fixed by statutes, shall be individually increased not in excess of the rate of $15.00 per month out of the appropriations made in section 1 of this Act, or from any expendable receipts. Provided that each permanent employee of the University Utility Plants at Chapel Hill, except the employees of the University Laundry payable on an hourly basis, shall be covered by this act and shall be paid the same amount of increase out of the receipts of operation of these plants.

Appropriations included in section 1 of this act for Cost of Living Salary Increases shall be transferred by the Assistant Director of the Budget to the various State departments, institutions, and agencies.

Sec. 24. The Director of the Budget is authorized and empowered to increase the appropriations provided in the Highway and Public Works Fund under section 3 Title XII or from the revenues of Federal Grants or other special operating funds by such required sums as may be certified by the State Personnel Director to conform with the provisions of sections 21, 22 and 23 of this act.

EFFECTIVE

Sec. 25. That the provisions of the Executive Budget Act, Chapter one hundred and forty-three, Article I, General Statutes of North Carolina, are reenacted and shall remain in full force and effect.

Sec. 26. That if any section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 27. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
AN ACT TO AMEND AND SUPPLEMENT "THE REVENUE ACT", BEING SUBCHAPTER I OF CHAPTER 105 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

TITLE AND PURPOSE OF ACT

Section A. The title of this Act shall be "The Act of 1951 Amending and Supplementing 'The Revenue Act,' being Subchapter 1 of Chapter 105 of the General Statutes."

Sec. B. The purpose of this Act is to amend and supplement "The Revenue Act," being Subchapter I of Chapter 105 of the General Statutes, and to raise and provide revenue for the purposes therein set forth.

"The Revenue Act," being Subchapter I of Chapter 105 of the General Statutes is hereby amended and supplemented as hereinafter provided in this Act, that is to say:

Section 1. Amendments to the Inheritance Tax Article, Article 1, Schedule A.

Subsection (a). Amend Section 105-2 of the General Statutes by striking out the word "intangible" in line nine (9) of paragraph second of said Section and inserting in lieu thereof the word "tangible".

Subsection (b). Amend Section 105-2 of the General Statutes by adding at the end thereof the following:

"Ninth. Whenever any person or corporation comes into possession or enjoyment of any personal property, including bonds of the United States and bonds of a State or subdivision or agency thereof, at or after the death of an individual and by reason of said individual's having entered into a contract or other arrangement with the United States, a State or any person or corporation to pay, transfer or deliver said personal property, including bonds of the United States and bonds of a State, to the person or corporation receiving the same, whether said person or corporation is named in the contract or other arrangement or not: Provided, that no tax shall be due or collected on that portion of the personal property received under the conditions outlined herein which the person or corporation receiving the same purchased or otherwise acquired by funds or property of the person or corporation receiving the same, or had acquired by a completed inter vivos gift.

"Nothing in subdivision ninth shall apply to the proceeds of life insurance policies."

Subsection (c). Amend Section 105-3 of the General Statutes (1949 Cumulative Supplement) by rewriting next to the last sentence of paragraph (d) to read as follows:

"And also proceeds of all policies of insurance and the proceeds of all adjusted service certificates that have been or may be paid by the United States Government, or that have been or may be paid on account of policies required to be carried by the United States Government or any agency thereof, to the estate, beneficiary, or beneficiaries of any person who
has served in the Armed Forces of the United States or in the Merchant
Marine during the first or second World War or any subsequent military
engagement; and proceeds, not exceeding the sum of ten thousand dollars
($10,000.00), of all policies of insurance paid to the estate, beneficiary or
beneficiaries of any person whose death was caused by enemy action during
the second World War or any subsequent military engagement involving
the United States.”

Subsection (d). Amend Section 105-9 of the General Statutes by re-
writing subdivision (f) thereof to read as follows:

“(f) The amount actually expended for monuments not exceeding the
sum of one thousand dollars ($1,000.00).”

Subsection (e). Insert a new Section of the General Statutes to be
designated Section 105-9.1, to read as follows:

“For the purposes of this Article, all property shall be valued at its
fair market value as of the date of death of the decedent: Provided, that
where a Federal estate tax return is filed and the personal representatives
of the estate elect to value the property of the estate on the first anniver-
sary of decedent's death rather than as of the date of decedent's death, the
same method and time as of which valuation is made shall be used in filing
the State tax return under the provisions of this Article. When such elec-
tion is made, the provisions of the Federal law and regulations there-
under pertaining thereto shall be applicable to such State return. In the
event of an election to value the property of decedent as of the first an-
iversary of decedent’s death, the representatives of the estate shall have
an additional ninety (90) days in which to file the report and pay the tax.”

Subsection (f). Amend Section 105-20 of the General Statutes by
striking out of the last line thereof the words “twenty-eight” and by
inserting in lieu thereof the words “thirty-eight.”

Subsection (g). Section 105-23 of the General Statutes is hereby amend-
ed by striking out of line 35 as amended by Section 1 of Chapter 501 of
the Session Laws of 1947, the words “twelve months” and by inserting in
lieu thereof the words “fifteen months”.

Subsection (h). This Section shall be effective on and after July 1, 1951.

Sec. 2. Amendments to the License Tax Article,
Article 2, Schedule B.

Subsection (a). Amend Section 105-33 of the General Statutes by in-
serting at the end of line 1 of Subsection (c) after the comma following
“105-41” the following: “105-41.1.”.

Subsection (b). Amend Section 105-39 of the General Statutes by re-
writing the last paragraph of Subsection (b) to read as follows:

“Nothing herein contained shall prevent veterans’ organizations and
posts chartered by Congress or organized and operated on a state-wide
or nation-wide basis from holding fairs or tobacco festivals on any dates
which they may select, provided said fairs or festivals have heretofore been
held as annual events.”

Subsection (c). Amend Section 105-53 of the General Statutes by re-
writing line 18 of Subsection (a) to read as follows:

“Peddler, resident of this State, with vehicle propelled by motor.”
Further amend Section 105-53 of the General Statutes by adding at the end of Subsection (a) the following:

"Peddler, not a resident of this State, with vehicle propelled by motor or other mechanical power, for four or less counties, for each vehicle . . $100.00.

"Peddler, not a resident of this State, with vehicle propelled by motor or other mechanical power, for each county in excess of four, for each vehicle . . $25.00."

Subsection (d). Amend Section 105-53 of the General Statutes by adding at the end thereof a new subsection to be designated as Subsection (h) and to read as follows: "(h) Any person, firm or corporation who or which maintains a fixed permanent location at or in which at least ninety per cent (90%) of his or its total sales volume is made and who or which pays all applicable State and local taxes for such fixed permanent location shall not be deemed a peddler with respect to other sales which may be made from vehicles within the county wherein the fixed permanent location is maintained."

Subsection (e). Amend Section 105-54 of the General Statutes by redesignating present Subsections (f) and (g) as Subsections (g) and (h), respectively, and by adding a new Subsection (f) to read as follows:

"(f) In the event joint bidders shall submit one joint bid for the construction of any of the projects enumerated under Subsection (a), each of the joint bidders shall procure in his own name a bidder's license under Subsection (a); provided, that if a joint bidder has already procured a bidder's license for the current year, he will not be required to procure an additional bidder's license by reason of joining in a joint bid, and the license so procured shall entitle the licensee to submit other bids, either severally or in conjunction with others, during the remainder of the current license tax year. In the event a contract shall be awarded to joint bidders, a new project license shall be procured under Subsection (b) in the full amount of the contract price or estimated cost of the project, in the same name or names under which the contract is awarded, which new license will be valid for the remainder of the license tax year for the same combination of joint bidders in other joint projects, but will not be valid for a part of the joint bidders, nor for all of them plus others, nor for a part of them plus others.

"For the purpose of this subsection, 'joint bidders' shall mean two or more separate entities consisting of either individuals, partnerships or corporations who or which combine for the purpose of submitting one joint bid for the construction of a particular project, or who or which jointly enter into a contract for the construction of a particular project."

Subsection (f). Amend Section 105-91 of the General Statutes by inserting a new paragraph immediately preceding Subsection (a) to read as follows:

"With respect to electricians and electrical contractors, a license procured under this Section shall cover the installation of electrical equipment, fixtures and wiring in or upon the consumer's premises, or on the 'customer's side' of the point of delivery of electric service, but shall not cover
the installation of or service to transmission or distribution lines or work on the 'distributor's side' of the point of delivery of electric service. With respect to plumbers and plumbing contractors, a license procured under this Section shall cover plumbing work and plumbing installations in buildings and upon the premises upon which the buildings are situated and up to the connection with the sewer or water mains, but shall not cover the construction of or work upon water or sewer systems or mains."

Subsection (g). This Section shall be effective on and after June 1, 1951.

Sec. 3. Amendments to the Franchise Tax Article,
Article 3, Schedule C.

Subsection (a). Amend Section 105-116 of the General Statutes by inserting in line 4 of Subsection (1) between the words "or" and "gas" the word "piped", and by inserting in line 16 of Subsection (3) between the word "receipts" and the comma at the end of said line the words "from piped gas", and by inserting in line 18 of Subsection (3) between the figures in parentheses "(25,000.00)" and the word "shall" the words "from piped gas".

Subsection (b). Amend Section 105-119 of the General Statutes by changing the colon after the word "for" in line 14 of Subsection (2) to a period and by striking out the remainder of said subsection, which reads as follows:

"Provided, that the tax on the first one thousand dollars ($1,000.00) of gross receipts of any such telegraph company shall be at the rate of four per cent (4%), and all gross receipts in excess of said first one thousand dollars ($1,000.00) shall be taxed at the rate of six per cent (6%)."

Subsection (c). Rewrite Section 105-122 of the General Statutes to read as follows:

"§ 105-122. Franchise or privilege tax on domestic and foreign corporations. (1) Every corporation, domestic and foreign, incorporated or, by any Act, domesticated under the laws of this State, except as otherwise provided in this Article or Schedule, shall, on or before the thirty-first day of July of each year, make and deliver to the Commissioner of Revenue in such form as he may prescribe a full, accurate and complete report and statement verified by the oath of its duly authorized officers, containing such facts and information as may be required by the Commissioner of Revenue as shown by the books and records of the corporation as at the close of its last calendar or fiscal year next preceding July thirty-first of the year in which report is due.

“(2) Every such corporation taxed under this Section shall determine the total amount of its issued and outstanding capital stock, surplus and undivided profits; no reservation or allocation from surplus or undivided profits shall be allowed other than for definite and accrued legal liabilities, except as herein provided; taxes accrued, dividends declared and reserves for depreciation of tangible assets as permitted for income tax purposes shall be treated as deductible liabilities. Treasury stock shall not be considered in computing the capital stock, surplus and undivided profits as the basis for franchise tax, but shall be excluded proportionately from

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said capital stock, surplus and undivided profits as the case may be upon the basis and to the extent of the cost thereof.

"Every corporation doing business in this State which is a parent, subsidiary, or affiliate of another corporation shall add to its capital stock, surplus and undivided profits all indebtedness owed to or endorsed by a parent, subsidiary or affiliated corporation as a part of its capital used in its business and as a part of the base for franchise tax under this Section. The term 'indebtedness' as used in this paragraph shall include all loans, credits, goods, supplies or other capital of whatsoever nature furnished by a parent, subsidiary, or affiliated corporation. The terms 'parent,' 'subsidiary,' and 'affiliate' as use in this paragraph shall have the meaning specified in Section 105-143. If any part of the capital of the creditor corporation is capital borrowed from a source other than a parent, subsidiary or affiliate, the debtor corporation, which is required under this paragraph to include in its tax base the amount of debt by reason of being a parent, subsidiary, or affiliate of the said creditor corporation, may deduct from the debt thus included a proportionate part determined on the basis of the ratio of such borrowed capital as above specified of the creditor corporation to the total assets of the said creditor corporation. Further, in case the creditor corporation as above specified is also taxable under the provisions of this Section, such creditor corporation shall be allowed to deduct from the total of its capital, surplus and undivided profits the amount of any debt owed to it by a parent, subsidiary or affiliated corporation to the extent that such debt has been included in the tax base of said parent, subsidiary or affiliated debtor corporation reporting for taxation under the provisions of this Section.

"In determining the total amount of the capital stock, surplus and undivided profits, as herein defined, effect shall be given to the final judgment of any court approving a corporate reorganization entered prior to July first of any calendar year and since the close of the corporation's last calendar or fiscal year next preceding.

"(3) After ascertaining and determining the amount of its capital stock, surplus and undivided profits, as herein provided, every such corporation permitted to do business in this State shall allocate to such business in this State a proportion of the total amount of its capital stock, surplus and undivided profits as herein defined, according to the following rules:

"(A) If the principal business in this State of a company is manufacturing, or if it is any form of collecting, buying, assembling, or processing goods and materials within this State, the total amount of capital stock, surplus and undivided profits of such corporation shall be apportioned to North Carolina on the basis of the ratio obtained by taking the arithmetical average of the following two ratios:

"(a) The ratio of the book value of its real estate and tangible personal property in this State on the date of the close of the calendar or fiscal year of such corporation in the income year is to the book value of its entire real estate and tangible personal property then owned by it, with no deductions on account of encumbrances thereon.
“(b) The ratio of the total cost of manufacturing, collecting, buying, assembling, or processing within this State during the income year to the total cost of manufacturing, collecting, assembling, or processing within and without the State. The term ‘cost of manufacturing, collecting, buying, assembling, or processing within and without this State’ as used herein shall be interpreted in a manner to conform as nearly as may be to the best accounting practice in the trade or business. Unless in the opinion of the Commissioner of Revenue the peculiar circumstances in any case justify a different basis, this term shall be generally interpreted to include as elements of cost within and without this State the following:

“(c) The total cost of all goods, materials, and supplies used in manufacturing, assembling, or processing, regardless of where purchased.

“(d) The total wages and salaries paid or accrued during the income year in such manufacturing, assembling, or processing activities.

“(e) The total overhead or manufacturing burden properly assignable according to good accounting practice to such manufacturing, assembling, or processing activities, not including, however, property, privilege, stamp or other taxes.

“(f) The term ‘book value’ as used herein shall be defined to mean original cost plus additions and improvements less reserve for depreciation on the date of the close of the calendar or fiscal year of such company, unless in the opinion of the Commissioner of Revenue the peculiar circumstances in any case justify a different basis.

“(g) The words ‘tangible personal property’ shall be taken to mean corporeal personal property such as machinery, tools, implements, goods, wares and merchandise, and shall not be taken to mean cash on hand or in bank, shares of stock, bonds, notes, accounts receivable, credits, special privileges, franchises, good will, or evidence of an interest in property and evidences of debt.

“(h) The word ‘manufacturing’ shall be defined as mining and all processes of fabricating or of curing raw material.

“(B) If the principal business in this State of a company is selling, distributing, or dealing in tangible personal property within this State, the total amount of capital stock, surplus and undivided profits of such company shall be apportioned to North Carolina on the basis of the ratio obtained by taking the arithmetical average of the following two ratios:

“(a) The ratio of the book value of its real estate and tangible personal property in this State on the date of the close of the calendar or fiscal year of such company in the income year is to the book value of its entire real estate and tangible personal property then owned by it, with no deduction on account of encumbrances thereon.

“(b) The ratio of the total sales made through or by offices, agencies, or branches located in North Carolina during the income year to the total sales made everywhere during said income year.

“(c) The word ‘sales’ as used in this Section shall be defined as sale or rental of real estate and sale or rental of tangible properties.

“(d) The term ‘book value’ as used herein shall be defined to mean original cost plus additions and improvements less reserve for deprecia-
tion on the date of the close of the calendar or fiscal year of such company, unless in the opinion of the Commissioner of Revenue the peculiar circumstances in any case justify a different basis.

"(e) The words 'tangible personal property' shall be taken to mean corporeal personal property such as machinery, tools, implements, goods, wares and merchandise, and shall not be taken to mean cash on hand or in bank, shares of stock, bonds, notes, accounts receivable, credits, special privileges, franchises, good will, or evidence of an interest in property and evidences of debt.

"(C) If the principal business in this State of a corporation is other than that described in Subsection (A) or Subsection (B) of this Section, then the total amount of capital stock, surplus, and undivided profits of such corporation shall be apportioned to North Carolina on the basis of the ratio of its gross receipts in this State during the income year to its gross receipts for such year within and without the State.

"(a) The words 'gross receipts' as used in this subsection shall be taken to mean and include the entire receipts for business done by such corporation.

"(D) If any corporation believes that the method of allocation or apportionment hereinbefore described as administered by the Commissioner of Revenue has operated or will so operate as to subject it to taxation on a greater portion of its capital stock, surplus, and undivided profits than is reasonably attributable to business within the State, it shall be entitled to file with the Commissioner a petition setting forth the facts upon which its belief is based and its argument with respect to the application of the allocation formula. This petition shall be filed in such form and within such time as the Commissioner may prescribe. If, after a consideration of the matters involved, it shall be found by the Commissioner upon evidence offered which is clear, cogent and convincing that the application of the allocation formula subjects the corporation to taxation on a greater portion of its capital stock, surplus and undivided profits than is reasonably attributable to business within this State, the Commissioner shall be authorized to add to the factors of the applicable allocation formula, or substitute for one of the factors of the applicable allocation formula, depending on whether such addition or such substitution in the opinion of the Commissioner more accurately reflects the capital stock, surplus, and undivided profits attributable to this State, the following factor:

"The ratio of the expenditure of the wages, salaries, commissions, or other compensation of whatsoever kind to its officers or employees, assignable to this State as hereinafter provided, to the total expenditure of the corporation for wages, salaries, commissions, or other compensation of whatsoever kind to all its officers or employees. The amount assignable to this State of the expenditure of the corporation for wages, salaries, commissions or other compensation to its officers or employees shall be such expenditure for the taxable year as represents the compensation of officers or employees not chiefly situated at, connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the State.
"The relief herein authorized shall be granted by the Commissioner only in cases of clear, cogent, and convincing proof that the petitioning taxpayer is entitled thereto. There shall be a presumption that the allocation formula prescribed in subdivision (3) of this Section reasonably attributes to North Carolina the proportion of the corporation's capital stock, surplus and undivided profits used in connection with its business in this State, and the burden shall rest upon the corporation to show the contrary. No corporation shall use this alternative factor in making a franchise tax report or return to this State except upon order in writing of the Commissioner, and any return in which the alternative factor is used without the permission of the Commissioner shall not be a lawful return.

"(E) The proportion of the total capital stock, surplus and undivided profits of each such corporation so allocated shall be deemed to be the proportion of the total capital stock, surplus and undivided profits of each such corporation used in connection with its business in this State and liable for annual franchise tax under the provisions of this Section.

"(4) After determining the proportion of its total capital stock, surplus and undivided profits as set out in Subsection 3 of this Section, which amount so determined shall in no case be less than the total assessed value (including total gross valuation returned for taxation of intangible personal property) of all the real and personal property in this State of each such corporation for the year in which report is due nor less than its total actual investment in tangible property in this State, every corporation taxed under this Section shall annually pay to the Commissioner of Revenue, at the time the report and statement are due, a franchise or privilege tax, which is hereby levied, at the rate of one dollar and fifty cents ($1.50) per one thousand dollars ($1,000.00) of the total amount of capital stock, surplus and undivided profits as herein provided. The tax imposed in this Section shall in no case be less than ten dollars ($10.00) and shall be for the privilege of carrying on, doing business, and/or the continuance of articles of incorporation or domestication of each such corporation in this State: Provided, that the basis for the franchise tax on all corporations, eighty per cent (80%) of whose outstanding capital stock is owned by persons or corporations to whom or to which such stock was issued prior to January 1, 1935, in part payment or settlement of their respective deposits in any closed bank of the State of North Carolina, shall be the total assessed value of the real and tangible personal property of such corporation in this State for the year in which report and statement is due under the provisions of this Section. The term 'total actual investment in tangible property' as used in this Section shall be construed to mean the total original purchase price or consideration to the reporting taxpayer of its tangible properties, including real estate, in this State plus additions and improvements thereto less reserve for depreciation as permitted for income tax purposes, and also less any indebtedness incurred and existing by virtue of the purchase of any real estate and any permanent improvements made thereon.
"In determining the total tax payable by any corporation under this Section and under Section 105-115 there shall be allowed as credit on such tax the amount of intangibles tax paid during the preceding franchise tax year on bank deposits under the provisions of Section 105-199, except that the minimum tax herein provided shall not be less than the ten dollars ($10.00) elsewhere specified.

"(5) The report, statement and tax required by this Section shall be in addition to all other reports required or taxes levied and assessed in this State.

"(a) Counties, cities and towns shall not levy a franchise tax on corporations taxed under this Section."

Subsection (d) This Section shall be effective from and after the ratification of this Act.

Sec. 4. Amendments to the Income Tax Article,
Article 4, Schedule D.

Subsection (a). Amend Section 105-136 of the General Statutes by:
(1) Inserting between the words "commission" and "to" in line 7 the following: "; the Federal Communications Commission or any successor Federal regulatory agency";

(2) Inserting between the word "accounting" and the comma in line 9 the following: "or other prescribed accounting system"; and

(3) Inserting between the words "accounts" and "when" in line 12 the following: "or other prescribed accounting system".

Subsection (b). Amend Section 105-141 of the General Statutes by adding a new paragraph at the end of Subsection 1 to read as follows:
"The words "gross income" include any payments received by a divorced or estranged spouse from his or her spouse who is living separate and apart from the spouse making such payments for the separate support and maintenance of such spouse, whether made pursuant to an order of court or under the terms of a written agreement."

Subsection (c). Amend Section 105-147 of the General Statutes, Subsection 1-3/4, 1949 Cumulative Supplement, by rewriting the last sentence thereof to read as follows: "The deduction authorized under this Subsection shall not exceed the sum of two hundred and fifty dollars ($250.00) for any one year."

Subsection (d). Amend Section 105-147, Subsection 14 of the General Statutes as the same appears in the 1949 Supplement thereto by:
(1) Striking out in lines 6 and 7 the words "under the terms of an agreement, oral or written," and inserting in lieu thereof the words "under the terms of a written agreement,"; and

(2) Striking out all of the words following the word "paid" in line 9 down through and including the word "smaller" in line 19; and

(3) Striking out in the second paragraph thereof in lines 7 and 8 the words "or one thousand dollars ($1,000.00), whichever is smaller."

Subsection (e). Amend subdivision (h) of Subsection 1 of Section 105-149 of the General Statutes, 1949 Cumulative Supplement, by rewriting the last sentence thereof to read as follows:

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“Provided, such person shall submit to the Department of Revenue a certificate from a physician, an optometrist or from the State Commission for the Blind certifying that such condition exists.”

Subsection (f). Amend Section 105-149 of the General Statutes by adding at the end of subdivision (b) of Subsection 1 the following:

“Provided, that when a husband living with his wife has a gross income of less than five hundred dollars ($500.00), whether taxable under this Article or not, and when the wife actually furnishes more than one-half the support for herself and her husband, the husband may by agreement with his wife allow her to claim the two thousand dollars ($2,000.00) exemption provided in this subsection and the husband in such case shall be entitled to claim an exemption of only one thousand dollars ($1,000.00); Provided, further, that if the two thousand dollars ($2,000.00) exemption is taken by the wife, the husband must file a return for the same year, regardless of whether he shall have a taxable income for such year.”

Subsection (g). Amend Section 105-152 of the General Statutes by inserting a new subdivision in Subsection 1, to be designated (e 1), and to read as follows: “Any resident or nonresident who is entitled to a personal exemption of one thousand dollars ($1,000.00) or a proportionate part thereof and who has a net income in excess of one thousand dollars ($1,000.00), any part of which is taxable in this State; and any resident or nonresident who is entitled to a personal exemption of two thousand dollars ($2,000.00) or a proportionate part thereof and who has a net income in excess of two thousand dollars ($2,000.00), any part of which is taxable in this State.”;

Subsection (h). Amend Section 105-155 of the General Statutes by inserting a new sentence between the first and second sentences of the first paragraph to read as follows:

“Fiduciary returns shall be filed with the Commissioner or at any branch office on or before the fifteenth day of April in each year if the taxpayer uses the calendar year basis, and on or before the fifteenth day of the fourth month after the close of the fiscal year in each year if the taxpayer uses the fiscal year basis.”

Subsection (i). Amend Section 105-157 of the General Statutes (1949 Cumulative Supplement) by rewriting Subsection (1) to read as follows:

“The full amount of the tax payable, as shown on the face of the return, shall be paid to the Commissioner of Revenue at the office where the return is filed at the time fixed by law for filing the return. If the amount of the tax exceeds fifty dollars ($50.00), payment may be made in two equal installments: One-half on the date the return is filed, and one-half on or before the expiration of six months after the return is originally due, with interest on the deferred payment at the rate of four per cent (4%) per annum from the date the return was originally due. If the amount of the tax exceeds four hundred dollars ($400.00), payment may be made in four equal installments: One-fourth at the time of filing the report, one-fourth on or before the fifteenth day of the third month following the month in which the report was originally due to be filed, one-fourth on or before the fifteenth day of the sixth month after the month in
which the report was originally due to be filed, and one-fourth on or before the fifteenth day of the ninth month following the month in which the report was originally due to be filed, with interest on deferred payments at the rate of four per cent (4%) per annum from the date the tax was originally due. In the event any deferred payment is not made when due, then the entire balance of the tax will immediately become due and collectible, and interest upon such outstanding balance shall be added at the rate of six per cent (6%) per annum from the date the tax was originally due to be paid until paid."

Subsection (j). Amend Section 105-158, by striking out all of line 4 of Subsection 3 thereof which reads as follows: "Five per cent (5%) thereof, and, in addition,"

Subsection (k). This Section shall be effective on and after January 1, 1951.

Sec. 5. Amendments to the Sales Tax Article, Article 5, Schedule E.

Subsection (a). Amend Subsection (8) of Section 105-167 of the General Statutes, 1949 Cumulative Supplement, by striking out the phrase "Section 105-37" and by inserting in lieu thereof the phrase "Section 105-36.1 or Section 105-37".

Subsection (b). Amend Subsection (d) of Section 105-169 of the General Statutes by rewriting the second paragraph thereof to read as follows:

"Where any person, firm or corporation has entered into a contract with the Federal, State, or local governments, or any agency thereof, to manufacture or fabricate tangible personal property including ships, boats, aircraft, equipment, ordnance, or any other products or articles of commerce, for cost or for cost plus a fixed fee, sales to such manufacturer or fabricator of materials which shall enter into and become an ingredient or component part of the product manufactured or fabricated shall not be subject to retail sales tax or use tax."

Subsection (c). Amend paragraph (k) of G. S. 105-169 (1949 Cumulative Supplement) by striking out the period at the end of said paragraph, inserting a semi-colon in lieu thereof and by adding thereto the following:

"and sales to dentists of dental supplies and dentures, artificial restorations of teeth, and similar devices."

Subsection (d). Amend subdivision (k) of Section 105-169 of the General Statutes (1949 Cumulative Supplement) by striking out the period at the end of said subdivision, inserting a comma in lieu thereof, and by adding thereto the following:

"and sales to optometrists and physicians of ophthalmic equipment."

Subsection (e). Section 105-177 of the General Statutes is hereby repealed.

Subsection (f). Section 105-178 of the General Statutes is hereby repealed.

Subsection (g). Section 105-180 of the General Statutes is hereby repealed.

Subsection (h). Amend Section 105-187 of the General Statutes by inserting after the comma between the words "rock" and "and" in line 15
of said section, as the same appears in the 1949 Cumulative Supplement to the General Statutes of North Carolina, the following:

“architectural cast stone,”

Subsection (i). This Section shall be effective on and after July 1, 1951.

Sec. 6. Amendments to the Intangibles Tax Article,

Article 7, Schedule H.

Subsection (a). Amend Section 105-201 of the General Statutes by adding at the end of said Section a new paragraph reading as follows:

“Indebtedness of commercial factors incurred directly for the purchase of accounts receivable may be deducted from the total value of such accounts receivable.”

Subsection (b). This Section shall be effective from and after the ratification of this Act.

Sec. 7. Amendments to the Use Tax Article,

Article 8, Schedule I.

Subsection (a). Amend Subsection (e) of Section 105-219 of the General Statutes by striking out the word “sale” at the end thereof and inserting in lieu thereof the words “such erection, installation or application”.

Subsection (b). This Section shall be effective from and after the ratification of this Act.

Sec. 8. Amendments to the Insurance Tax Article,

Article 8B, Schedule IB.

Subsection (a). Amend Section 105-228.5 of the General Statutes by striking out of said Section the portion which reads, “The amounts collected on contracts applicable to liabilities under the Workmen’s Compensation Act, or the equivalent thereof in the case of self-insurers, a tax of four per cent (4%)”, and by inserting in lieu thereof the following:

“The amounts collected on contracts applicable to liabilities under the Workmen’s Compensation Act, a tax at the rate of one and six-tenths per cent (1.6%) in the case of domestic insurance companies; and on the amounts collected on contracts applicable to liabilities under the Workmen’s Compensation Act in the case of foreign and alien insurance companies, or the equivalent thereof in the case of self-insurers, a tax at the rate of four per cent (4%).”

Subsection (b). This Section shall be effective on and after January 1, 1951.

Sec. 9. Amendments to the General Administration Article,

Article 9, Schedule J.

Subsection (a). Amend Section 105-241.1 of the General Statutes (1949 Cumulative Supplement) by rewriting the fourth paragraph thereof to read as follows:

“The provisions of Section 105-163 of the General Statutes, shall be applicable to the tax so assessed, or the taxpayer may, at his option, pay the tax so assessed under protest and institute a suit to recover such tax in accordance with the provisions of Section 105-267 of the General Statutes.”

Subsection (b). Amend Section 105-242 of the General Statutes by adding a new paragraph at the end of the first paragraph of Subsection 3, said paragraph to read as follows:

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"No sale of real or personal property shall be made under any execution issued on a certificate docketed pursuant to the provisions of this Subsection before the administrative action of the Commissioner of Revenue is completed when a hearing is requested or before the assessment on which the certificate is based becomes final when there is no request for a hearing before the Commissioner. Neither the title to real estate nor to personal property sold under execution issued upon a certificate docketed under this Subsection shall be drawn in question upon the ground that the administrative action contemplated by this paragraph was not completed prior to the sale of such property under execution. Nothing in this paragraph shall prevent the sheriff to whom an execution is issued from levying upon either real or personal property pending an administrative determination of tax liability and, in the case of personal property, the sheriff may hold such property in his custody or may restore the execution defendant to the possession thereof upon the giving of a sufficient forthcoming bond. Upon a final administrative determination of the tax liability being had, if the assessment or any part thereof is sustained, the sheriff shall, upon request of the Commissioner of Revenue, proceed to advertise and sell the property under the original execution notwithstanding the original return date of the execution may have expired."

Subsection (c). Section 105-250.1 of the General Statutes, 1949 Cumulative Supplement, is hereby amended by:

(1) Striking out the word "quarterly" in line 12 and inserting in lieu thereof the word "semi-annual".

(2) Striking out of line 14 "March, June, September and December" and inserting in lieu thereof "June and December".

(3) Striking out the word "quarterly" in line 6 in the fifth paragraph from the end of said Section and inserting in lieu thereof the word "semi-annual".

(4) Striking out of lines 7 and 8 in the fifth paragraph from the end of said Section "March, June, September and December" and inserting in lieu thereof "June and December".

(5) Striking out of line 13 of the fifth paragraph from the end of said Section the word "quarterly" and inserting in lieu thereof the word "semi-annual".

(6) Striking out of line 1 of the third paragraph from the end of said Section the word "quarterly" and inserting in lieu thereof the word "semi-annual".

(7) Adding to the end of the last paragraph the following new sentence: "Provided further, if any person, firm or corporation required to make semi-annual informational reports under this Section shall fail to do so within the time herein specified, he or it shall be guilty of a misdemeanor and upon conviction, shall be fined or imprisoned in the discretion of the court, and in addition to such fine or imprisonment shall be required to pay the taxes and penalties herein set out."

Subsection (d). Amend Section 105-266 of the General Statutes (1949 Cumulative Supplement) by striking out the last paragraph thereof, which reads as follows:

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“Provided, further, that irrespective of any demand for refund, such overpayment may be credited upon any taxes against the same taxpayer which shall have become due prior to January 1, 1947, if such taxpayer shall request such credit prior to paying the taxes against which the credit may be made”.

Subsection (e). Amend Chapter 105 of the General Statutes by inserting therein a new Section to read as follows:

“Boards of county commissioners and governing boards of cities and towns are hereby fully authorized and empowered to furnish adequate and suitable office space for field representatives of the Department of Revenue upon request of the Commissioner of Revenue, and are hereby authorized and empowered to make necessary expenditures therefor.”

Subsection (f). This Section shall be effective from and after the ratification of this Act.

Sec. 10. The Secretary of State with the advice of the Attorney General as soon as possible after the ratification of this Act shall insert in the Revenue Act in their proper places the several amendments and supplements thereto enacted by the General Assembly of 1951, and shall print in codified form five thousand (5,000) copies of said Act as amended and supplemeted which shall be delivered to the Commissioner of Revenue for distribution. This compilation when certified by the Secretary of State and Attorney General to be a true and accurate compilation of the Revenue Act as amended shall be an official compilation or statement of the Revenue Act as amended.

Sec. 11. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing revenue laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July 1, 1951, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July 1, 1951.

Sec. 12. Except as otherwise expressly provided herein, this Act shall take effect on and after July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H.B. 120

CHAPTER 644

AN ACT TO MAKE INADMISSIBLE IN EVIDENCE ANY FACTS DISCOVERED OR EVIDENCE OBTAINED IN THE COURSE OF AN ILLEGAL SEARCH.

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

Section 1. G. S. 15-27 is hereby amended by changing the period at the end of the section to a colon, and adding the following:

“Provided, no facts discovered or evidence obtained without a legal search warrant in the course of any search, made under conditions requiring the issuance of a search warrant, shall be competent as evidence in the trial of any action.”

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Sec. 2. This Act does not apply to pending litigation or to the admissibility in evidence of any facts discovered or evidence obtained in the course of any search made prior to the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 123

CHAPTER 645

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF PAMLICO COUNTY TO DEPOSIT IN OR TRANSFER TO THE GENERAL COUNTY FUND ALL COLLECTIONS OF TAXES WHICH ARE DELINQUENT FOR THREE YEARS OR MORE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pamlico County is hereby authorized and directed to deposit in or transfer to the General County Fund all collections on tax accounts which at the time of collection are delinquent for a period of one year or more.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 304

CHAPTER 646

AN ACT TO AMEND G. S. 1-105 PERTAINING TO SERVICE UPON NON-RESIDENT DRIVERS OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-105 is hereby amended by striking from line 36 thereof the period following the word “cause” and inserting in lieu thereof a comma, and by adding thereafter the following:

“and provided that entries on the defendant’s return receipt shall be sufficient evidence of the date on which notice of service upon the Commissioner of Motor Vehicles and copy of process were delivered to the defendant, on which date service on said non-resident shall be deemed completed.”

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
H. B. 421  

CHAPTER 647

AN ACT TO REGULATE THE HOLDING OF ELECTIONS IN THE TOWN OF HUDSON.

The General Assembly of North Carolina do enact:

Section 1. All elections held in the Town of Hudson, Caldwell County, after the ratification of this Act, shall be held under the provisions of Chapter 160, Municipal Corporations, Article 3, Sections 160-29 to 160-51 inclusive, of the General Statutes of North Carolina.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 445  

CHAPTER 648

AN ACT TO PROVIDE FOR THE PROTECTION AND SAFETY FROM FIRE AND OTHER HAZARDS OF PERSONS CONFINED IN THE COUNTY AND MUNICIPAL JAILS, GUARD-HOUSES AND LOCK-UPS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Rockingham County and the governing bodies of all cities and towns located within Rockingham County shall provide for an attendant to be on duty at any jail, guard-house, lock-up or any other place of detention (hereinafter referred to in this Act by the single word jail) maintained by such governing body at any time during which any person shall be confined in said jails. Such attendant may be a law enforcement officer or any other person designated by the governing body or officer having responsibility for the operation of the jails, and such attendant shall be provided with a time-recording mechanism similar to those devices which are commonly provided for night-watchmen and referred to as night-watchmen's clocks, and said attendants shall be required to make inspections of the cells in which persons are being detained at such regularly timed intervals as may be directed by the governing body and shall record such inspections upon the devices provided for under this section.

At the end of each calendar month the sheriff or the chief of police, as the case may be, having responsibility for the various jails within the county, shall collect the paper records from the time-recording devices provided for the attendants under this section and shall present them to the governing body having responsibility for the various jails, accompanied by his report of any fires, explosions or other hazards affecting the well being of persons confined in the said jails and of any sickness or illness of such persons that has required the attendance of a physician.

The Board of County Commissioners of Rockingham County and the governing bodies of the cities and towns located therein are hereby authorized to employ such additional attendants as shall be necessary to carry
out the provisions of this Act, and the cost of such additional employees as well as the cost of installing the system of time-recording devices shall be borne by the general county or municipal funds, as the case may be, and such expenditures are hereby declared to be for a public purpose and a necessary expense.

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 458

CHAPTER 649

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO ALLOCATE FROM THE CONTINGENCY AND EMERGENCY FUND NOT TO EXCEED $35,000.00 TO COMPLETE THE PURCHASE OF THE LAND NECESSARY FOR THE RESTORATION OF THE TRYON PALACE, THE FIRST NORTH CAROLINA STATE CAPITOL IN NEW BERN, NORTH CAROLINA.

WHEREAS, the General Assembly of North Carolina of 1945 appropriated to the Department of Conservation and Development the sum of One Hundred Fifty Thousand Dollars ($150,000.00) to be used for the purchase of the land necessary for the restoration of Tryon Palace, the first North Carolina State Capitol, in New Bern, North Carolina, provided that funds were made available by private donations to defray the cost of the restoration of this structure as set forth in Chapter 791 of the Session Laws of 1945 as amended by Chapter 233 of the Session Laws of 1949; and

WHEREAS, the Department of Conservation and Development has found and certified to the Governor of North Carolina that contributions for the said restoration in excess of Two Hundred Fifty Thousand Dollars ($250,000.00) have been made, and that they have reasonable grounds to anticipate that from private donations there would thereafter be provided ample funds to restore said Palace; and

WHEREAS, the Department of Conservation and Development has completed the purchase of eleven (11) lots of land in New Bern, North Carolina, to be used in the said restoration at a total cost of One Hundred Twenty-three Thousand Seven Hundred Forty-two Dollars and Twenty-five cents ($123,742.25) and has on hand an unexpended balance from the One Hundred Fifty Thousand Dollars ($150,000.00) appropriated the sum of Twenty-six Thousand Five Hundred Thirty-seven Dollars and Seventy-five cents ($26,537.75); and

WHEREAS, the Department of Conservation and Development has options to purchase five (5) other lots of land in said area which will involve the expenditure of Thirty-seven Thousand Two Hundred Fifty Dollars ($37,250.00) which options will expire on the 30th day of June, 1951; and

WHEREAS, the Department of Conservation and Development is now proceeding under the authority of said laws to condemn another lot of land,
the estimated appraised value of which is Twenty-five Thousand Dollars ($25,000.00) by reason of the fact that they have been unable to agree with the owner thereof on the price for same; and

WHEREAS, due to the increased value of land since the appropriation was made in 1945, it will require the additional sum of about Thirty-five Thousand Dollars ($35,000.00) to complete the purchase of said property:

NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State are hereby authorized and empowered to allocate to the Department of Conservation and Development from the Contingency Fund the sum of Thirty-five Thousand dollars ($35,000.00) or so much thereof as may be necessary in order to enable the Department of Conservation and Development to complete the purchase of land necessary for the restoration of Tryon Palace, the first North Carolina State Capitol, in New Bern, North Carolina.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 507

CHAPTER 650

AN ACT TO AMEND G. S. 87-43 RELATING TO THE LICENSING OF ELECTRICAL CONTRACTORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-43 is hereby amended by striking out the following language beginning in line five and ending in line eleven of the first paragraph thereof to-wit: “for which a permit is now or may hereafter be required by the statutes of the State of North Carolina, or by municipal or county ordinances in the county in which such work is undertaken, dealing with the erection and inspection of buildings and fire protection and electrical installation”.

Sec. 2. G. S. 87-43 is further amended by inserting after exemption (f) another exemption to read as follows: “(g) to the replacement of lamps and fuses and to the installation and servicing of appliances and equipment connected by means of attachment plug-in devices to suitable receptacles which have been permanently installed.”

Sec. 2½. “G. S. 87-43 (e) Delete balance of subsection after ‘their own property’, and insert, ‘who regularly employ one or more electricians or mechanics for the purpose of installing, maintaining or repairing of electrical wiring, devices or equipment used for the conducting of the business of said persons, firms or corporations.’”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
H. B. 508

CHAPTER 651

AN ACT AMENDING G. S. 160-122, RELATING TO COUNTY ELECTRICAL INSPECTORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-122 is hereby amended by striking out the words "to issue permits for" in line seven of G. S. 160-122 as the same appears in the 1949 Cumulative Supplement to the General Statutes.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 512

CHAPTER 652

AN ACT TO DISTRICT THE TOWN OF ROXBORO FOR THE PURPOSE OF NOMINATION OF MEMBERS OF THE GOVERNING BOARD OF THE TOWN OF ROXBORO AND TO PROVIDE FOR A PRIMARY ELECTION FOR THE NOMINATION OF THE MAYOR AND GOVERNING BOARD OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. All candidates to be voted for at all general municipal elections, at which time a mayor and governing board, or other elective officers, are to be elected, shall be nominated by a nonpartisan primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter provided.

Sec. 2. The primary election for such nominations shall be held on the fourth Monday in April preceding the general municipal election in the Town of Roxboro. The judges and other officers of election appointed for the municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls shall be opened and closed at the same hours as are required for the general municipal election.

Sec. 3. Any person desiring to become a candidate for nomination in the primary election for the office of mayor or other elective officer of the Town of Roxboro shall, at least ten days prior to the primary election, file with the town clerk a notice of such candidacy in the following terms:

STATE OF NORTH CAROLINA
COUNTY OF PERSON

I, .................................................., hereby give notice that I reside in the Town of Roxboro, County of Person, State of North Carolina; that I am a candidate for nomination to the office of mayor, member of governing board (strike out inapplicable part), to be voted upon at the primary election to be held on Monday, the ............... day 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) ..............................................

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Such candidates shall, at the same time of filing their notice of candidacy, pay to the town clerk to be turned over to the town treasurer the sum of five dollars ($5.00).

Sec. 4. For the purpose of the nomination of the members of the governing board of the Town of Roxboro, the said town is divided into four districts designated as follows: District No. 1 is composed of what is now known in the Town of Roxboro as the Courthouse Precinct; District No. 2 is composed of what is now known as Bumpass and Long Garage Precinct; District No. 3 is composed of what is now known as Hyco Warehouse Precinct; District No. 4 is composed of what is now known as the Winstead Warehouse Precinct. At the primary election provided for in this Act, and biennially thereafter, there shall be nominated by the electors of the Town of Roxboro, voting as a whole, two candidates for membership on the governing board from each of said four districts, and each of said members so nominated shall be a qualified voter of the district from which he offers himself for nomination. At said primary elections, there shall also be nominated two candidates for the office of member-at-large of the governing board and two candidates for the office of mayor, irrespective of their district residence, and who shall be voted upon by the electors of said Town voting as a whole.

Sec. 5. In the event that not more than two persons shall file notices of their candidacy for membership on the governing board from any one district, then, and in such event, a primary election shall not be held to select the nominees for that district office, but in lieu thereof the names of all such persons so qualifying as candidates for such office shall be declared by the clerk as candidates for the office for which they have filed, and their names shall be placed on the official ballot for the next ensuing general municipal election. In the event that not more than two persons shall file notices of candidacy for the office of mayor or member of the governing board at large, then, and in that event, a primary election to select nominees for such office shall not be held, but in lieu thereof the names of all such persons so qualifying as candidates for such office shall be declared by the clerk as candidates for the office for which they have filed, and their names shall be placed on the official ballot for the next ensuing general municipal election. In the event more than two persons have filed notices of their candidacy for the respective offices herein provided for, then, and in such event, their names shall be placed on the official primary ballot, and the two persons receiving the highest number of votes for the respective offices for which they have filed shall be declared the nominees and their names shall be placed on the official ballot for the next ensuing municipal election.

Sec. 6. Immediately upon the expiration of the time for filing the notices of candidacy, the town clerk shall cause to be posted at the mayor's office, in proper form, the names of persons as they are to appear upon the primary or on the general election ballots.

Sec. 7. Judges of elections shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast for each of the candidates, and make return thereof to the town clerk upon blanks to be furnished by the clerk.
Sec. 8. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the governing board, shall canvass such returns so received, and shall post the result at the mayor's office. The canvass by the town clerk shall be publicly made.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times, and ratified, this the 9th day of April, 1951.

H. B. 517        CHAPTER 653

AN ACT TO PROVIDE FOR THE REGULATION AND CONDUCT OF MUNICIPAL ELECTIONS IN THE TOWN OF CLAYTON IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the effective date of this Act the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina shall be applicable to all municipal elections held in the Town of Clayton in Johnston County, and the next municipal election held in the said town shall be held in accordance with the provisions of the said Article.

Sec. 2. Every official of the Town of Clayton, who is elected to office in the election provided for in Article 3 of Chapter 160 of the General Statutes, shall qualify and begin his term of office on the first Monday following the day on which he is elected, and he shall hold office until his successor is elected and qualified, and the terms of office of incumbent elective officials shall expire on said first Monday after the first election held pursuant to this Act. All candidates for Mayor and Commissioners shall file notice of candidacy with Clerk of the Town of Clayton not later than date of closing the registration books and shall pay a filing fee of $5.00.

Sec. 3. Any portion of the Charter of the Town of Clayton, as amended, that is in conflict with any of the provisions of this Act, and such portions of Chapter 378 of the Public-Local Laws of 1937 as conflict with any of the provisions of this Act, and all other laws and clauses of laws in conflict with this Act, are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 585        CHAPTER 654

AN ACT TO PROVIDE FOR THE COMPENSATION OF PRECINCT ELECTION OFFICIALS IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-20, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows:
“In Nash County, the Board of County Commissioners is authorized to fix the compensation of precinct election officials in an amount not to exceed eight dollars ($8.00) per day.”

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 9th day of April, 1951.

H. B. 587

CHAPTER 655

AN ACT TO PROVIDE FOR A SIX PER CENT COMMISSION ON ALL TAXES COLLECTED BY THE SHERIFF OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Hyde County shall receive a five and one half (5½%) per cent commission on all taxes collected for Hyde County on or after July 1, 1951, and said commission shall be in lieu of the commissions allowed by G. S. 105-424.

Sec. 2. The commission provided for in Section 1 of this Act shall be in addition to the sums authorized to be paid to the Sheriff of Hyde County for attendance upon the Superior and Recorder’s Courts of Hyde County as provided by Chapter 1046 of the Session Laws of 1947 and any other compensation to which said Sheriff is now by law entitled.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 604

CHAPTER 656

AN ACT TO PROVIDE COMPENSATION FOR REGISTRARS AND JUDGES OF ELECTIONS IN THE CITY OF SHELBY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Judges of elections and assistants shall each receive for their services on the day of any election in the City of Shelby the sum of eight dollars ($8.00). The registrars shall each receive the sum of eight dollars ($8.00) per day for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters, and on the election day the registrars shall each receive the sum of ten dollars ($10.00). Any person sworn in to act as registrar or judge of election shall receive the same compensation as the registrar and judge.

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

Sec. 3. This Act shall be retroactive to March 3, 1951, and shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
H. B. 638  
CHAPTER 657

AN ACT ADJUSTING AND FIXING THE SALARIES OF CERTAIN OFFICERS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the first day of March, 1951, the Register of Deeds for Transylvania County shall receive a salary of three thousand three hundred dollars ($3,300.00) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 2. From and after the first day of March, 1951, the Clerk of the Superior Court of Transylvania County shall receive a salary of three thousand three hundred dollars ($3,300.00) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 3. From and after the first day of March, 1951, the Tax Collector of Transylvania County shall receive a salary of three thousand three hundred dollars ($3,300.00) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 4. From and after the first day of March, 1951, the Sheriff of Transylvania County shall receive a salary of four thousand two hundred dollars ($4,200.00) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 5. Section 153-13 of the General Statutes is hereby amended by adding thereto a proviso that shall read as follows:

"Provided, that the Board of Commissioners of Transylvania County is authorized and empowered, in its discretion, to pay the Chairman of the Board of County Commissioners a sum not to exceed two hundred dollars ($200.00) per year and to pay the members of the Board of County Commissioners a sum not to exceed ten dollars ($10.00) per day for their services and expenses in attending the regular and special meetings of the Board and in addition, mileage to and from their respective places of meeting, not to exceed six cents (6c) per mile."

Sec. 6. All fees collected by the officers herein named shall be accounted for and paid to Transylvania County as provided by law.

Sec. 7. The officers herein named shall give bond, to be approved by the County Commissioners of Transylvania County, with some bonding company licensed to do business in North Carolina, the premium on said bond to be paid by Transylvania County.

Sec. 8. The County Commissioners of Transylvania County are hereby authorized and empowered, in their discretion, to pay the expenses of the office of the Sheriff of Transylvania County, not to exceed one hundred dollars ($100.00) per month to the sheriff, and not to exceed seventy-five dollars ($75.00) per month to a deputy sheriff.

Sec. 9. The County Commissioners of Transylvania County are hereby authorized and empowered, in their discretion, to pay a part of the salary of the jailer of Transylvania County, not to exceed the sum of seventy-five dollars ($75.00) per month.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 11. This Act shall become effective March 1, 1951.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 640

CHAPTER 658

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS FOR TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Register of Deeds for Transylvania County shall be allowed the following fees for his services as Register of Deeds:

For registering any deed on regular county form, one dollar and fifty cents.

For registering any deed for which no form is provided, one dollar for the first three hundred words and twenty cents for each one hundred words thereafter.

For registering chattel mortgage, statutory form, forty cents.

For registering chattel mortgage, long form, for which form is provided, eighty cents.

For registering chattel mortgage, long form, for which no form is provided, one dollar for first three hundred words, and twenty cents for each one hundred words thereafter.

For registering deed of trust on regular county form, two dollars.

For registering deed of trust, F.H.A. or other, for which special form is provided, two dollars and seventy-five cents.

For registering deed of trust for which no form is provided, one dollar for the first three hundred words and twenty cents for each one hundred words thereafter.

For registering printed form of right of way, for which form is provided, one dollar and five cents.

For registering right of way for which no form is provided one dollar for the first three hundred words and twenty cents for each one hundred words thereafter.

For registering title retention contracts, for which form is provided, one dollar and five cents.

For registering title retention contracts, for which no form is provided, one dollar for the first three hundred words and twenty cents for each one hundred words thereafter.

For registering maps and plats, three dollars and fifty cents.

For issuing marriage license and certificate of marriage, five dollars.

For registering printed form of crop lien and chattel mortgage, FHA and CLCM and other, seventy-five cents.

For registering printed form of trust receipts, one dollar and five cents.

Sec. 2. That all other fees provided for in G. S. 161-10 and 161-10.1 shall remain in full force and effect.

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 ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 686

CHAPTER 659

AN ACT AMENDING CHAPTER 15 OF THE PRIVATE LAWS OF 1923, THE SAME BEING THE CONSOLIDATED CHARTER OF THE CITY OF ELIZABETH CITY, IN RESPECT TO THE CORPORATE LIMITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Chapter 15 of the Private Laws of 1923 as amended is hereby further amended by adding at the end of Section 2 thereof the following:

"There shall also be included within the corporate limits of the City of Elizabeth City the following areas:

Tract No. 1: Beginning at a point in the present corporate boundary line of Elizabeth City on the south side of Ehringhaus Street, which point is the southeast corner of the intersection of Selden and Ehringhaus Streets, thence along the south side of Ehringhaus Street North 89 deg. west 625 feet to a ditch, thence in a southerly direction along said ditch south 10 deg. west 800 feet to a turn in said ditch, thence following said ditch South 28 deg. east 340 feet to a point where two ditches intersect, thence along the intersection ditch North 76 deg. east to the point where the said ditch crosses the westerly line which marks the City Limits.

Tract No. 2: Beginning at a point on the southeast side of Roanoke Avenue where the present city limits cross the said avenue, thence along the southeast side of Roanoke Avenue in a southwesterly direction South 47.30 deg. west 790 feet to an iron pipe, thence South 88 deg. 30 min. east 1100 feet to the Northwest corner of the Highland Park Cemetery, thence South 5 deg. west 350 feet to the southwest corner of the Highland Park Cemetery, thence along the south side of said Cemetery South 89 deg. east 400 feet to a point on the east side of Peartree Road, thence South along Peartree Road to the southwest corner of the colored cemetery, thence along the south side of the cemetery to a branch, thence northerly following the middle of said branch to the City Limits."

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.
H. B. 687  CHAPTER 660
AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM CHERRYVILLE MUNICIPAL COURT OF GASTON COUNTY TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-204, and all other laws relating to jury trials in municipal recorders’ courts, shall not apply to the Cherryville Municipal Court in the Town of Cherryville, in Gaston County.

Sec. 2. In the trial of any criminal case in the Cherryville Municipal Court, in Gaston County, upon demand for a jury by the defendant or prosecuting attorney representing the State, the Judge of said Court shall transfer said case to the Superior Court of Gaston County for trial, and the defendant shall execute a new bond in an amount fixed by the Judge for his appearance at the next term of the Superior Court of Gaston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 688  CHAPTER 661
AN ACT RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF MOUNT HOLLY.

The General Assembly of North Carolina do enact:

Section 1. The municipal election for the Town of Mount Holly shall be held on the first Tuesday after the first Monday in May, 1951, and biennially thereafter. At the first election held pursuant to the provisions of this Act, and biennially thereafter, there shall be elected in said town a Mayor, a Judge of the Recorder's Court, and two Aldermen. The Aldermen so elected shall serve for a term of four years, and the mayor and judge of Recorder's Court shall serve for terms of two years.

The terms of officials elected at a municipal election in Mount Holly shall commence the day immediately following election day.

The terms of any officials of Mount Holly heretofore elected, which would expire during 1951 pursuant to laws heretofore in effect, shall expire the date immediately following election day in 1951, and the terms of officials of Mount Holly which would expire during 1953 pursuant to laws heretofore in effect, shall expire the day immediately following election day in 1953.

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 9th day of April, 1951.
H. B. 705  
CHAPTER 662  
AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWNS OF POLLOCKSVILLE, MAYSVILLE AND TRENTON IN JONES COUNTY.  
The General Assembly of North Carolina do enact:  
Section 1. The territory within the corporate limits of the Towns of Pollocksville, Maysville and Trenton in Jones County is hereby declared to be a bird sanctuary.  
Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits or within the above-described area within the corporate limits of each of said towns named in § 1 of this Act, except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows and Starlings. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.  
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.  
Sec. 4. This Act shall become effective upon its ratification.  
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 718  
CHAPTER 663  
AN ACT TO AMEND CHAPTER 175 OF THE PUBLIC-LOCAL LAWS OF 1927 RELATING TO FEES OF THE CLERK SUPERIOR COURT OF ALLEGHANY COUNTY.  
The General Assembly of North Carolina do enact:  
Section 1. Chapter 175 of the Public-Local Laws of 1927 is hereby amended by adding at the end of Section 1 the following:  
"Adoptions, entire proceedings and recording same before the Clerk of Superior Court, fifteen dollars ($15.00).  
Auditing fees for accounts of executors, administrators, etc., auditing annual or final accounts of receivers, executors, administrators, administrators with the will annexed, collectors, surviving partners, guardians, trustees for incompetents, and trustees under wills, the fee shall be one-half of one per cent (½ of 1%) for the first two thousand dollars ($2,000.00) of the total receipts and disbursements and one-fifth of one per cent (1/5 of 1%) on everything above two thousand dollars ($2,000.00), but in no instance shall the fee be less than one dollar and fifty cents ($1.50) nor more than fifty dollars ($50.00); Provided, that when stocks and bonds or any other personal property is delivered to any heir, distributee, legatee, or devisee, without converting the same into cash, these fees shall be computed and charged on same just as though they had been converted into cash, the value of said stocks, bonds, etc., to be fixed as of the date of death or qualification of the fiduciary, the fee to be charged by the clerk at the time of filing either annual account or final account."
Accounts of trustees, mortgagees and commissioners, auditing final accounts of trustees, mortgagees and commissioners appointed by the court or other persons, firms or corporations selling real estate under foreclosure proceeding required by law to render such final account, the fee shall be one-half (½) of fees set out above for auditing and recording final accounts.

Bill of costs, preparing, one dollar ($1.00).
Return on sale by commissioner when fund is turned over to a fiduciary, one dollar ($1.00).
Confirmation of sale, when signed by the clerk or judge, one dollar ($1.00).
Docketing judgments, one dollar ($1.00).
Docketing summons, one dollar ($1.00).
Dower, issuing writ of dower, two dollars ($2.00).
Divorce, alimony and annulment actions, noncontested. Total clerk's fee through rendition and docketing of judgment and sheriff's fee when not over one dollar ($1.00), eighteen dollars ($18.00), to be paid at time action is instituted. The fee of eighteen dollars ($18.00) includes the true copy stamp and seal on two copies of judgment, but does not include the copying of the judgment.
Execution, regular form, issuing, and docketing sheriff's return, two dollars ($2.00).
Filing papers, one dollar ($1.00) for each case filed.
Filing and recording report of sales by commissioners and trustees, two dollars ($2.00).
Guardian, appointment of guardian ad litem or next friend, one dollar ($1.00).
Indexing all matters, one dollar ($1.00) for each case.
Impanelling jury, fifty cents (50c).
Inventory of administrators, administrators with the will annexed, receivers, surviving partners, executors, guardians, collectors, trustees for incompetents, and trustees under will, regular form, one dollar ($1.00), each additional page one dollar ($1.00).
Judgment final, term time, civil and criminal actions and before clerk, one dollar and fifty cents ($1.50).
Justice of the peace, qualifying, one dollar ($1.00).
Notice and order, all notices and orders, whether signed by judge or clerk, one dollar ($1.00).
Notary public, qualifying, indexing and notification to Governor, one dollar ($1.00).
Presentment, each person presented, fifty cents (50c).
Recording, thirty-five cents (35c) per copy sheet.
Record, transcript of any matter of record or papers on file, one dollar ($1.00) per page.
Transcript, issuing transcript of judgment to another county, one dollar ($1.00).
That the Board of County Commissioners of Alleghany County may, in their discretion, allow or pay to the Clerk of the Superior Court of
Alleghany County for his services as judge of the juvenile court, a sum not exceeding thirty dollars ($30.00) per month."

Sec. 2. All fees, costs and commissions not provided for herein shall be taxed and charged in accordance with the provisions of existing law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after May 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 726

CHAPTER 664

AN ACT TO PROVIDE ASSISTANCE TO THE SOLICITOR FOR THE TENTH JUDICIAL DISTRICT IN THE PROSECUTION OF THE CRIMINAL DOCKET FOR THE SUPERIOR COURT OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Commissioners of Alamance County, North Carolina, are hereby authorized and empowered, in their discretion, to designate the prosecuting attorney of the General County Court of Alamance County, North Carolina, to assist the solicitor of the Tenth Judicial District in the prosecution of the criminal docket of the Superior Court of Alamance County, North Carolina: Provided, that the said prosecuting attorney shall not be so designated unless and until the District Solicitor has advised with the Board of Commissioners of Alamance County as to the necessity for such action, and in case he is so designated by the Board of Commissioners of Alamance County, the said solicitor of the Tenth District is hereby authorized to designate the duties of said prosecuting attorney in assisting the solicitor of the Tenth Judicial District, and if the said prosecuting attorney of the General County Court of Alamance County is so designated, his duties in assisting the District Solicitor shall be additional duties as prosecuting attorney of the General County Court and shall not be a new office, and the additional salary that may be provided for said prosecuting attorney of the General County Court by reason of his additional duties in assisting the solicitor of the Tenth Judicial District shall be fixed by the Board of Commissioners of Alamance County, and shall be paid from the general fund of Alamance County.

Sec. 2. The Commissioners of Alamance County are hereby authorized and empowered, in their discretion, instead of designating the prosecuting attorney of the General County Court to assist the District Solicitor as is authorized in Section One above, to appoint a competent attorney of Alamance County to assist the Solicitor of the Tenth Judicial District in the prosecution of the criminal docket of the Superior Court of Alamance County: Provided, that no one shall be appointed assistant solicitor under this Act unless and until the District Solicitor has advised with the Board of County Commissioners of Alamance County as to the necessity of such action, and the solicitor of the Tenth Judicial District is hereby auth-
orized to designate the duties of the assistant solicitor aforesaid; Provided further, that the Commissioners of Alamance County shall not designate the prosecuting attorney of the General County Court of Alamance County as authorized in Section one above or any other attorney as authorized in Section two above to assist the Solicitor of the Tenth Judicial District except on nomination of the said Solicitor of the Tenth Judicial District.

Sec. 3. That at the end of any term the County Commissioners of Alamance County may, in their discretion, leave the place unfiled for the ensuing term, or any portion thereof, whether the said assistance is furnished under the provisions of Section one or two above, but this provision shall not prevent the Commissioners from appointing an assistant Solicitor or imposing the duties on the prosecuting attorney of the General County Court, and the said appointment or imposition of additional duties on the County Court prosecutor shall be for the remainder of the term ending December 31, next after the said appointment is made or after the imposition of the additional duties on the prosecuting attorney of the County Court.

Sec. 4. That the first term of the office shall begin at the time of such appointment or imposition of additional duties on the County Court prosecutor by the Board of County Commissioners and shall end on December 31 next succeeding such time. Future terms shall begin on January 1 of each year and end on December 31 of said year.

Sec. 5. That the salary shall be fixed by the Board of County Commissioners of Alamance County, and shall be paid from the general fund of Alamance County.

Sec. 6. This Act shall apply only to Alamance County.

Sec. 7. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 8. 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 9th day of April, 1951.

H. B. 744                         CHAPTER 665

AN ACT TO SECURE BETTER ENFORCEMENT OF THE GAME LAW PROTECTING DEER IN ALLEGHANY, ASHE, WILKES AND WATAUGA COUNTIES.

WHEREAS, the North Carolina Wildlife Resources Commission is restocking deer in Ashe, Wilkes, Alleghany and Watauga Counties; and

WHEREAS, said commission has created a game sanctuary in Wilkes County and has recently trapped and purchased and released in said sanctuary fifty-four (54) deer; and

WHEREAS, the public in said counties is tremendously interested in this fine program established by the Wildlife Resources Commission and desires to assist in the better enforcement of the law protecting said deer: NOW, THEREFORE,
The General Assembly of North Carolina do enact:

Section 1. The Boards of Commissioners of the Counties of Ashe, Wilkes, Alleghany and Watauga are hereby authorized, empowered and directed to offer a reward of fifty dollars ($50.00) for information leading to the arrest and conviction of anyone taking or attempting to take deer illegally in either of the said Counties of Wilkes, Ashe, Alleghany or Watauga, and to pay the said reward from the general fund of the county in which the deer was illegally taken.

Sec. 2. Anyone taking or attempting to take deer illegally in either of the four counties of Ashe, Wilkes, Alleghany or Watauga shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars ($100.00) or imprisoned 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 become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 763

CHAPTER 666

AN ACT TO FIX THE COMPENSATION OF THE MAYOR OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. From and after April 1, 1951, the Mayor of the City of Winston-Salem shall receive a salary of twenty-four hundred dollars ($2,400.00) per annum, payable in equal monthly installments. The Treasurer or other proper fiscal officer of the City of Winston-Salem shall pay such installments of salary, and the same are hereby made retroactive to April 1, 1951.

Sec. 2. From and after April 1, 1951, the Mayor of the City of Winston-Salem shall receive an allowance of one hundred dollars ($100.00) per month to be used and expended by him for travel and other personal expenses for his said office. The Treasurer or other fiscal officer of the City of Winston-Salem shall pay said one hundred dollars ($100.00) per month to the Mayor of the City of Winston-Salem retroactive to April 1, 1951, and the same shall be expended by the Mayor to pay the expenses and operation of his office and for such items in connection therewith, as he deems proper.

Sec. 3. All general, special, public-local or private laws in conflict with this Act are hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 342, Private Laws of North Carolina, 1901, be amended by striking out the last sentence of Section 3 of said chapter beginning with the word “The” and ending with the word “qualified”.

Sec. 2. That Chapter 342, Private Laws of North Carolina, 1901, is hereby further amended by striking out all of Section 5 of said Chapter and inserting in lieu thereof the following:

“Section 5. That the Town of Scotland Neck is hereby divided into two wards to be known as the North Ward and the South Ward. The North Ward shall be and include all of the territory within the corporate limits of the Town of Scotland Neck, or any future extensions thereof, lying north of the center line of Tenth Street. The South Ward shall include all territory within the corporate limits of the Town of Scotland Neck, or any future extensions thereof, lying south of the center line of Tenth Street.

“On the first Tuesday after the first Monday in May, 1951, there shall be elected a Board of Commissioners and a Mayor by the qualified voters of said Town. The Mayor shall be elected at large by all of the qualified voters of the municipality, and shall serve for a term of two (2) years or until his successor is duly elected and qualified. Two (2) commissioners shall be elected from each ward and their term of office shall be for four (4) years; except that at the election to be held in May, 1951, the candidate receiving the highest number of votes from the North Ward shall serve until 1955 and the candidate receiving the next highest number of votes from the North Ward shall serve until 1953 or until their successors are elected and qualified. The candidate from the South Ward receiving the highest number of votes shall serve until 1955 and the candidate receiving the next highest number of votes from the South Ward shall serve until 1953 or until their successors are elected and qualified. Qualified voters of both wards may vote for candidates from both the North and South Wards.”

Sec. 3. That Chapter 106 of the Public Local Laws of North Carolina, 1941, is hereby amended by striking out in Section 1 of said Chapter the words in lines 7, 8, 9 and 10 beginning with the word “on” in line 7 and ending with the word “year” in line 10, and inserting in lieu thereof the following:

“not later than twelve o’clock noon on the fourth Saturday prior to the election on the first Tuesday after the first Monday in May of each election year.”
Sec. 4. All elections shall be conducted in accordance with the General Statutes relating to municipal elections except as may be amended by Public, local or private acts relating to elections in the Town of Scotland Neck.

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 full force and effect from and after the day of its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 774

CHAPTER 668

AN ACT TO SET THE COSTS IN CIVIL AND CRIMINAL ACTIONS IN THE COURTS OF THE JUSTICES OF THE PEACE IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after July 1, 1951, the following schedule of fees and costs shall apply to all civil and criminal actions in the Courts of the several Justices of the Peace in Alamance County:

<table>
<thead>
<tr>
<th>Civil Proceedings:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuance</td>
<td>.50</td>
</tr>
<tr>
<td>Issuing summons and entering judgment</td>
<td></td>
</tr>
<tr>
<td>where the action is not contested</td>
<td>2.00</td>
</tr>
<tr>
<td>Additional defendants, each</td>
<td>.50</td>
</tr>
<tr>
<td>Plaintiff’s undertaking</td>
<td>.50</td>
</tr>
<tr>
<td>Defendant's undertaking</td>
<td>.50</td>
</tr>
<tr>
<td>Order for removal</td>
<td>.50</td>
</tr>
<tr>
<td>Issuing subpoena, each witness</td>
<td>.25</td>
</tr>
<tr>
<td>Judgment contested each where there is no</td>
<td></td>
</tr>
<tr>
<td>jury trial</td>
<td>2.50</td>
</tr>
<tr>
<td>Issuing execution of judgment</td>
<td>1.00</td>
</tr>
<tr>
<td>Transcript of judgment</td>
<td>.50</td>
</tr>
<tr>
<td>Return notice on appeal</td>
<td>.50</td>
</tr>
<tr>
<td>Jury trial and entering judgment</td>
<td>5.00</td>
</tr>
<tr>
<td>Order for jury and drawing jury</td>
<td>1.50</td>
</tr>
<tr>
<td>Issuing claim and delivery proceedings</td>
<td>3.00</td>
</tr>
<tr>
<td>Judgment contested in claim and delivery</td>
<td></td>
</tr>
<tr>
<td>proceedings</td>
<td>2.50</td>
</tr>
<tr>
<td>Additional contesting defendants each</td>
<td>.50</td>
</tr>
<tr>
<td>Issuing attachment proceedings and order</td>
<td></td>
</tr>
<tr>
<td>to seize property, each in attachment</td>
<td>3.00</td>
</tr>
<tr>
<td>proceedings</td>
<td>2.50</td>
</tr>
<tr>
<td>Judgment contested, each</td>
<td>1.00</td>
</tr>
<tr>
<td>Signing garnishee notice for taxes for</td>
<td>.50</td>
</tr>
<tr>
<td>each person</td>
<td>2.00</td>
</tr>
<tr>
<td>Probate of deed, chattel mortgage, or</td>
<td></td>
</tr>
<tr>
<td>deed of trust for each signer thereof</td>
<td>.25</td>
</tr>
<tr>
<td>Hearing petition for widow's year's</td>
<td></td>
</tr>
<tr>
<td>allowance, issuing notice to commissioners,</td>
<td>5.00</td>
</tr>
<tr>
<td>allotting the same, making returns</td>
<td>1.00</td>
</tr>
<tr>
<td>Filing and docketing laborer's lien</td>
<td></td>
</tr>
</tbody>
</table>
Criminal Proceedings:

Return to notice of appeal .................................................. $ .50
Continuance ........................................................................... .50
Affidavit each ........................................................................ .25
Warrant each ........................................................................ 1.50
Issuing subpoena, each witness .............................................. .25
Commitment each .................................................................... .50
Recognizance each .................................................................. .25
Judgment not contested, each defendant ................................. 1.50
Judgment contested each where there is no jury trial ............... 2.50
Order for removal ..................................................................... .50
Trial of contested case where there is a jury ........................... 5.00
Taking bond for each defendant .............................................. .50
Capias and order ...................................................................... 1.50
Jury trial and entering judgment ............................................ 5.00
Order for jury and drawing jury ............................................ 1.00
Sci Fa each ............................................................................ 1.00
Reports to Department of Motor Vehicles, each ...................... .50

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 full force and effect from and after July
1, 1951.

In the General Assembly read three times and ratified, this the 9th
day of April, 1951.

H. B. 789

CHAPTER 669

AN ACT TO FIX THE FEES, COSTS, AND COMMISSIONS TO BE
CHARGED AND COLLECTED BY THE CLERK OF THE SU-
PERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. GENERAL PROVISIONS.

(a) Fees, costs, and commissions to be charged and collected by the
Clerk of the Superior Court of Forsyth County for services rendered by
him shall be as hereinafter set out: PROVIDED, that when a fee, cost, or
commission is not fixed herein, such fee, cost, or commission shall be
charged as set out in Chapter 422 of the Public-Local Laws of 1939 if
provided for therein; if not, then as set out in the General Statutes of
North Carolina, and the fees, costs, and commissions herein set out shall
be charged and collected by the Clerk.

(b) All costs, commissions, and fees for services rendered by the
Clerk in all civil actions, criminal actions, and special proceedings pend-
ing in the Superior Court of Forsyth County on the date of ratification
of this Act shall be computed, charged, and collected as herein provided,
the parties to be given credit for the fees, costs, and commissions thereto-
fore paid in any such action or special proceeding.

(c) All fees herein set out, with the exception of those chargeable in
criminal matters, those chargeable to the plaintiff in pauper actions, those
chargeable to the federal government, the state government, a municipality,
or any agency of said governments, costs in a special proceeding to adjudge a World War veteran an incompetent pursuant to the General Statutes, and those chargeable to the public administrator are to be paid at the time same may be computed as herein set out. In the case of a pauper action the fees and costs are payable immediately upon rendition of judgment by the person adjudged to pay such fees and costs; and in the case of the federal government, the state government, a municipality, or any agency of any of the said governments statement for fees or costs due shall be rendered to either of them immediately upon performance of any service in its behalf. The fee due for adjudging a World War veteran incompetent must be paid by the guardian or trustee immediately upon receipt of assets belonging to such ward. Charges to the public administrator must be paid by him immediately upon receipt of assets belonging to such estate. The public administrator shall not be required to pay any qualification fee or any other fee in any estate on which he may qualify unless he receives assets for said estate.

(d) The Clerk shall not charge any fee for the following services:

(1) Administration of oath to:
- Alderman of any municipality in Forsyth County;
- Chief of Police of any municipality in Forsyth County;
- Commissioner for drainage or sanitary district;
- Constable;
- County commissioner;
- Election: Any election official;
- Forest or game warden;
- Judge or assistant judge of Superior Court or any inferior court in Forsyth County, except justices of the peace;
- Mayor of any municipality in Forsyth County;
- Postmaster;
- Probation officer of Forsyth County;
- Railroad policeman;
- Register of deeds, deputy or assistant;
- Selective service official;
- Sheriff or deputy;
- Solicitor or assistant solicitor of the Superior Court or any inferior court in Forsyth County;
- Superintendent of public welfare;
- Tax supervisor, tax lister or assessor, tax collector.

(2) Administration of oath and use of seal for benefit of Forsyth County or any of its Departments except in actions in Superior Court and special proceedings.

(3) Administration of oath and issuing certificate with seal for commitment to Caswell Training School, State Sanatorium, or any other institution operated by any government, except for commitment of inebriates.

(4) Affidavits and certified copies of records of veterans if for use of federal government and only one for same purpose.
(5) Bond-taking justification on bond for public official of Forsyth County for faithful performance of duty when bond is payable to Forsyth County or State of North Carolina.

(6) Certificate and seal on application for retirement fund and application for withdrawal of funds from Teachers' and State and County Employees' Retirement System.

(7) Certificate to chairman of board of elections as to his official capacity.

(8) Certificate with seal to federal or state authorities for parole supervisor.

(9) Certifying endorsers on student loan notes.

(10) Commitment of insane persons, epileptics, or idiots to any institution operated by any government, including notices, etc., except for commitment of inebriates.

(11) Certificate of satisfaction to bonding company when it has signed the prosecution bond in a civil action.

(12) Election: Campaign expense reports.

(13) Estates—The following services in administration of:
   a. Appointment of process agent;
   b. Filing renunciation of right to qualify except as hereinafter provided;
   c. Opening of lock box of missing person when such person owns no property in Forsyth County;
   d. Issuing certificate of discharge to bondsman of fiduciary;
   e. All services rendered in estates administered by the Clerk except as provided in Sub-sections a and b, Section II.

(14) Execution of extradition papers.

(15) Filing automobile tax report.

(16) Filing papers in any matter pending in Superior Court, probate court, or special proceeding.

(17) Hearing before Clerk in special proceeding, probate court, or Superior Court actions.

(18) Impaneling jury.

(19) Postage, except registry fee on passport applications.

(20) Referee, appointment by Clerk or Judge.

(21) Recognizance where no bond is taken.

(22) Separation papers for child under age of six months from its mother.

(23) Subpoena.

(24) Witness certificate including jurat.

Sec. 2. COMMISSIONS TO BE CHARGED BY THE CLERK ON TRUSTS AND OTHER FUNDS RECEIVED BY HIM.

(a) Funds to be administered by Clerk for minors, epileptics, mentally disordered, or other incompetents:

No commission shall be charged on a fund of less than one hundred dollars, and no commission shall be charged on the earnings of any fund invested by the Clerk, but a five per cent commission shall be charged on the whole of the principal fund of one hundred dollars or more when
such fund is to be administered by the Clerk as provided in Chapter 400 of the Session Laws of 1945 and any amendments thereto; provided that when a guardian or trustee resigns and pays into the Clerk funds belonging to any one of said persons, then and in that event the Clerk shall be entitled to any commissions not earned by the guardian or trustee, and provided that when a guardian or trustee is appointed to administer an estate for whom the Clerk has been administering funds and the Clerk pays over to such guardian or trustee funds in his hands, the commission on said funds paid by the Clerk to the guardian or trustee shall be prorated as provided by law.

(b) Funds for upkeep of graves and cemeteries:
No commission shall be charged on principal or income.

(c) Funds for heirs, distributees, etc.:
Five per cent commission shall be charged for the receipt of all funds carried under miscellaneous trust accounts for heirs, distributees, missing persons, legatees, devisees, persons whose whereabouts are unknown, persons who refuse to accept funds from a fiduciary, or persons who may by law pay same to Clerk, on surplus from sale of land by a trustee or other person, and on stocks, even though the money is paid or the property is delivered to the Clerk under an order of court. Provided the provisions of this subsection shall not apply to heirs, distributees, or other persons for whom the Clerk may administer funds as enumerated in Subsection (a) of the within Section.

(d) Increased bids, payments on or in full of judgments, decrees, executions, and tenders in pending actions:
No commission is to be charged on these funds unless they come within the provisions of Subsections (a) and (c) of the within Section.

(e) Other funds:
No commission shall be charged on other funds received by the Clerk by virtue of his office when the total amount paid, or to be paid is less than one hundred dollars, but when the total amount paid, or to be paid, is one hundred dollars or more, then the Clerk shall charge five per cent commission on the whole of said funds.

(f) Transfer of a fund from minor trusts to miscellaneous trusts or from miscellaneous trusts to minor trusts:
Transfer of a fund from minor trusts to miscellaneous trusts or from miscellaneous trusts to minor trusts shall be made when necessary without further commission.

Sec. 3. COURT COSTS IN CIVIL ACTIONS.
(a) The following fees include the issuance of all summonses in said actions and are to be paid at the time the action is instituted:

(1) Divorce, alimony, or annulment suit or suit to set aside a judgment in either of said actions:

a. Uncontested:
Total Clerk's fee through rendition and docketing of judgment ...... $11.00
Process tax ................................................................. 4.00
Fury tax (minimum) .................................................. 3.00

$18.00

624
The fee of eighteen dollars for institution of a divorce action includes the certificate and seal on one copy of judgment, but does not include the copying of the judgment.

b. Contested:

The same fee of eighteen dollars as in uncontested case, plus jury tax of three dollars per hour for each hour or fraction thereof over one, and plus fee for stenographer when used. The above provision for certifying one copy of the judgment applies.

(2) Claim and delivery, or attachment, or garnishment, or arrest and bail, or suit when an injunction, restraining order, or the appointment of a receiver is prayed for in the complaint or suit in equity, or any other action with an ancillary remedy: All plaintiffs and one defendant, total Clerk’s cost through rendition and docketing of judgment, fourteen dollars, plus process tax, and plus one dollar for each additional defendant over one up to a maximum of fifty dollars for additional defendants. In addition, there shall be charged jury tax and court stenographer’s fees as provided by law.

(3) Suit on note, or in tort, or caveat to will, or writ of mandamus, or writ of certiorai, or writ of recordari, or suit in equity, or suit in action under declaratory judgment statutes, or any other civil action in Superior Court when an ancillary remedy is not resorted to at the time of the institution of the action, and when not otherwise provided for: All plaintiffs and one defendant, total Clerk’s cost through rendition and docketing of judgment, fourteen dollars, plus process tax and plus one dollar for each additional defendant over one up to a maximum of fifty dollars for additional defendants. In addition, there shall be charged jury tax and court stenographer’s fee as provided by law.

(b) When any of the ancillary remedies enumerated in Paragraph (2) above are not resorted to at the time of the institution of the action, but are asked for during the pendency of the action, additional Clerk’s costs for same shall be five dollars, plus costs as herein set out for new parties or costs for additional defendants.

(c) For each new party in any of the actions herein the Clerk’s fee shall be two dollars, but not to exceed one hundred dollars.

(d) Upon institution of an action for each additional defendant over one, one dollar to a maximum of fifty dollars.

(e) Process Tax: There shall be levied a process tax of two dollars subject to all the provisions of the General Statutes of North Carolina, Chapter 105, Section 93, as hereafter amended; that said process tax is to be paid to the General Fund of Forsyth County and credited as fees and costs earned by the Clerk.

(f) In the removal to another county or the Federal Court of any of the foregoing actions in Superior Court the Clerk shall retain one-half of the Clerk’s fee collected and shall retain the process tax, remitting to the Clerk with the papers the remaining one-half of the Clerk’s fee together with any jury tax collected.

(g) The Clerk’s cost for docketing any case removed from another county shall be one-half of the cost that would have been advanced if the
action had been instituted in this county plus the jury tax if it is an action where the jury tax would have been collected in advance.

(h) Habeas Corpus (other than in criminal actions): Total Clerk's fee through rendition and docketing of judgment, five dollars, plus process tax.

(i) Confession of judgment: Total Clerk's fee through rendition and docketing of judgment, five dollars.

(j) Pauper Cases: The same fees and costs are taxable as set out in Subsections (a), (2) and (3); (b); (c); (d), and (e) of this Section, but are not to be paid at the time services are rendered. They are due and payable as set out in Section I, Subsection (e).

(k) Tax and street assessment suits: All plaintiffs and all defendants, total Clerk's fee, including all auditing fees in connection therewith, eighteen dollars.

(1) When the chain of alias summonses is not kept up and a new summons is issued for any of the original parties to said action, they shall be considered as new parties, and the same fee shall be charged for new parties to an action in accordance with Subsection (c) of this Section.

(m) When parties are to be served by publication as representing a party defendant whose address is unknown or who is dead, all of the parties to be served by publication as representing such deceased or missing person shall be considered as one defendant for the purpose of charging for additional defendants or new parties.

Sec. 4. CRIMINAL ACTIONS.

(a) Upon the trial of any criminal case wherein the defendant is adjudged to pay the costs, the Clerk shall tax as his total fee for each defendant in each case, whether tried alone, or with other defendants, or when cases are consolidated for trial, the sum of five dollars.

(b) Cases remanded to Municipal Court or any other inferior court in Forsyth County: If any case is remanded to the Municipal Court or any other inferior Court in Forsyth County by the judge of the Superior Court, the defendant shall pay Clerk's cost of five dollars when case has been docketed, but no cost when case has not been docketed.

Sec. 5. FIDUCIARIES.

(a) DEFINITION:

When the word fiduciary is used in this Act, it shall include any person, association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c.t.a., administrator c.t.a. d.b.n., administrator d.b.n., collector, surviving partner, commissioner, guardian, trustee for any incompetent or insane person, trustee under any will, trustee under any instrument in which property may be sold, or any other person appointed by the Clerk or any other court to administer a trust or an estate that shall come under the jurisdiction of the Clerk, or when the Clerk is required by law or order of any court to supervise the administration of an estate or to audit the inventories and accounts filed by any such person.
(b) ACCOUNTING COSTS:

(1) Fiduciaries in General: For each executor, administrator, administrator d.b.n., administrator c.t.a., administrator c.t.a. d.b.n., collector, surviving partner, guardian, trustee for an incompetent, trustee under will, receiver, or other fiduciary required by law to file an inventory and then an account or accounts similar to those of the fiduciaries already named, fees due the Clerk shall be computed by the following:

   a. For the ninety-day inventory, thirty-day inventory, supplemental inventory, or similar inventory (any such inventory being hereinafter called a permanent inventory) \[ S = P \]

   b. For an annual, semiannual, quarterly, interlocutory, or other similar account of receipts and disbursements (any such account being hereinafter called an annual account) \[ S = N + I + \frac{1}{6}P \]

   c. For any other written report received by the Clerk and reflecting new principal value (as defined below under N) whether such report is filed by such fiduciary or by the North Carolina Department of Revenue \[ S = N \]

   d. The meaning of the letters S, P, I and N in the above formulae are herein defined as follows:

   1. P. represents personal property, including proceeds from sale of real estate, and also including real estate purchased by the fiduciary. For the permanent inventory and the first annual account P shall be the value of such assets as shown by the permanent inventory. For each annual account after the first P shall be the value of such assets, as shown by the inventory portion of the annual account preceding. Anticipated income shall not be included.

   2. I represents income received during an accounting period, in cash or in kind.

   3. N represents new principal value, not previously reflected by any inventory or account of the fiduciary, with the exception that proceeds from sales such fiduciary was licensed to make in special proceedings shall not be included in computing N unless such fiduciary elected to file an unnecessary and extra report of receipts and disbursements, thus causing double auditing and recording. Advancements, gifts, and increases due to previous underestimations of value shall be included in computing N, except in final reports when the maximum fee of $300.00 has already been collected on the report preceding.

   4. S represents the amount determined by application of the appropriate formula above, upon which fees are to be computed according to the following tabulations:

<table>
<thead>
<tr>
<th>AMOUNTS</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ .00 through $ 1,500.00</td>
<td>$3.00</td>
</tr>
<tr>
<td>$1,500.01 through $150,000.00</td>
<td>Two-tenths of one per cent on each one hundred dollars or fraction thereof</td>
</tr>
<tr>
<td>Above $150,000.00</td>
<td>$300.00</td>
</tr>
</tbody>
</table>

   e. A trustee under a will or other fiduciary succeeding himself or another as fiduciary for the same assets, shall be subject to these fees as
if there had been no predecessor fiduciary except in situations (1) where an executor or administrator succeeds himself as trustee or guardian by death of the ward within thirty days of appointment of said trustee or guardian, (2) where discovery of a will requires a new appointment to issue, and (3) other similar situations in which the succession is not in any degree caused by the person whose estate is being administered; in such cases, only twenty per cent of the normal fee shall be charged. No final report fee shall be collected unless N, as defined above shall appear therein. Each fee shall be collected upon the filing of the permanent inventory, annual account or other report from which it arises.

f. Assets transferred from one trust to another trust provided the same fiduciary is acting in the administration of such trust shall not be charged as new principal value as provided in the within Section, Subsection (b) (1) d.3.

g. Where the sole purpose of the qualification of the guardian or trustee is to obtain a loan for the ward's estate, only twenty per cent of the normal fee shall be charged.

h. In the event no representative qualifies to administer a surviving partnership upon the death of a partner, when an estate involves a partnership, fees shall be collected by the Clerk from the estate involved, said fees to be equivalent to one-half the fees collectible under the provisions of Subsection (b) (1) a. of this Section, if a surviving partner or collector had qualified and filed a permanent inventory and a final report and had not filed either a report showing N, as defined above, or an annual account.

i. The fees herein prescribed shall constitute complete payment to the Clerk for all of the following for which fees might have fallen due after the ratification of this act: accountings, auditing same, petitions, orders by the Clerk, reports of sale, increased bids confirmations postage used by the Clerk, hearings had by the Clerk relative to accountings, findings of fact by the Clerk, affidavits, all necessary recording, all certified copies of letters issued after qualification of the fiduciary, all oaths before the Clerk on any papers mentioned in this paragraph, and all papers normally necessary in the orderly settlement of the matters involved, with the exception of notices, subpoenas and citations, and certified copy of all or a part of the records of an estate to another county, or for any other purpose, and an exemplified copy of a will, probate, etc. to be recorded in another county in North Carolina or for any other purpose.

j. Provisions of this Subhead shall apply to fiduciaries who have qualified but have not been discharged on or prior to the date this act becomes effective, and to fiduciaries who qualify thereafter.

(2) Commissioner or Other Licensed Fiduciary: For each accounting of a commissioner appointed to sell either real or personal property, and for each accounting of any other fiduciary specially licensed to sell property for which such fiduciary would not be accountable without instituting a special proceeding, there shall be a fee charged in the bill of costs, said fee to be thirty cents for each one hundred dollars, or fraction thereof, of the gross sale price. Said fee shall be the same whether said accounting is to be recorded or not, and whether or not said accounting is to be included in the regular accounting of a fiduciary for assets for
which he would be accountable without instituting a special proceeding. Said fee shall cover auditing, recording if necessary, postage, hearings had by the Clerk regarding the accounting, oath before the Clerk if necessary and any other of the Clerk’s services normally incident to such an accounting, except acknowledgment and probate fees on conveyances incident thereto. In no instance shall said fee be less than three dollars or more than three hundred dollars.

(3) Foreclosure Proceedings: The following fees shall apply in foreclosure proceedings under deeds of trust, mortgage deeds, or other instruments requiring such proceedings:

a. Initial fee of three dollars, to be collected upon the filing with the Clerk of the first paper relative to such proceeding.

b. Final fee, to be collected upon the filing with the Clerk of the final report of receipts and disbursements if the gross sale price of the property foreclosed exceeds one hundred dollars, said fee to be twenty cents per hundred dollars, or fraction thereof, of the gross sale price. In no instance shall said final fee exceed fifty dollars.

c. For each foreclosure proceeding said initial fee and final fee shall cover any and all of the following: Preliminary report, increased bids, orders of resale, reports of resale, confirmation, final report of receipts and disbursements, affidavits, assignments of bids, oaths to affidavits and reports before the Clerk, postage, hearings had by the Clerk relative to the foreclosure proceeding, necessary recording, indexing, docketing, and any other of the Clerk’s services normally incident to such a proceeding, except acknowledgment and probate fees on conveyances incident thereto.

d. If a foreclosure proceeding is withdrawn because the mortgagor satisfies the deed of trust prior to the expiration of the ten-day period allowed for filing of increased bids, the initial fee charged in the amount of three dollars as set out in Subhead a. of this Subsection shall be accepted by the Clerk as full payment of his services rendered in connection with said foreclosure proceeding.

e. For foreclosure proceedings pending on the date this act becomes law, and in which final reports have not been filed prior to such date, the total fees collected by the Clerk shall conform to the total which would be collected if the foreclosure in question had been instituted in the Clerk’s office on or after such date.

(4) Special Proceedings: Filing report of sale by executor under a will, duly qualified in another county, where no report of receipts and disbursements are filed, the sum of five dollars shall be collected as in other ex parte proceedings.

(5) Appointment and qualification costs:

a. With corporate surety or where there is no bond required or where a corporation is acting in a fiduciary capacity and exempted by law from giving a bond upon qualifying on each individual estate, five dollars. This fee pays for issuance of original letters and all copies thereof.

b. With personal surety, five dollars, plus two dollars per hour or fraction thereof for the investigation of each surety tendered. This fee pays for issuance of original letters and all copies thereof.
(6) Fees for Inventory of Lock Box or Other Place of Deposit:
   a. Clerk's representative, two dollars per hour or fraction thereof.
   b. In addition to the above fee, one dollar for each hour or fraction thereof for stenographer taking and transcribing, when used.

Sec. 6. WILLS (EXECUTED, HOLOGRAPH AND NUNCUPATIVE).
   (a) Wills, When Probated: Certificate of receipt, application for probate, filing and recording petition and order of resignation and renunciation of executor, examination of witnesses provided they reside in Forsyth County, recording order of probate, recording will, indexing, notices to beneficiaries, one verified copy of will to executor and one verified copy of will to spouse if spouse is not personal representative, first seven pages of entire proceeding, ten dollars. For each additional page of proceeding or fraction thereof, one dollar. Minimum fee, ten dollars.

   (b) Codicil to a Will: Certificate of receipt, application for probate, examination of witnesses provided they reside in Forsyth County, recording order of probate, recording codicil, indexing, notices to beneficiaries, one verified copy of codicil to the executor, and one verified copy of codicil to spouse if spouse is not the personal representative, entire fee provided codicil does not exceed one page, five dollars. For each additional page of codicil, one dollar.

   (c) Resignation and Renunciation of Executor: If it becomes necessary for the Clerk to prepare a petition for resignation and renunciation of an executor and an order allowing same, the fee to be charged shall be two dollars.

   (d) Commission to Take Proof of Will: If a commission is issued for the purpose of taking the deposition of a witness who is a non-resident of Forsyth County, the fee to be charged by the Clerk is three dollars for each commission in addition to the fee set out in Subsection (a) of this Section.

   (e) Filing Will or Codicil in office of Clerk of Superior Court for Safekeeping: The fee for filing a will or codicil for safekeeping in the office of the Clerk of the Superior Court is one dollar.

   (f) Will or Codicil Not Probated: If a will or codicil which is presented cannot be probated for some reason, the Clerk shall charge five dollars as the fee in connection with services rendered therewith, to be charged against the estate if it is administered.

   (g) Dissent or Disclaimer to Will: Filing and recording dissent or disclaimer to will, one dollar.

   (h) When a will is filed with the Clerk, but no qualification is had, no fee shall be charged for filing and indexing will.

   (i) Copy of Will or Codicil:
      1. The original writing made by the Clerk, one dollar for first page and fifty cents for each additional page or fraction thereof, plus fee for certificate and seal if requested. Minimum fee, one dollar.
      2. If a carbon copy which has been made by the Clerk is used, one-half fee charged for the original, plus fee for certificate and seal if requested.
3. For verification of copies of wills furnished for certification, twenty-five cents for each page or fraction thereof, plus fee for certificate and seal.

Sec. 7. SPECIAL PROCEEDINGS (EX PARTE).

(a) For assets, partition, or deed of assignment: In all ex parte proceedings for sale of land to create assets or for sale of timber to create assets for the payment of debts or for partition of real or personal property or to mortgage land to create assets with which to pay debts, there shall be paid at the time the proceeding is instituted the sum of five dollars, which is the total fee to be charged by the Clerk, except accounting costs and acknowledgment and probate fees if the sale price or the valuation set by the commissioners or the amount authorized by the court to be borrowed on the land is five hundred dollars or less. If the sale price or the valuation set by the commissioners or the amount authorized by the court to be borrowed on the land exceeds five hundred dollars, then there shall be paid an additional Clerk’s fee of twenty cents on the hundred dollars or fraction thereof in excess of five hundred dollars, maximum additional fee, one hundred dollars. This fee shall be the total Clerk’s fee, and shall pay for all services rendered by the Clerk in said proceeding, except accounting costs which are to be charged in accordance with Section V, Subsection (b) (2), and except acknowledgment and probate fees which are to be charged in accordance with Section IX, Subsections (a) (1) and (29) respectively.

(b) Reopening an Estate: For reopening any estate, including petition and order, necessary letters, final report and discharge, three dollars. If for new assets, then auditing fee shall apply in addition. Minimum fee, three dollars.

(c) Change of Name: Entire proceeding before the Clerk, including one certified copy of order of change of name, five dollars for each person.

(d) Removal of Funds and Assets to Foreign Jurisdiction:

(1) Entire proceeding before the Clerk, including recording, ten dollars.

(2) Petition, etc. filed in pending proceeding, five dollars.

(e) Adoption: All services rendered by the Clerk, seven dollars and fifty cents.

(f) Competency:

(1) Proceeding to declare person incompetent, fifteen dollars, plus jury tax of fifteen dollars.

(2) Proceeding to declare person competent when jury is used, fifteen dollars, plus jury tax of seven dollars and fifty cents.

(3) Proceeding to declare person competent by affidavits of two physicians, five dollars.

(4) Commitment of an inebriate or drug addict to a federal or state hospital, total Clerk’s fee, five dollars.

(5) Commitment of an inebriate or drug addict to a private hospital, ten dollars.

(6) If a proceeding is instituted to adjudge a person incompetent to manage his affairs and the respondent dies and there is no fee due or paid to the jurors, the Clerk may order the jury tax paid refunded and shall
retain the balance of fifteen dollars paid as Clerk's costs in full for his services rendered in said proceeding.

(g) Widow's Year's Allotment: Docketing report of allotment and rendering judgment for deficiency under G. S. 30-15, 16, and 17, one dollar.

(h) Proceeding for Guardian to Borrow Money: Entire Clerk's fee, five dollars.

(i) Proceeding to sell Personal Property Belonging to an Estate at Private Sale, five dollars.

(j) Appeal from Clerk: If an ex parte special proceeding is appealed to the Superior Court of Forsyth County, the Clerk shall compute his fees and costs in accordance with the applicable provisions of the preceding subsection of this Section upon notice of appeal being given, exclusive of any costs to be taxed in Superior Court actions as provided by law.

(k) For any other ex parte special proceeding not specifically covered in this Section, five dollars.

Sec. 8. SPECIAL PROCEEDINGS (ADVERSE).

(a) For Assets, Partition, Assignment for Benefit of Creditors, or by Surviving Partner to Purchase Partnership Business: In all adverse proceedings, whether to create assets, for partition, under deed of assignment, or by a surviving partner to purchase partnership business, there shall be paid at the time proceeding is instituted the sum of ten dollars, which is the total fee to be charged by the Clerk except accounting costs to be charged in accordance with Section V, Subsection (b) (2), and except acknowledgment and probate fees which are to be charged in accordance with Section IX, Subsections (a) (1) and (29) respectively, if the sale price or the valuation set by the commissioners or appraisers is five hundred dollars or less. If the sale price or the valuation set by the commissioners or appraisers exceeds five hundred dollars, then there shall be paid an additional Clerk's fee of forty cents on the hundred dollars or fraction thereof in excess of the five hundred dollars, maximum additional fee, two hundred dollars, except accounting costs and acknowledgment and probate fees on conveyances incident thereto. If it shall appear to the Clerk that there will be an unreasonable delay in the completion of a proceeding, he may in his discretion compute his fees and costs as herein provided at any time he deems it advisable after the sale of any tract or tracts or after a division of a part of the land, or after the sale of any timber, and may require same to be paid without waiting until the proceeding has been completed.

(b) Proceeding to declare person incompetent, fifteen dollars, plus jury tax of fifteen dollars.

(c) Proceeding to declare person competent when jury is used, fifteen dollars, plus jury tax of seven dollars and fifty cents.

(d) If a proceeding is instituted to adjudge a person incompetent to manage his affairs and the respondent dies and there is no fee due or paid to the jurors, the Clerk may order the jury tax paid refunded and shall retain the balance of fifteen dollars paid as Clerk's costs in full for his services rendered in said proceeding.
(e) Condemnation or Eminent Domain: The same fees and costs as for adverse special proceedings for partition or to create assets, provided the forty cents for each hundred over five hundred dollars is to be charged on the damages awarded by commissioners rather than on the valuation.

(f) Widow's Year's Allotment: Entire proceeding under G. S. 30-19, 20, and 21, fifteen dollars to be paid by representative of estate or by widow if no qualification on estate.

(g) Widow's Dower: The same fees and costs apply as are set out for proceedings to create assets or for partition, the value of the dower to be the basis for the computation of the fees and costs.

(h) Legitimation: Entire proceeding before the Clerk including one certified copy of order with seal, ten dollars.

(i) Appeal from Clerk: If an adverse special proceeding is appealed to the Superior Court of Forsyth County, the Clerk shall compute his fees and costs in accordance with the applicable provisions of the preceding subsections of this Section upon notice of appeal being given, exclusive of any costs to be taxed in Superior Court actions as provided by law.

(j) Judgment as of Nonsuit: If a judgment as of nonsuit is taken in an adverse special proceeding, the Clerk shall retain the fee of ten dollars paid upon institution of the proceeding.

(k) For any Adverse Special Proceeding not Specifically Covered Herein: For any adverse special proceeding not specifically covered herein, ten dollars.

Sec. 9. OTHER FEES.

(a) The following fees or costs are chargeable where no total or aggregate total fee or cost has been fixed, or where such total or aggregate fee or cost is not used:

(1) Acknowledgments:
   a. Regular, twenty-five cents for each person;
   b. Special examination of wife and acknowledgment of husband, one dollar with no additional fee for probate or seal, if desired.

(2) Advertising and Selling Property, either Real or Personal under a Mortgage Deed, Deed of Trust or Chattel Mortgage given in lieu of Bond: Five per cent of the sale price, minimum fee, five dollars. This fee does not include auctioneer's fee, but the Clerk is hereby authorized to pay a reasonable auctioneer's fee from the proceeds of the sale.

(3) Affidavit: Twenty-five cents, including jurat, except affidavits on inventories, annual and final accounts of fiduciaries, affidavits taken for Forsyth County, and affidavits on return of process from another state.

(4) Appeals: (These fees are not charged in any total fee above).
   a. From justice of the peace to the Superior Court, five dollars, plus process tax;
   b. From Superior Court to the Supreme Court, including certificate and seal, two dollars;
   c. From Juvenile Court (Civil or Criminal) to the Superior Court, five dollars, plus process tax;
   d. From North Carolina Utilities Commission, Employment Security Commission of North Carolina, or any other state agency to the Superior
Court, five dollars, plus process tax. If the fee for this service is due by an individual, it must be paid before the papers are filed. If the fee for this service is due by a state agency, Section I, Subsection (c), would be applicable.

(5) Bonds:
   a. Justification of each bond, fifty cents;
   b. If necessary to investigate surety, then there shall be charged two dollars per hour or fraction thereof for the investigation of such surety, in addition to justification fee;
   c. Approval, certificate and seal, fifty cents;
   d. Filing and indexing bond required of a college, including certificate to State Department, two dollars;
   e. Photographer's bond or other bond of similar nature, filing and indexing, two dollars.

(6) Certificate, fifty cents.

(7) Corporations, Associations and Organizations:
   a. Certificate or amendment of corporation, association or organization, recording first four pages, three dollars, including certificate of Secretary of State, plus fifty cents for each additional page or fraction thereof; minimum fee, three dollars;
   b. Certificate of dissolution, recording and indexing, one dollar;
   c. Reinstatement of Charter: If a charter is suspended pursuant to the provisions of the General Statutes and is later reinstated, the Clerk shall charge a fee of one dollar, which shall cover entries made as to suspension and reinstatement of the charter, and this fee is payable by the corporation whose charter has been suspended and reinstated before the entry as to reinstatement of the charter will be made by the Clerk.

(8) Commission to take deposition and other commissions except for Proof of Will, with seal, two dollars.

(9) Deed of separation: Taking acknowledgment of husband and wife or either of them, two dollars, which includes special examination of wife, the probate, and seal, if desired.

(10) Divorce Judgment. Certified copy of Printed form, one dollar.

(11) Exemplification of Record: Two dollars for all certificates, plus fees for verification or making up of the record, as the case may be.

(12) Execution on Money Judgment: Regular form, one dollar and fifty cents, including docketing the return.

(13) Execution against the Person: Five dollars for each person, which includes hearing on motion for execution, issuance, and docketing return.

(14) Execution for Specific Property or for Possession of Property: Two dollars and fifty cents, including docketing of the return.

(15) Filing Declaration of Action of Divorce: Indexing and recording, two dollars.

(16) Jury Tax and Stenographer's Fees: Same as in criminal actions.

(17) Judgment nisi and sci fa: Judgment nisi and issuing sci fa for defaulting witness, juror, or surety on bail bond or recognizance, two
dollars for each person. This fee includes recording on minutes, docketing and indexing.

(18) Justice of the Peace: Qualification and indexing, one dollar.
(19) Lis Pendens: Docketing notice of and cancelling, including indexing, one dollar for first page, plus fifty cents for each additional page or fraction thereof.

(20) Lien:
   a. Regular form, recording, including indexing, three dollars, plus fifty cents for each additional page or fraction thereof attached thereto;
   b. Other forms, three dollars for first three pages plus fifty cents for each additional page or fraction thereof.

(21) Maiden name, restoring after absolute divorce: One dollar.
(22) Notary Public:
   a. Qualifying, indexing, and notification to Governor, one dollar;  
   b. Certificate of authentication, fifty cents.

(23) Newspapers, for filing and indexing all papers necessary to qualify for publication of legal notices, one dollar.
(24) Registration certificates: Nurses, architects, chiropodists, chiropractors, medical doctors, dentists, optometrists, osteopaths, and all other persons required to be registered in the same manner, including seal, one dollar.

(25) Orders not otherwise provided for, whether signed by the Judge or Clerk, one dollar.
(26) Partnership or Trading under Assumed Name: Certificate for not exceeding five parties, two dollars, plus ten cents for each additional party over five.

(27) Pistol Permit: Taking application and affidavits and issuing permit, with seal, two dollars.

(28) Power of Attorney or Revocation of Power of Attorney: One dollar for the first page plus fifty cents for each additional page or fraction thereof. This fee includes recording and indexing.
(29) Probate of any instrument: Twenty-five cents.
(30) Process agent: Filing and recording, one dollar.

(31) Recording, not otherwise provided for: One dollar for the first page and fifty cents for each additional page or fraction thereof.

(32) Searching records not otherwise provided for: Two dollars per hour. Minimum fee, two dollars.

(33) Transcript, Recording or Issuing:
   a. Recording transcript of judgment from justice of the peace, regular form, one dollar; long form, one dollar for first page and fifty cents for each additional page or fraction thereof;
   b. Recording transcript of judgment from another county, the fee as provided by G. S. 1-236 or any other general statute;
   c. Issuing transcript of judgment, regular form, one dollar, including the issuance of certificate of satisfaction;
   d. Issuing transcript of any matter of record or paper on file, one dollar for first page and fifty cents for each additional page, plus fee for certificate and seal, if needed. Minimum fee, one dollar.

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(34) Seal of Office: Twenty-five cents, except as otherwise provided herein.

(35) Sheriff's Levy: Docketing and indexing, one dollar for first page plus fifty cents for each additional page or fraction thereof. Minimum fee, one dollar.

(36) Trustee, Substitution of, in deed of trust or mortgage: One dollar which includes probate.

(37) Verification of any paper on record or file: Twenty-five cents for each page or fraction thereof. This fee does not include certificate and seal.

(38) Widow's Year's Allotment, Certified copy of: Printed form, fifty cents.

Sec. 10. The Clerk shall not be liable for any losses sustained by anyone by reason of the provisions of this Act if he has exercised reasonable care and good faith in complying with the provisions hereof.

Sec. 11. All fees, costs, and commissions heretofore charged and collected by the Clerk are hereby ratified and approved.

Sec. 12. This Act shall apply to Forsyth County only.

Sec. 13. It shall not be necessary for the Clerk to keep a fee bill, either for the State of North Carolina or for Forsyth County, posted in his office, as provided in the General Statutes of North Carolina, Chapter 2, Section 37. The Clerk may print copies of this fee bill and furnish same upon request.

Sec. 14. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect on and after April 1, 1951, or the date of ratification, whichever is the later date.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 791

CHAPTER 670

AN ACT TO INCORPORATE THE TOWN OF SPRING LAKE IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Town of Spring Lake in Cumberland County is hereby incorporated under the name of the "Town of Spring Lake", and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina not inconsistent with the provisions of this Act.

Sec. 2. The corporate limits of the Town of Spring Lake shall include all of the area, lying northeast of the Atlantic Coast Line Railroad right-of-way in Cumberland County, within a radius of seven-tenths (7/10) of one mile of the site of the Spring Lake Post Office in Cumberland County, but shall not include any part of said railroad right-of-way or any territory southwest of said right-of-way even though some of the territory lying southwest of said right-of-way is within seven-tenths (7/10) of a mile of said post office site.
Sec. 3. At the time of the holding of the next general municipal election in 1951, and biennially thereafter, there shall be elected in the Town of Spring Lake in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, as amended, the following officers: A mayor and five aldermen. The mayor and the five town aldermen so elected shall constitute the Governing Body of the Town of Spring Lake, and such governing body may appoint such other officers and employ such assistants as the governing body of the town may deem necessary for the better governance of the town.

Sec. 4. The following persons are named as the Mayor and Aldermen of the Town of Spring Lake, and shall serve in such capacities until the general municipal election to be held in 1951 and until their successors are elected and qualified:

Mayor: Grady Howard

Sec. 5. W. E. Easterling is hereby appointed Chief of Police of said town, to serve at the will of the governing body. The town clerk shall also perform the duties of the town treasurer, and Anne Priddy is hereby appointed clerk of said town to serve at the will of the governing body.

Sec. 6. From and after July 1, 1951, the mayor of said town shall be paid a salary of twenty-five dollars ($25.00) and each alderman shall be paid a salary of ten dollars ($10.00) per month, said salaries shall be paid out of the general fund of the Town of Spring Lake.

Sec. 7. All candidates for the office of Mayor of the Town of Spring Lake, and all candidates for the office of Town Aldermen of the Town of Spring Lake shall file written notice of their candidacy with the town clerk of said town on or before twelve o'clock noon, Eastern Standard Time, at least fourteen days prior to the date the municipal election is held for the election of town officials. All candidates for the office of mayor shall deposit with their notice of candidacy a filing fee of ten dollars ($10.00) in cash; and all candidates for the office of aldermen shall deposit with their notice of candidacy a filing fee of five dollars ($5.00) in cash; and the town clerk shall enter upon all notices filed with said clerk the date and hour of filing, and that the required deposit shall be paid, and all cash deposits so made with the town clerk shall be paid by said clerk into the general treasury of the town.

Sec. 8. All territory within the corporate limits and all persons, firms and corporations within said territory of said town shall be subject to municipal taxes which may be levied for the fiscal year beginning July 1, 1951 and thereafter.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. 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 9th day of April, 1951.
H. B. 807  

CHAPTER 671


The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 122 of the Session Laws of 1947 is amended by striking out the words and figures “fifty-two hundred dollars ($5,200.00)” appearing in lines seven and eight, and inserting in lieu thereof the following: “seventy-five hundred dollars ($7,500.00).”

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 9th day of April 1951.

H. B. 812  

CHAPTER 672

AN ACT TO FIX THE SALARIES OF THE MEMBERS OF THE BOARD OF EDUCATION OF NASH COUNTY AND TO RATIFY AND VALIDATE SALARIES HERETOFORE PAID THEM.

WHEREAS, Section 3, Chapter 413, of the Public-Local Laws of 1923, fixed the pay of the members of the Board of Education of Nash County, other than the chairman, at three hundred dollars ($300.00) per annum, and that of the chairman at three hundred fifty dollars ($350.00) per annum, and mileage, which salaries and mileage shall be paid out of the county school fund; and

WHEREAS, said Act was repealed by Section 32, Chapter 455, of the Public Laws of 1935; and

WHEREAS, the Board of County Commissioners of Nash County, not being advertent to said repeal and, in good faith, has for a number of years caused the sum of five hundred dollars ($500.00) to be paid out of the school fund to the Board of Education, to which amount was added one hundred dollars ($100.00), authorized to be paid by the State School Commission under the provisions of Section 9, Chapter 455, Public Laws of 1935, and the said sum of six hundred dollars ($600.00) was paid, two hundred dollars ($200.00) each annually to the members of the Board of Education of Nash County as salary; NOW, THEREFORE,

The General Assembly of North Carolina do enact:

Section 1. The action of the Board of County Commissioners of Nash County in heretofore paying the members of the Board of Education of Nash County the sum of two hundred dollars ($200.00) each per annum salary, be and the same is hereby in all respects approved, ratified, and validated.

Sec. 2. From and after the first day of July, 1951, the members of the Board of Education of Nash County shall receive a salary of three hundred dollars ($300.00) each per annum, and the funds for said salaries,
in excess of the amount paid annually by the State Board of Education on the salaries of said members, shall be provided for by the Board of County Commissioners of Nash County in the same manner as the Board of County Commissioners is now required to provide funds for the Maintenance of Plant, Fixed Charges, and Capital Outlay.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 814

CHAPTER 673

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF NASHVILLE, IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Nashville, in Nash County shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 815

CHAPTER 674

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE CITY OF MONROE IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the City of Monroe is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the corporate limits of said city except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective upon ratification.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 827   CHAPTER 676
AN ACT TO AMEND CHAPTER 415 OF THE SESSION LAWS OF 1949 RELATING TO THE NOMINATION AND ELECTION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 415 of the Session Laws of 1949 is hereby amended by striking out the figures "1950" in the second line of said section and by inserting in lieu thereof the figures "1954". Further amend said Section 1 of Chapter 415 of the Session Laws of 1949 by striking out the word "biennially" appearing in the second line of said Section 1 and by inserting in lieu thereof the word "quadrennially".

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.
H. B. 830  CHAPTER 677

AN ACT TO AMEND THAT PORTION OF G. S. 7-70 RELATING TO TERMS OF SUPERIOR COURT IN PITT COUNTY IN THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, as it appears in the 1949 Cumulative Supplement to the General Statutes, relating to the terms of Superior Court in Pitt County in the Fifth Judicial District is amended by inserting in line 23 of said portion between the semicolon following the word “only” and the word “seventh” the following: “fourth Monday after the first Monday in September, to continue for one week, for the trial of civil and criminal cases; fifth Monday after the first Monday in September, to continue for one week, for the trial of civil and criminal cases;”.

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 9th day of April, 1951.

H. B. 831  CHAPTER 678

AN ACT TO FIX THE COMPENSATION AND FEES FOR CERTAIN COUNTY OFFICIALS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 754 of the Session Laws of 1947, as amended by Section 1 of Chapter 292 of the Session Laws of 1949, is hereby further amended by striking out the words and figures “twenty-five (25)” in the third and fourth lines of said Section 2, as it appears in Section 1 of Chapter 292 of the Session Laws of 1949, and by inserting in lieu thereof the following: “thirty (30)”. It is the intent and purpose of this Act that the members of the Board of County Commissioners of Swain County, other than the Chairman, shall be paid for their services as members of said board the sum of thirty dollars ($30.00) per month.

Sec. 2. Section 1 of Chapter 754 of the Session Laws of 1947 is hereby amended by striking out the word “six” as the same appears after the word “than” and before the word “days” in the fourth line of said Section 1 and by inserting in lieu thereof “eight and one-half”.

Sec. 3. Effective as of May 1st, 1951, the Board of County Commissioners of Swain County is authorized and empowered, in its discretion, to fix such an amount of salary as it deems just and reasonable to be paid to the County Accountant of Swain County.

Sec. 4. The Board of County Commissioners of Swain County is hereby authorized and empowered, in its discretion, to fix an amount of salary as it deems just and reasonable for the services of the Register of Deeds when acting in the capacity as Clerk to the Board of County Commissioners.
Sec. 5. From and after the first Monday in May, 1951, the Sheriff of Swain County shall receive, in addition to the fees of his office, a salary of thirty-five hundred dollars ($3,500.00) per annum, payable in equal monthly installments. Notwithstanding any other provision of law, the Sheriff of Swain County, for executing and serving a civil summons, shall receive a fee of one dollar and fifty cents ($1.50) for each defendant and for serving and executing civil and criminal subpoenas, the said Sheriff shall receive a fee of fifty cents (50c) for each person so served.

Sec. 6. The Clerk of the Superior Court of Swain County shall receive a commission of five per cent (5%), based upon all fines and forfeitures collected by said clerk, and said commission of five per cent (5%) shall be paid out of the General Fund of the County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 833

CHAPTER 679

AN ACT TO ALLOW THE REGISTER OF DEEDS OF SWAIN COUNTY A FEE FOR INDEXING INSTRUMENTS REQUIRED TO BE REGISTERED IN HIS OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 456 of the Session Laws of 1943 is hereby amended by inserting immediately after Section 3 of said chapter and before Section 4 a new section to be designated as Section 3½, and which shall read as follows:

"Sec. 3½. In addition to all other fees provided by this Act, and which may be allowed the Register of Deeds of Swain County by any Law, the Register of Deeds of Swain County shall receive the sum of ten cents (10c) per name for each name entered in the official index relating to deeds, mortgages and other instruments required by law to be recorded in his office."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 837

CHAPTER 680

AN ACT TO AMEND CHAPTER 952 OF THE SESSION LAWS OF 1947 SO AS TO INCLUDE ALL MUNICIPAL RECORDER'S COURTS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 952 of the Session Laws of 1947 is hereby stricken out and the following is inserted in lieu thereof:

"All the items comprising the bill of court costs of the Recorder's Court of Carteret County and all Municipal Recorder's Courts of Carteret County
shall be the same as those of the Superior Court of Carteret County, except that there shall be no item of charge for jury service."

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

Sec. 3. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 840

CHAPTER 681

AN ACT TO AMEND SENATE BILL NO. 45 ORDERED ENROLLED ON THE 22ND DAY OF MARCH 1951 RELATING TO THE SALARIES AND EXPENSE OF CERTAIN OFFICIALS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Committee Substitute for Senate Bill No. 45, ordered enrolled on the 22nd day of March 1951, and entitled "AN ACT FIXING THE SALARIES AND EXPENSE OF CERTAIN OFFICIALS IN BRUNSWICK COUNTY", is amended by rewriting Section 12 thereof to read as follows:

"Sec. 12. The salaries and fees herein fixed shall be in full compensation for all duties performed by the officials herein named and shall be effective as of January 1, 1951."

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 9th day of April, 1951.

H. B. 846

CHAPTER 682

AN ACT TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Carteret County is hereby authorized to fix the fees to be charged by the Register of Deeds for registering instruments and other services performed: Provided, that the fees now allowed by the general law and any Public-Local or Private Acts applicable to Carteret County shall continue to be in effect until said fees are changed by action of the Board of Commissioners in accordance with the provisions of this Act.

Sec. 2. No action of the Board of Commissioners of Carteret County which results in changing the fees to be charged by the Register of Deeds shall become effective until notice of such change has been published once each week for four successive weeks in a newspaper having a general circulation in Carteret County, and posted at the courthouse and three other public places in Carteret County for a period of four weeks.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 851

CHAPTER 683

AN ACT TO AMEND CHAPTER 987 OF THE SESSION LAWS OF 1949 RELATING TO THE FUNDING OF INTEREST ON BONDS OF THE TOWN OF WALNUT COVE.

The General Assembly of North Carolina do enact:
Section 1. Chapter 987 of the Session Laws of 1949 is hereby amended by striking out the figures "1950" as they appear in the fifth line of the first Section of that Act, and inserting in lieu thereof the figures "1952".
Section 2. This Act shall apply only to the municipalities of Walnut Cove and Columbus.
Section 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Section 4. This Act shall become effective from and after its ratification.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 852

CHAPTER 684

AN ACT TO FIX THE SALARIES OF THE DEPUTY REGISTER OF DEEDS AND SPECIAL DEPUTY SHERIFFS OF STOKES COUNTY.

The General Assembly of North Carolina do enact:
Section 1. Beginning July 1, 1951, the salary of the Deputy Register of Deeds of Stokes County shall be two thousand four hundred dollars ($2,400.00) per annum payable in equal monthly installments.
Section 2. Beginning July 1, 1951, the salaries of the two Special Deputy Sheriffs, whose appointment was authorized by Chapter 411 of the Session Laws of 1945, shall not exceed two hundred dollars ($200.00) per month each, and this amount shall be in addition to any allowances for mileage and expenses to which they are now by law entitled.
Section 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Section 4. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 9th day of April 1951.
H. B. 854  
CHAPTER 685
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF STOKES COUNTY TO FIX THE FEES CHARGED BY THE CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, SHERIFF, AND JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Stokes County is hereby authorized to fix the fees to be charged by the Clerk of the Superior Court, the Register of Deeds, the Sheriff, and all Justices of the Peace in Stokes County for services rendered and duties performed by said officers: Provided, that the fees now allowed by the general law and any Public-Local or Private Acts applicable to Stokes County shall continue to be in effect until said fees are changed by action of the Board of Commissioners in accordance with the provisions of this Act.

Sec. 2. No action of the Board of Commissioners of Stokes County which results in changing the fees to be charged by the Clerk of the Superior Court, the Register of Deeds, the Sheriff, and Justices of the Peace shall become effective until notice of such change has been published once each week for four successive weeks in a newspaper having a general circulation in Stokes County, and posted at the courthouse and three other public places in Stokes County for a period of four weeks.

Sec. 3. This Act does not authorize the Board of Commissioners to change the amount assessed against the defendant or prosecuting witness in criminal cases and paid over to the Law Enforcement Officers' Benefit and Retirement Fund as provided by G. S. 143-166, or the amount of the process tax as provided by G. S. 105-93.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 855  
CHAPTER 686
AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF HEALTH OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the members of the Board of Health of New Hanover County shall receive, for their attendance at each regular meeting of the Board, the sum of ten dollars ($10.00). Provided, that the provisions of this Act shall not apply to any member of the said Board of Health who is also a regular employee of the City of Wilmington or the County of New Hanover.

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 full force and effect from and after May 1, 1951.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

645
AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the 1st of May, 1951, the fees to be charged by the Register of Deeds of Alexander County shall be as hereinafter set out: Provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said County:

(1) Recording Federal Land Bank deed of trust, three dollars and fifty cents ($3.50).
(2) Recording warranty deed, one dollar ($1.00).
(3) Recording mortgage deed, one dollar ($1.00).
(4) Recording chattel mortgage, fifty cents (50c).
(5) Recording conditional sales contracts, short form, fifty cents (50c).
(6) Recording conditional sales contracts, long form, one dollar and twenty-five cents ($1.25).

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 9th day of April, 1951.

AN ACT TO AMEND CHAPTER 31 OF THE PUBLIC-LOCAL LAWS OF 1933 RELATING TO THE SALARY OF THE CLEVELAND COUNTY AUDITOR.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 31 of the Public-Local Laws of 1933 is repealed. From and after the ratification of this Act, the salary of the Cleveland County Auditor shall be fixed by the Cleveland County Board of Commissioners.

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 9th day of April, 1951.

AN ACT TO AMEND G. S. 7-394 INSO FAR AS IT RELATES TO BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G: S. 7-394, insofar as it relates to a criminal county court, which may hereafter be established in Burke County, is amended by strik-
ing out the word and figure "twelve (12)" in line twelve and inserting in lieu thereof the word and figure "six (6)".

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 9th day of April, 1951.

H. B. 876

CHAPTER 690

AN ACT TO PROVIDE FOR THE DRAWING OF JURORS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At least twenty days before each regular or special term of the Superior Court of Bertie County, the board of Commissioners of Bertie County shall cause to be drawn from the jury box out of the partition marked No. 1, by a child not more than ten years of age the number of scrolls here designated for the respective weeks and terms of court to-wit: for the first week of the February Term, forty (40) scrolls; for the first week of the May Term, thirty (30) scrolls; for the first week of the August Term, forty (40) scrolls; for the first week of the November Term, thirty (30) scrolls; for the first week of any Special Term, thirty (30) scrolls; and for the second week of all Regular or Special Terms, twenty (20) scrolls. The persons whose names are inscribed on said scrolls shall serve as jurors at the term of the Superior Court to be held for the county ensuing such drawing, and for the week for which they are drawn, unless the judge thereof shall sooner discharge all jurors from further service. The scrolls so drawn to make the jury shall be put into the partition marked No. 2. The trial jury which has served during each week shall be discharged by the presiding judge at the close of said week, unless the said jury shall be then actually engaged in the trial of a case, and then they shall not be discharged until the trial is determined.

Sec. 2. The judge presiding over the Superior Court of Bertie County during the first week of the February Term and the first week of the August Term of each year shall direct the names of all persons returned as jurors for said first week to be written on scrolls of paper and placed in a box or hat and drawn out in open court by a child not more than ten years of age; whereof the first nine (9) persons whose names are thus drawn shall serve upon the grand jury of Bertie County for a term of one year; and the residue shall serve as petit jurors for the Court during the week for which they were drawn. The presiding judge at the first week of the February and August Terms of the Superior Court of Bertie County shall charge the grand jury as provided by law. In the event of a vacancy or vacancies occurring in the grand jury of Bertie County, the judge holding the Superior Court at any term in which such vacancy or vacancies may occur, Regular or Special Term, may, in his discretion, order a new juror or jurors to be drawn in open court in the manner herein-
before provided in this section from scrolls on which have been written
the names of all persons returned as jurors for service during the first
week of that term of court; whereupon such new juror or jurors shall
take the oaths prescribed by law and shall serve out the remainder of
the term of one year of the grand juror or jurors whose place or places
such new juror or jurors shall have been drawn to fill.

Sec. 3. It is declared to be the intention of this Act that the grand
jury of Bertie County shall be composed of nine (9) members who shall be
chosen at the February Term of Court and nine (9) members who shall
be chosen at the August Term of Court of each year, all of which grand
jurors shall serve for a term of one year; and that the presiding judge
may, in his discretion, fill any vacancy or vacancies which may occur in
the grand jury as hereinbefore provided.

Sec. 4. The nine (9) members of the grand jury for Bertie County
who were drawn for grand jury service beginning with the February Term,
1951, and the replacements for any of said nine (9) who shall be chosen
as hereinbefore or otherwise provided by law, shall serve for a term of one
year.

Sec. 5. If any provision of this Act shall be declared unconstitutional
or invalid, such invalidity shall not affect other provisions or application
of the Act which can be given effect without the invalid provision, and
to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and clauses of law in conflict with this Act are here-
by repealed.

Sec. 7. This Act shall become effective on the 1st day of July, 1951.
In the General Assembly read three times and ratified, this the 9th
day of April, 1951.

H. B. 880

CHAPTER 691

AN ACT TO PROVIDE FOR THE SALARIES OF CERTAIN OFFICERS
OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Judge of the Recorder's Court of Bertie County shall
receive a salary which shall be fixed by the board of county commissioners
of said county, in its discretion, in an amount of not less than one thousand
two hundred ($1,200.00) and not more than two thousand five hundred
dollars ($2,500.00) per year.

Sec. 2. The prosecuting attorney of the Recorder's Court of Bertie
County shall receive a salary which shall be fixed by the board of county
commissioners of said county, in its discretion, in an amount not less than
one thousand dollars ($1,000.00) and not more than two thousand dol-
lars ($2,000.00).

Sec. 3. All salaries which have been heretofore paid by the board of
county commissioners of Bertie County within the limits defined in this
Act are hereby ratified and validated.

Sec. 4. The salaries herein provided for shall be paid monthly by the
county treasurer upon warrants issued by order of the board of county
commissioners.
Sec. 5. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 883 CHAPTER 692
AN ACT TO DEFINE THE AUTHORITY OF CONSTABLES IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 151-7 by adding at the end of said section a proviso which shall read as follows:

"Provided, that in Scotland County no constable shall have the power or authority to execute any precepts and processes of any nature or to make any arrests or to perform any official duties or execute any powers of functions of his office except within the territorial limits of the township in Scotland County in which such constable is elected."

Sec. 2. That the provisions of the above proviso shall apply to Scotland County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 893 CHAPTER 693
AN ACT TO PROVIDE FOR THE SALARIES OF OFFICIALS AND EMPLOYEES OF HENDERSON COUNTY FOR THE TWO-YEAR PERIOD COMMENCING JULY 1, 1951, AND TO PROVIDE FOR CLERICAL HELP, DEPUTIES, CLERKS AND ASSISTANTS IN THE SEVERAL OFFICES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Henderson County is ordered, directed and required to employ the following assistants, deputes, or clerks when called upon by the several county officials, and the said assistants, deputies and clerks shall be named, designated and selected by said officials:

1. For the Sheriff, four full time employees who may be deputies or clerks.

2. For the Tax Collector, two full time employees who may be assistants, deputies, or clerks.

3. For the Register of Deeds, two full time employees who may be assistants, deputies, or clerks.
Sec. 2. The salaries now paid to the several officials, assistants, deputies, clerks, judge and solicitor of the recorder's court, county attorney, county commissioners, county accountants, sheriff, clerk of superior court, tax collector, register of deeds, and all other county officials and employees whether elected or appointed, are hereby confirmed, approved and validated, and shall constitute the base pay of those said officials and employees.

Sec. 3. The County Commissioners of Henderson County are authorized in their discretion to grant raises in salary, not exceeding twenty per cent (20%) of their present base salary, to all county officials and employees whose salary is paid by the county, and it is specifically provided that if a raise in salary is granted, then the salary of all officials and employees shall be raised the same per cent. It is not the intent of this Act to grant the commissioners any authority other than that they now have relative to employees who are paid partly by county funds and partly from other sources, either State or Federal, for the reason that these salaries are determined by factors over which county commissioners have no control. Such increase in salary, not exceeding twenty per cent (20%), shall become effective on July 1st, 1951, and remain in effect for a period of two years thereafter, unless sooner terminated by the board of commissioners.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 9th day of April, 1951.

H. B. 898 CHAPTER 694
AN ACT RELATING TO THE PAY OF THE MEMBERS OF THE COUNTY BOARD OF PUBLIC WELFARE IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-12 is hereby amended by striking out the words and figures "five dollars ($5.00)" in the last sentence of said section, as the same appears in the 1949 Supplement to the General Statutes, and inserting in lieu thereof the words and figures "ten dollars ($10.00)".

Sec. 2. This Act applies only to Gaston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 902 CHAPTER 695
AN ACT RELATING TO THE PROSECUTING ATTORNEY OF THE HERTFORD COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. At the regular election held for the election of county officials in November, 1952, and biennially thereafter, there shall be elected
a prosecuting attorney for the Hertford County Recorder’s Court whose term of office shall last for two years, commencing on the first Monday in December immediately following said election. The term of office of the incumbent prosecuting attorney in 1952 shall terminate on the first Monday in December 1952, or as soon thereafter as the prosecuting attorney elected in said election of 1952 qualifies.

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 upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 911

CHAPTER 696

AN ACT TO REGULATE THE FEES OF JUSTICES OF THE PEACE IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The various justices of the peace of Madison County shall be allowed the following fees and expenses, namely:

Civil Actions
Issuing Summons ...................................................... $ .75
Trial and Judgment .................................................... 1.50
Entering Judgment .................................................... .50
Transcript ............................................................. .25
Issuing summons and affidavit ..................................... 1.00
Judgment ............................................................... 1.50
Entering Judgment and transcript .................................... .50
Issuing Execution ....................................................... 1.00
Appeal Fee (civil action, including Bond) ......................... 1.00
Removal to another Magistrate ...................................... .50
Claim and Delivery .................................................... 3.00
Attachment ............................................................ 3.50
Widows year allowance ................................................ 3.00
Jury trial and drawing Jury .......................................... 3.00

Criminal Actions
Affidavit and issuing Warrant ....................................... $1.00
Accepting Bond ....................................................... .50
Recognizance ......................................................... .50
Trial and Judgment ................................................... 1.50
Subpeona, each ...................................................... .25
Removal and Order to J. P. or Recorder’s Court .................. .50
Making report to Safety Department Motor Vehicle Violations .... .50
Entering Judgment ..................................................... .50

Sec. 2. Chapter 129 of the Public-Local Laws of 1919, insofar as the same pertains to Madison County and insofar as the same is in conflict with any of the provisions of this Act, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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Sec. 3. This Act shall be in full force and effect from and after July 1st 1951.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 912  CHAPTER 697
AN ACT TO PERMIT THE CITY OF DURHAM AND DURHAM COUNTY TO SUPPLEMENT THE RETIREMENT ALLOWANCES OF CERTAIN CITY AND COUNTY EMPLOYEES.
The General Assembly of North Carolina do enact:
Section 1. The governing authority of the City of Durham or the governing authority of the County of Durham, either or both authorities, are hereby authorized and empowered, in their discretion, to pay to any employee of said city or county a supplemental benefit or retirement allowance which shall be applicable to all employees who remain in service for as much as one year subsequent to the anniversary of their sixtieth birthday. The supplemental retirement allowance herein provided shall be such sum, which, when added to the regular allowance for service retirement provided by G. S. 128-27, as amended, of an employee retiring under the provisions of the Local Governmental Employees' Retirement System without option, would produce a retirement allowance as if said employee's deductions had been matched by funds of his employer for the period of time above sixty years of age which said employee remains in service and computed under the actuarial principles embodied in the Local Governmental Employees' Retirement System, the same being Article 3 of Chapter 128 of the General Statutes, as amended. The governing authority of said city or county, either or both of said authorities, may make reasonable classifications of their employees for the purpose of determining to which classification or group said supplemental retirement benefit or allowance shall be paid, and payment shall be made on a uniform basis to persons within the eligible classification. The governing authority of said city or county may call upon the officers and agents of the Local Governmental Employees' Retirement System to aid and assist in making such computations and in establishing such supplemental system.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 921  CHAPTER 698
AN ACT PROVIDING STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE BOARD OF EDUCATION OF PENDER COUNTY.
The General Assembly of North Carolina do enact:
Section 1. At the next election of members of the Board of Education of Pender County held following the ratification of this Act and pursuant
to the provisions of Chapter 546 of the Session Laws of 1949, the members of the Board of Education to be elected from the Third and Fifth Districts shall be elected for terms of four years each, and the members to be elected from the First, Second and Fourth Districts shall be elected for terms of two years each; thereafter all members of the Board of Education of Pender County shall be elected for terms of four years each.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

H. B. 944  CHAPTER 699
AN ACT TO AMEND ARTICLE 36 OF CHAPTER 7 OF THE GENERAL STATUTES RELATING TO THE ESTABLISHMENT OF COUNTY CRIMINAL COURTS SO AS TO MAKE THE SAME APPLICABLE TO DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-404 is hereby amended by striking out the word "Davie" in the sixth line of said Section, it being the intent and purpose of this Act to place Davie County under the provisions of Article 36 of Chapter 7 of the General Statutes, authorizing the Boards of County Commissioners to establish County Courts with criminal jurisdiction.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of April, 1951.

S. B. 184  CHAPTER 700
AN ACT TO AMEND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM ACT FOR THE PURPOSE OF INCLUDING THEREIN AS MEMBERS EMPLOYEES OF COUNTY HEALTH DEPARTMENTS AND CITY-COUNTY HEALTH DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 128-37, as the same appears in the Cumulative Supplement of 1949, is hereby amended by inserting a comma after the word "department" in the fifth line of said Section and after said comma the following: "or the board of county commissioners of any county as to county boards of health, or the governing authorities of any county and/or city as to city-county boards of health."

G. S. 128-37, as the same appears in the Cumulative Supplement of 1949, is hereby further amended by striking out the word "department" appearing in the sixth line of said Section and by inserting in lieu thereof the word "departments".

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CHAPTER 701

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO DEFER AND POSTPONE THE REVALUATION OF REAL PROPERTY IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of New Hanover County is hereby authorized and empowered to defer or postpone for the year 1951 or 1952 the revaluation or reassessment of real property in said county as required by Chapter 535 of the 1949 Session Laws of North Carolina. Whenever revaluation is had, the same may be by horizontal increase or reduction or by actual appraisal thereof, or both.

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 10th day of April, 1951.

S. B. 240

CHAPTER 702

AN ACT TO AMEND CHAPTER 412 OF THE SESSION LAWS OF 1949, RELATING TO MUNICIPAL TAXATION OF TAXICABS IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 412 of the Session Laws of 1949 is repealed. It is the purpose of this Act to place the City of Durham under the general law as set forth in G. S. 20-97, relating to the taxation of taxicabs by municipalities.

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 10th day of April, 1951.
The General Assembly of North Carolina do enact:

Section 1. That Section 160-414 of the General Statutes shall be and the same is hereby amended as follows:

(1) By changing the period at the end of paragraph (1) of subsection (a) to a comma and adding the words “and parking facilities”.

(2) By adding a new subsection immediately following subsection (c) reading as follows:

“(d) The term “parking facilities” shall mean and shall include lots, garages, parking terminals or other structures (either single or multi-level and either at, above or below the surface) to be used solely for the off-street parking of motor vehicles, open to public use for a fee, including on-street parking meters if so provided by the governing body, and all property, rights, easements and interests relating thereto which are deemed necessary for the construction or the operation thereof. The term “cost” as applied to parking facilities or to extensions thereto shall include the cost of acquisition, construction, reconstruction, improvement, betterment, or extension, the cost of all labor, materials, machinery and equipment, the cost of all lands, easements, rights in lands and interests acquired by the municipality for such parking facilities or the operation thereof, the cost of demolishing or removing any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, and may include, in addition to the items of cost specified in Section 160-416 of the General Statutes, financing charges, cost of plans, specifications, surveys and estimates of cost and of revenues, administrative expense, and such other expense as may be necessary or incident to such acquisition, construction or reconstruction, improvement, betterment or extension the financing thereof and the placing of the parking facilities in operation.”

Sec. 2. That Section 160-415 of the General Statutes shall be and the same is hereby amended by adding two new subsections immediately following subsection (e) reading as follows:

“(f) to lease all or any part of any undertaking upon such terms and conditions and for such term of years as the governing body may deem advisable to carry out the provisions of this Article;

“(g) in the case of authorizing and issuing bonds for parking facilities, to install parking meters, or cause the same to be installed, at or near the curbs of the streets within the municipality and to adopt such regulations and impose such charges in connection with any such parking meters heretofore or hereafter installed as it may deem advisable, and
to combine into a single undertaking for financing purposes and for the more adequate regulation of traffic and relief of congestion such parking meters or any portion thereof with any parking facilities financed by revenue bonds issued under the provisions of this Article and to pledge to the payment of such revenue bonds all or any part of the revenues derived from such parking meters."

Sec. 3. That Section 160-415 of the General Statutes shall be and the same is hereby amended by inserting the following between the word "collect" and the word "rates" in line one of clause (e) of said Section: "(such collection, in the case of parking facilities, to be made by the use of parking meters therein, if deemed desirable by the governing body)."

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby revealed.

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 10th day of April, 1951.

S. B. 244

CHAPTER 704

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS BY MUNICIPALITIES FOR FINANCING OFF-STREET PARKING FACILITIES; PROVIDING FOR THE IMPOSITION AND COLLECTION OF RATES, RENTALS, FEES AND CHARGES FOR THE USE OF SUCH PARKING FACILITIES; PLEDGING TO THE PAYMENT OF SUCH BONDS THE REVENUES OF SUCH PARKING FACILITIES; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS UPON BENEFITED PROPERTY; AND AUTHORIZING THE PLEDGING OF SUCH SPECIAL ASSESSMENTS AND THE REVENUES OF ON-STREET PARKING METERS.

The General Assembly of North Carolina do enact:

Section 1. Declaration of Public Necessity. It is hereby determined and declared that the free circulation of traffic of all kinds through the streets of the municipalities in the State is necessary to the health, safety and general welfare of the public, whether residing in such municipalities or travelling to, through or from such municipalities in the course of lawful pursuits; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in the streets of such municipalities; that the parking of motor vehicles in the streets has contributed to this congestion to such an extent as to constitute at the present time a public nuisance; that such parking prevents the free circulation of traffic in, through and from such municipalities, impedes the rapid and effective fighting of fires and disposition of police forces, threatens irreparable loss in values of urban property which can no longer be readily reached by vehicular traffic, and endangers the health, safety and welfare of the general public; that the regulation of traffic on the streets by the installation of parking meters and the imposition of charges in connection with such on-street parking facilities has not relieved this
congestion except to a limited extent; that this traffic congestion is not capable of being adequately abated except by provisions for sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this Act is hereby declared to be a public necessity.

Sec. 2. Definitions. As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word “municipality” shall mean any city or town in the State, whether incorporated by Special Act of the General Assembly or under the general laws of the State, which may desire to finance parking facilities under the provisions of this Act.

(b) The term “governing body” shall mean the board or body in which the general legislative powers of a municipality are vested.

(c) The words “Parking Facilities” shall mean and shall include lots, garages, parking terminals or other structures (either single or multi-level and either at, above or below the surface) to be used solely for the off-street parking of motor vehicles, open to public use for a fee, and all property, rights, easements and interests relating thereto which are deemed necessary for the construction or the operation thereof.

(d) The word “cost” as applied to parking facilities or to extensions or additions thereto shall include the cost of acquisition, construction or reconstruction, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights, easements and interests acquired by the municipality for such parking facilities or the operation thereof, the cost of demolishing or removing any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during construction and, if deemed advisable by the governing body, for one year after completion of construction, cost of engineering and legal services, plans, specifications, surveys and estimates of cost and of revenues, administrative expense, and such other expense as may be necessary or incident to such acquisition, construction or reconstruction, the financing thereof and the placing of the parking facilities in operation.

(e) The word ‘revenues’ when applied to revenues of the parking facilities shall mean the net revenues derived in any fiscal year from the operation of the parking facilities after paying all expenses of operating, managing and repairing such parking facilities.

Sec. 3. General Grant of Powers. The governing body of any municipality in the State is hereby authorized and empowered:

(a) To acquire, construct, reconstruct, equip, improve, extend, enlarge, maintain, repair and operate parking facilities within the corporate limits of such municipality;

(b) To issue bonds of the municipality as hereinafter provided to pay the cost of such acquisition, construction, reconstruction, equipment, improvement, extension or enlargement;
(c) To establish and revise from time to time and to collect (such collection to be made by the use of parking meters, if deemed desirable by the governing body) rates, rentals, fees and other charges for the services and facilities furnished by such parking facilities, and to establish and revise from time to time regulations in respect of the use, operation and occupancy of such parking facilities or part thereof;

(d) To accept from any authorized agency of the Federal Government loans or grants for the planning, construction or acquisition of any parking facilities and to enter into agreements with such agency respecting any such loans or grants, and to receive and accept aid and contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such loans, grants or contributions may be made;

(e) Subject to any provisions or restrictions which may be set forth in the ordinance authorizing bonds, to acquire in the name of the municipality, either by purchase or the exercise of the right of eminent domain, such lands and rights and interests therein, and to acquire such personal property, as it may deem necessary in connection with the construction, reconstruction, improvement, extension, enlargement or operation of any parking facilities;

(f) To lease all or any part of such parking facilities upon such terms and conditions and for such term of years as it may deem advisable to carry out the provisions of this Act;

(g) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, and to employ such engineers, attorneys, accountants, construction and financial experts, superintendents, managers and other employees and agents as it may deem necessary, and to fix their compensation; and

(h) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Sec. 4. Issuance of Bonds. Subject to the provisions of The Municipal Finance Act of 1921, as amended, subchapter III, Chapter 160 of the General Statutes, but notwithstanding any limitation or indebtedness contained therein or in any other law, any municipality may issue its negotiable bonds for the purpose of paying the cost of parking facilities, for the payment of which bonds, there shall be pledged, in addition to the full faith, credit and taxing power of the municipality, (a) the revenues of such parking facilities, (b) all the revenues of on-street parking meters collected in each fiscal year following the issuance of all or any part of such bonds (after paying any operating deficit of such parking facilities therewith) until a reserve has been established and is maintained at the close of each fiscal year which shall equal in amount at least ten per centum (10%) of the principal amount of such bonds then outstanding or at least the total amount of principal of and interest on such bonds falling due in the next ensuing fiscal year, whichever is greater, and (c) the proceeds of special assessments levied as hereinafter provided upon benefited property, except that all or any part of such proceeds may be applied to
the payment of notes issued in anticipation of receipt of the proceeds of sale of such bonds, but the amount of such bonds authorized shall be reduced by the amount of such payments.

Such bonds shall mature at such time or times, not exceeding 40 years from their respective dates, and may be subject to such terms of redemption with or without premium, as the governing body may provide, with the approval of the Local Government Commission. The governing body may authorize the purchase and retirement of any of such bonds with funds pledged to their payment at market prices not in excess of the redemption value of the bonds so purchased.

Money may be borrowed in anticipation of the receipt of the proceeds of sale of such bonds under the provisions of Section 160-375 of the General Statutes, and notes may be issued therefor as provided in Section 160-376 of the General Statutes.

Bonds and notes issued under the provisions of this Act shall be subject to the provisions of the Local Government Act.

Sec. 5. Parking Meters. The governing body of any municipality in the State is hereby authorized to install parking meters, or cause the same to be installed, at or near the curbs of the streets within the municipality and to adopt such regulations and impose such charges in connection with any parking meters heretofore or hereafter installed as it may deem advisable. The governing body is further authorized to combine into a single project for financing purposes and for the more adequate regulation of traffic and relief of congestion such parking meters or any portion thereof with any parking facilities financed by bonds issued under the provisions of this Act and to pledge to the payment of such bonds, as provided in Section 4 of this Act, the revenues derived from such parking meters.

Sec. 6. Pledge of Revenues. The revenues derived from any parking facilities for which bonds shall be issued under the provisions of this Act shall be pledged to the payment of the principal of and the interest on such bonds. Subject to the provisions of Section 4 of this Act, the governing body shall also pledge to the payment of such principal and interest the revenues derived from on-street parking meters, and all or any part of the special assessments levied as hereinafter provided upon benefited property.

Sec. 7. Authorizing Ordinance. Any ordinance authorizing the issuance of bonds under the provisions of this Act shall contain the following matters, in addition to all other matters required to be stated therein by The Municipal Finance Act:

(1) A statement that the revenues of on-street parking meters shall be pledged to the payment of such bonds as provided in this Act; and

(2) A statement that special assessments shall be levied on benefited property, giving a description of the property which is to be specially benefited and is to be assessed, the basis of assessment, the proportion of the cost to be specially assessed, and the number of equal annual installments in which assessments may be paid. Such installments shall be not less than five nor more than twenty.
Sec. 8. Special Assessments. Any municipality in the State shall have power, through its governing body, upon petition made as herein provided, to provide for the levy of special assessments on benefited property.

A. The Petition. A petition shall be submitted to the governing body of any municipality in the State requesting such governing body to issue bonds for the purpose of paying the cost of parking facilities. Such petition shall (a) designate by a brief description the parking facilities proposed; (b) request that the same be provided as authorized by this Act; (c) set forth a description of the property which is to be specially benefited and is to be assessed; (d) request that such proportion of the cost of such parking facilities as may be specified in the petition be specially assessed against the property in the benefited area; (e) set forth the basis on which such assessments shall be assessed, whether by lineal feet of frontage on streets in the benefited area, by square feet of floor space on property fronting on streets in the benefited area, or by some other fair basis as determined upon by the petitioners. The petition shall be signed by at least a majority in number of the owners of property in the benefited area, who must represent at least a majority of the lineal feet of frontage, square feet of floor space, or other basis on which the assessments shall be assessed. For the purpose of the petition, all the owners of undivided interests in any land shall be deemed and treated as one person and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interests: Provided, that for the purpose of this Section the word "owners" shall be considered to mean the owners of any life estate, of an estate by entirety, or of the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lien holders, or persons having inchoate rights of courtesy or dower. Upon the filing of such petition with the municipality, the clerk, or other person designated by the governing body thereof, shall investigate the sufficiency of the petition, and if it is found to be sufficient, he shall certify the same to the governing body.

B. The Preliminary Resolution. Upon the finding by the governing body that the petition provided for in the preceding subsection is sufficient, the governing body shall adopt a resolution which shall contain substantially the following:

(1) That a sufficient petition has been filed requesting the issuance of bonds for the purpose of paying the cost of parking facilities;

(2) A brief description of the proposed parking facilities;

(3) A description of the property to be specially benefited and assessed, the proportion of the cost of the parking facilities to be specially assessed, the basis of assessment, and the number of equal annual installments in which the assessments may be paid;

(4) A notice of the time and place, when and where a public hearing will be held to hear the objections of all interested persons to (i) the proposed parking facilities, (ii) the property which is to be specially benefited and assessed, (iii) the proportion of the cost of the parking facilities to be specially assessed, (iv) the basis of assessment, and (v) the number
of equal annual installments in which the assessments may be paid, which notice shall state that a petition has been filed requesting the issuance of bonds for the purpose of paying the cost of the parking facilities, shall contain a brief description of the proposed parking facilities and a description of the property to be specially benefited and assessed, shall show the proportion of the cost of the parking facilities to be specially assessed, the basis of assessment, and the number of equal annual installments in which the assessments may be paid, and such notice shall also state that all objections shall be made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time of such hearing, and that any such objections not so made will be waived.

Said notice shall be published one time in a newspaper published in the municipality, or if there be no such newspaper, such notice shall be posted in three public places in the municipality for at least five days, the date of publication or posting of the notice to be not less than ten days prior to the date fixed for the hearing.

C. Public Hearing on Preliminary Resolution. At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the governing body shall consider such objections as have been made in compliance with subsection B (4) above. Any objection not made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time or adjourned time of such hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the governing body, the adoption of the ordinance as provided in the next following subsection, shall be the final adjudication of the issues presented, unless an action or proceeding is commenced to set aside the ordinance or to obtain other relief upon the ground that the ordinance is invalid as provided by Section 160-385 of the General Statutes.

D. Authorizing Ordinance. The governing body shall thereafter determine in its discretion whether or not to proceed with the acquisition or construction of such parking facilities, and if it decides to proceed, it shall then adopt a bond ordinance in accordance with the provisions of Section 7 of this Act.

E. Amount of Assessment Ascertained. Upon the completion of the proposed parking facilities the governing body shall compute and ascertain the total cost thereof. The governing body must thereupon make an assessment in accordance with the terms of the bond ordinance, and for that purpose must make out an assessment roll in which must be entered the names of the persons assessed as far as they can ascertain the same, and the amount assessed against them, respectively, with a brief description of the lots or parcels of land assessed.

F. Filing of Assessment Roll; Publication of Notice of Hearing Thereon. After such assessment roll has been completed, the governing body of the municipality shall cause it to be filed in the office of the clerk of the municipality for inspection by parties interested, and shall cause to be published one time, in some newspaper published in the municipality, or if there be no such newspaper the governing body shall cause to be posted in three public places in the municipality, a notice of the completion of
THE ASSESSMENT ROLL, SETTING FORTH A DESCRIPTION IN GENERAL TERMS OF THE PARKING FACILITIES, AND STATING THE TIME FIXED FOR THE MEETING OF THE GOVERNING BODY FOR THE HEARING OF OBJECTIONS TO THE SPECIAL ASSESSMENTS, SUCH MEETING TO BE NOT EARLIER THAN 10 DAYS AFTER THE FIRST PUBLICATION OR FROM THE DATE OF POSTING OF SAID NOTICE. THE GOVERNING BODY SHALL PUBLISH IN SAID NOTICE THE AMOUNT OF EACH ASSESSMENT.

G. HEARING, REVISION; CONFIRMATION; LIEN. AT THE TIME APPOINTED FOR THAT PURPOSE OR AT SOME OTHER TIME TO WHICH IT MAY ADJOURN, THE GOVERNING BODY OF THE MUNICIPALITY SHALL HEAR THE OBJECTIONS TO THE ASSESSMENT ROLL OF ALL PERSONS INTERESTED, WHO MAY APPEAR AND OFFER PROOF IN RELATION THERETO. THEN OR THEREAFTER, THE GOVERNING BODY SHALL EITHER ANNUL OR SUSTAIN OR MODIFY IN WHOLE OR IN PART THE PRIMA FACIE ASSESSMENT AS INDICATED ON SAID ROLL, EITHER BY CONFIRMING THE PRIMA FACIE ASSESSMENT AGAINST ANY OR ALL LOTS OR PARCELS DESCRIBED THEREIN, OR BY CANCELLING, INCREASING OR REDUCING THE SAME, ACCORDING TO THE SPECIAL BENEFITS WHICH SAID GOVERNING BODY DECIDES EACH OF SAID LOTS OR PARCELS HAS RECEIVED OR WILL RECEIVE ON ACCOUNT OF SUCH PARKING FACILITIES. IF ANY PROPERTY WHICH MAY BE CHARGEABLE UNDER THIS ACT SHALL HAVE BEEN OMITTED FROM SAID ROLL OR IF THE PRIMA FACIE ASSESSMENT HAS NOT BEEN MADE AGAINST IT, THE GOVERNING BODY MAY PLACE ON SAID ROLL AN APPORTIONMENT TO SAID PROPERTY. THE GOVERNING BODY MAY THEREUPON CONFIRM SAID ROLL, BUT SHALL NOT CONFIRM ANY ASSESSMENT IN EXCESS OF THE SPECIAL BENEFITS TO THE PROPERTY ASSESSED AND THE ASSESSMENTS SO CONFIRMED SHALL BE IN PROPORTION TO THE SPECIAL BENEFITS. WHENEVER THE GOVERNING BODY SHALL CONFIRM AN ASSESSMENT FOR PARKING FACILITIES, THE CLERK OF THE MUNICIPALITY SHALL ENTER ON THE MINUTES OF THE GOVERNING BODY AND ON THE ASSESSMENT ROLL, THE DATE, HOUR, AND MINUTE OF SUCH CONFIRMATION, AND FROM THE TIME OF SUCH CONFIRMATION THE ASSESSMENTS EMBRACED IN THE ASSESSMENT ROLL SHALL BE A LIEN ON THE PROPERTY AGAINST WHICH THE SAME ARE ASSESSED OF THE SAME NATURE AND TO THE SAME EXTENT AS COUNTY AND CITY OR TOWN TAXES AND SUPERIOR TO ALL OTHER LIENS AND ENCUMBRANCES. AFTER THE ASSESSMENT ROLL IS CONFIRMED A COPY OF THE SAME SHALL BE DELIVERED TO THE TAX COLLECTOR OF THE MUNICIPALITY.

H. APPEAL TO SUPERIOR COURT. IF THE OWNER OF, OR ANY PERSON INTERESTED IN, ANY LOT OR PARCEL OF LAND AGAINST WHICH AN ASSESSMENT IS MADE IS DISSATISFIED WITH THE AMOUNT OF SUCH ASSESSMENT HE MAY, WITHIN 10 DAYS AFTER THE CONFIRMATION OF THE ASSESSMENT ROLL, GIVE WRITTEN NOTICE TO THE MAYOR OR CLERK OF THE MUNICIPALITY THAT HE TAKES AN APPEAL TO THE SUPERIOR COURT OF THE COUNTY WHEREIN SUCH MUNICIPALITY IS Situated, IN WHICH CASE HE SHALL WITHIN 20 DAYS AFTER THE CONFIRMATION OF THE ASSESSMENT ROLL SERVE ON SAID MAYOR OR CLERK A STATEMENT OF FACTS UPON WHICH HE BASES HIS APPEAL. THE APPEAL SHALL BE TRIED AS OTHER ACTIONS AT LAW. THE REMEDY HEREIN PROVIDED FOR ANY PERSON DISSATISFIED WITH THE AMOUNT OF THE ASSESSMENT AGAINST ANY PROPERTY OF WHICH HE IS THE OWNER OR IN WHICH HE IS INTERESTED SHALL BE EXCLUSIVE.

I. POWER TO ADJUST ASSESSMENTS. THE GOVERNING BODY MAY CORRECT, CANCEL OR REMIT ANY ASSESSMENT FOR PARKING FACILITIES, AND MAY REMIT, CANCEL OR ADJUST THE INTEREST OR PENALTIES ON ANY SUCH ASSESSMENT. THE GOVERNING BODY HAS THE POWER, WHEN IN ITS JUDGMENT THERE IS ANY IRREGULARITY, OMISS...
sion, error or lack of jurisdiction in any of the proceedings relating thereto to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. The proceeding shall be in all respects as in the case of original assessment, and the reassessment shall have the same force as if it had originally been properly made.

J. Payment of Assessment in Cash or by Installments. The property owner against whom an assessment is made shall have the option and privilege of paying the assessment in cash, or if he should so elect and give notice of the fact in writing to the municipality within 30 days after the confirmation of the assessment roll, he shall have the option and privilege of paying the assessments in installments as may have been determined by the governing body in the bond ordinance. Such installments shall bear interest at the rate of six per cent (6%) per annum from the date of the confirmation of the assessment roll, and in case of the failure or neglect of any property owner to pay any installment when the same shall become due and payable, then and in that event all of the installments remaining unpaid shall at once become due and payable and such property shall be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. The whole assessment may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date.

K. Payment of Assessment Enforced. After the expiration of 20 days from the confirmation of an assessment roll the tax collector or such other officer of the municipality as the governing body may direct so to do shall cause to be published in a newspaper published in the municipality, or if there be no such newspaper, shall cause to be posted in at least three public places therein, a notice that any assessment contained in the assessment roll, naming and describing it, may be paid to him at any time before the expiration of 30 days from the first publication of the notice without any addition. In the event the assessment is not paid within such time, it shall bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll. The assessment shall be due and payable on the date on which taxes are payable, provided, that where an assessment is divided into installments one installment shall become due and payable each year on the date on which taxes are due and payable. After default in the payment of any installment, the governing body may, on the payment of all installments in arrears, together with interest due thereon and on reimbursement of any expenses incurred in attempting to obtain payment, reinstate the remaining unpaid installments of such assessment so that they shall become due in the same manner as they would have if there had been no default, and such extension may be granted at any time prior to the institution of an action to foreclose.

L. Sale or Foreclosure for Unpaid Assessments Barred in 10 Years; No Penalties. No statute of limitation, whether fixed by law especially referred to in this Act or otherwise, shall bar the right of the municipality to enforce any remedy provided by law for the collection of unpaid assessments, save from and after 10 years from default in the payment.
thereof, or if payable in installments, 10 years from the default in the payment of any installment. No penalties prescribed for failure to pay taxes shall apply to special assessments, but they shall bear interest at the rate of six per cent (6%) per annum only. In any action to foreclose a special assessment the costs shall be taxed as in any other civil action, and shall include an allowance for the commissioner appointed to make the sale, which shall not be more than five per cent (5%) of the amount for which the land is sold, and one reasonable attorney's fee for the plaintiff.

M. Assessments in Case of Tenant for Life or Years. Whenever any real estate or portion thereof is in the possession or enjoyment of a tenant for life, or a tenant for a term of years, and an assessment is laid or levied on said property, the amount so assessed for such purposes, or a portion of the amount so assessed in case only a portion of the real estate is so possessed, shall be paid by the tenant for life or for years, and the remaindersmen after the life estate, or the owner in fee after the expiration of tenancy for a term of years, pro rata their respective interests in said real estate.

The respective interests of a tenant for life and the remainderman in fee shall be calculated as provided in Section 37-13 of the General Statutes.

If the assessment, after same shall be laid or levied, shall all be paid by either the tenant for life or the tenant for a term of years, or by the remainderman, or the owner in fee, the party paying more than his pro rata share of the same shall have the right to maintain an action in the nature of a suit for contribution against the delinquent party to recover from him his pro rata share of such assessment, with interest thereon from the date of such payment, and be subrogated to the right of the municipality to a lien on such property for the same.

Any one of several tenants in common, or joint tenants, or copartners, shall have the right to pay the whole or any part of the special assessments assessed or due upon the real estate held jointly or in common, and all sums by him so paid in excess of his share of such special assessments, interest, costs and amounts required for redemption, shall constitute a lien upon the shares of his cotenant or associates, payment whereof, with interest and costs, he may enforce in proceedings for partition, actual or by sale, or in any other appropriate judicial proceeding: Provided, the lien provided for in this paragraph shall not be effective against an innocent purchaser for value unless and until notice thereof is filed in the office of the Clerk of the Superior Court in the county in which the land lies and indexed and docketed in the same manner as other liens required by law to be filed in such clerk's office.

N. Apportionment of Assessments. When any special assessment has been made against any property as authorized by this Act, and it is desirable that said assessment be apportioned among subdivisions of said property, the governing body of the municipality shall have authority, upon petition of the owner of said property, to apportion said assessment fairly among said subdivisions. Thereafter, each of said subdivisions shall be relieved of any part of such original assessment except the part thereof apportioned to said subdivision; and the part of said original assessment
apportioned to any such subdivision shall be of the same force and effect as the original assessment.

O. No Change of Ownership Affects Proceedings. No change of ownership of any property or interest therein after the passage of the bond ordinance authorized by this Act shall in any manner affect subsequent proceedings, and the parking facilities may be completed and assessments made therefor as if there had been no change in such ownership.

P. Lands Subject to Assessment. No lands in the municipality shall be exempt from special assessment as provided in this Act except lands belonging to the United States and except as provided in Section 9 hereof: and the governing bodies of municipalities and the officers, trustees or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign the petition for any parking facilities authorized by this Act.

Q. Proceedings In Rem. All proceedings for special assessment under the provisions of this Act shall be regarded as proceedings in rem, and no mistake or omission as to the name of any owner or person interested in any lot or parcel of land affected thereby shall be regarded a substantial mistake or omission.

Sec. 9. Exemption of Property from Taxation. As adequate off-street parking facilities are essential to the health, safety and general welfare of the public, and as the exercise of the powers conferred by this Act to effect such purposes constitute the performance of essential municipal functions, and as parking facilities constructed under the provisions of this Act constitute public property and are used for municipal purposes, no municipality shall be required to pay any taxes or assessments upon any such parking facilities or any part thereof, or upon the income therefrom, and any bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the State.

Sec. 10. Alternative Method. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, either general, special or local.

Sec. 11. Liberal Construction. The provisions of this Act, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect the purposes thereof.

Sec. 12. Provisions of Act Severable. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 13. Inconsistent Laws Inapplicable. All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.
Sec. 14. 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 10th day of April, 1951.

S. B. 270  CHAPTER 705
AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO PROVIDE FOR THE REGISTRATION AND TAXATION OF VEHICLES LEASED BY THE FEDERAL GOVERNMENT TO PRIVATE AND PUBLIC LESSEES.

The General Assembly of North Carolina do enact:

Section 1. Section 20-38 of the General Statutes is hereby amended by adding at the end of subdivision (t) thereof the following:
“For the purposes of this Article, the lessee of a vehicle owned by the Government of the United States shall be considered the owner of said vehicle.”

Sec. 2. Amend Section 20-51 of the General Statutes by rewriting subdivision (e) thereof to read as follows:
“(e) Any vehicle owned and operated by the Government of the United States.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.
In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 298  CHAPTER 706
AN ACT AMENDING CHAPTER 795 OF THE SESSION LAWS OF 1949 RELATING TO THE ISSUANCE OF SCHOOL BUILDING BONDS IN MICRO SCHOOL DISTRICT IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 795 of the Session Laws of 1949 is hereby amended by striking out the words “within two years” in the second line of Section 1 of said Chapter, and inserting in lieu thereof the words “on or before April 4, 1953”.

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 10th day of April, 1951.
S. B. 313

CHAPTER 707

AN ACT TO AMEND THE ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF, SET OUT IN CHAPTER 385, SESSION LAWS 1949, AND AS AMENDED BY CHAPTER 968, SESSION LAWS 1949.

The General Assembly of North Carolina do enact:

Section 1. Article 6 of Chapter 385, Session Laws, 1949, and as amended in Chapter 968, Session Laws, 1949, is hereby amended by adding at the end of said Article 6 the following sections:

"Sec. 6.8. Insurance for terms not exceeding five years.

(a) The board may enter into contracts for any insurance, of any kind which it is permitted by law to carry, for terms not exceeding five years for any policy and for the payment of the premium thereon in annual or such other installments as it may deem advisable.

(b) All contracts for insurance heretofore made by the board for any term in excess of one year are hereby validated.

"Sec. 6.9. Interim appropriations and disbursements.

(a) During the interval between the beginning of any fiscal year and the date of approval of the budget for that year, the board may, from any available funds, make such appropriations and disburse such amounts as it may deem necessary or proper to pay salaries and wages, principal and interest of indebtedness, and all other necessary or proper expenses becoming due and payable during such interval. Each amount so paid shall be chargeable to the proper budget fund thereafter approved for that fiscal year.

(b) During the interval between the beginning of any fiscal year and the date of approval of the budget for that year, the board may make such appropriations and may disburse such amounts as it may deem advisable from any surplus which it has in the capital outlay fund, the current expense fund, the book fund, or the cafeteria fund for the purchase of equipment, materials, and supplies for the then current year. Each amount so used shall be chargeable to the proper budget fund thereafter approved for that fiscal year.

"Sec. 6.10. Investment of surplus funds.

(a) Whenever the board has on deposit in any bank or has otherwise on hand any money belonging to the capital outlay fund, the current expense fund, the debt service fund, the book fund, the cafeteria fund, the nonbudget fund, or any other fund of which it has control, which in the opinion of the board is in excess of the amount required to meet the current needs of such fund, such excess may, by order of the board, be invested in any one or more of the following securities which in the opinion of the board may be readily converted into money:

(1) Bonds, notes, or certificates of indebtedness of the United States of America.
(2) Bonds, notes, or other obligations of any agency or instrumentality of the United States of America, the payment of the principal and interest of which is guaranteed by the United States of America.

(3) Bonds or notes of the State of North Carolina.

(b) Any such securities so purchased by the board shall be sold only upon order of the board. The proceeds of the sale of any such securities shall become a part of the fund used for the purchase of the securities.

"Sec. 6.11. Temporary transfers from one fund to another.

(a) Whenever the board has on deposit in any bank or has otherwise on hand any money belonging to the capital outlay fund, the current expense fund, or the book fund which in the opinion of the board is in excess of the amount required to meet the current needs of such fund, but does not have on hand money belonging to another of these funds necessary to meet the current needs thereof, the board may make a temporary transfer of money from the fund in which there is an excess to the other, provided the amount so transferred will not have the effect of increasing the expenditures from the latter fund beyond the amount of such fund in the approved budget for the then current year. The amount thus transferred shall be returned to the fund from which it was transferred as soon as there is in the fund to which it was transferred a sufficient excess of money above the amount required for its then current needs.

(b) Under similar circumstances and subject to the same restrictions as are set out in subsection (a) of this section, funds may be temporarily transferred from the book fund or the cafeteria fund to the other of such funds, or from the cafeteria fund to the capital outlay fund or the current expense fund; but no such transfers may be made from the capital outlay fund or the current expense fund to the cafeteria fund.

(c) The board may whenever it deems it advisable make a temporary transfer of money from the nonbudget fund to the capital outlay fund, the current expense fund, the book fund, or the cafeteria fund. The amount thus transferred shall be returned to the nonbudget fund as soon as there is in the fund to which it was transferred a sufficient excess of money above the amount required for its then current needs.

(d) All temporary transfers heretofore made by the board from any of the funds referred to in this section to any other of such funds are hereby validated.

(e) Nothing contained in this section shall have the effect of preventing the board from making any appropriation or expenditure which it is otherwise lawfully authorized to make from the nonbudget fund.

"Sec. 6.12. Transfers from one object of expenditure to another. The board may whenever it deems it advisable make a transfer of any portion of the amount of any item in the budget for any year to any other item or items to be paid out of the same fund, the effect of which will be to increase any one or more of such other items and correspondingly to decrease one or more items to be paid out of the same fund, without any increase in the total amount of the expenditures to be made from such fund.

"Sec. 6.13. Use of anticipated capital outlay funds. At any time between the approval of the capital outlay budget for any year by the Board
of Commissioners for the County of Guilford and the levy of taxes for that year by that board, The Board of Trustees of the Greensboro City Administrative Unit may, in the manner otherwise provided by law, enter into any contract or contracts for the purchase of equipment, materials, or supplies or for construction or repair work to be paid for out of the funds to be provided for such capital outlay budget, the total of which contracts does not exceed sixty per cent (60%) of such capital outlay budget for the Greensboro City Administrative Unit.

"Sec. 6.14. When money is available for purchases or contracts for construction or repair work. Money is available for the purchase of equipment, materials, or supplies, or for contracts for construction or repair work, within the meaning of the term "available" as it is used in General Statutes 115-84, either—

(1) When the tax levy has been made for the funds with which such purchases or contracts are to be paid for, whether or not the money has actually been paid over to The Board of Trustees of the Greensboro City Administrative Unit, or

(2) When the capital outlay budget including the funds with which such purchases or contracts are to be paid for has been approved by the Board of Commissioners for the County of Guilford but before the tax levy therefor has been made, if the total of such contracts does not exceed sixty per cent (60%) of such capital outlay budget for the Greensboro City Administrative Unit.

"Sec. 6.15. Additions to duly awarded contracts for construction or repair work. Whenever any contract for construction or repair work is awarded by the board and the board is thereafter of the opinion that changes in or additions to such construction or repair work should be made, the board may, by means of change orders or otherwise as it may deem advisable, and without advertising for bids, enter into a supplemental contract with the person, firm, or corporation to which such contract was awarded for such changes or additions to be made at such price as the board may approve, provided the total additional costs of all such supplemental contracts for any single construction or repair project do not exceed $10,000.00 or ten per cent (10%) of the amount of the total contract awards for such single construction or repair project, whichever is greater. The provisions of General Statutes 143-129 shall not apply to any such supplemental contract."

Sec. 2. Amend Article 7 by adding at the end thereof the following section:

"Sec. 7.4. Transfer of title to school busses. Whenever in the opinion of The Board of Trustees of the Greensboro City Administrative Unit it is advisable to transfer any or all school busses which it owns to the State Board of Education in order that such busses may be operated by the State Board of Education for the transportation of school children within the territorial limits of the Greensboro City Administrative Unit, The Board of Trustees of the Greensboro City Administrative Unit may so transfer title to such school busses without the payment of any compensation therefor."
Sec. 3. Amend Article 8 thereof to read as follows:


"Sec. 8.1. Purposes for which land may be condemned. Any land or easement therein may be condemned which, in the opinion of the board, is required for any of the following purposes:

(1) The construction of school houses or other school buildings;
(2) The construction of water or sewer lines;
(3) Playgrounds for use in connection with any school house then existing or thereafter to be constructed; or
(4) Any other purpose incident to the construction, maintenance, or operation of the schools of the district.

"Sec. 8.2. Alternative methods of condemnation. Whenever land or any easement therein is to be condemned for school purposes, such condemnation may be had, as may be directed by the board, pursuant to either—

(1) The provisions of Chapter 40, entitled 'Eminent Domain' of the General Statutes, or
(2) The provisions of General Statutes 115-85, entitled 'Acquisition of sites'.

"Sec. 8.3. Provisions of this article applicable. The provisions of this article apply to every condemnation proceeding commenced by the board regardless of which of the two methods authorized by Section 8.2 hereof is followed.

"Sec. 8.4. Amount that may be condemned.

(a) The ten-acre limitation provided by General Statutes 115-85 shall not apply to the condemnation of property for school purposes, and such amount of land may be condemned in any case as in the opinion of the board is necessary or proper for the purpose for which condemnation is to be had.

(b) Notwithstanding the provisions of General Statutes 40-10, any dwelling house, kitchen, yard, or garden may be condemned for school purposes without the consent of the owner thereof.

"Sec. 8.5. Effort to purchase not prerequisite. It is not a prerequisite to the condemnation of any land or easement therein for school purposes that the board attempt to acquire the needed property by gift or purchase prior to the commencement of the condemnation proceeding; and an allegation that the board has not been able to acquire title thereto, together with the reasons therefor, is not a necessary allegation of the petition for condemnation.

"Sec. 8.6. Condemnation when member of board is interested. Whenever any member of the board is interested as owner, mortgagee, trustee, lessee, or otherwise in any land required for school purposes, such land may nevertheless be acquired by condemnation; and the condemnation thereof by the board shall not subject such interested member of the board to any civil or criminal liability, notwithstanding the provisions of General Statutes 14-234, if such member does not vote for the condemnation of such land.

"Sec. 8.7. When fee condemned. Whenever any land is condemned the fee shall be condemned unless the board specifically provides otherwise.
"Sec. 8.8. Qualifications of appraisers. The commissioners or appraisers appointed by the clerk of the Superior Court shall be freeholders, and shall be disinterested citizens of the school district.

"Sec. 8.9. Testimony need not be reduced to writing. Notwithstanding the provisions of General Statutes 40-17, testimony taken by the commissioners need not be reduced to writing.

"Sec. 8.10. Board may take nonsuit. At any time after the commencement of a condemnation proceeding and before the clerk confirms the report of the commissioners or appraisers or otherwise makes an order or enters judgment fixing the amount of compensation to be paid for the land sought to be condemned, the board may, upon paying the costs of the proceeding, take a nonsuit.

"Sec. 8.11. Compensation of commissioners or appraisers. The compensation of the commissioners or appraisers shall be fixed by the clerk of the Superior Court of Guilford County, shall be taxed as a part of the costs of the condemnation proceeding, and shall be paid by the board out of district funds.

"Sec. 8.12. When title vests.

(a) Upon payment into the office of the clerk of the Superior Court of Guilford County of the compensation to be paid for the land condemned, as fixed by the order or judgment of the clerk confirming the report of the commissioners or appraisers, or as otherwise fixed by order or judgment of the clerk, the board may enter, take possession of, and hold the land condemned, and,—

(1) If there is no appeal from such order or judgment of the clerk, title to the land condemned shall thereupon vest in the board;

(2) If there is an appeal, and under the final judgment the board is entitled to condemn the land, then upon payment by the board of any additional compensation to which the owner is entitled under the judgment, title to the land condemned shall thereupon vest in the board."

Sec. 4. (a) Amend Article 9 thereof by rewriting Section 9.2 to read as follows:

"Sec. 9.2. Sale of personal property not exceeding $500.00 in value. Any such personal property the value of which, in the opinion of the board, does not exceed five hundred dollars ($500.00) may be sold at private sale, and the board may delegate to any employee of the board authority to make any such sale. No advertisement of any such sale is necessary, the sale is not subject to an upset bid, and the sale, when made pursuant to authority of the board, is final."

(b) Further amend Article 9 by adding at the end of Section 9.4 thereof the following:

"When an increased or upset bid is made for any real property, the order of resale shall be made by the clerk of the Superior Court. No deed for any real property sold pursuant to the provisions of General Statutes 115-86 shall be made unless and until the sale is confirmed by the board. No confirmation of any such sale by the clerk of the Superior Court is necessary."
Sec. 5. Amend Article 13 thereof by rewriting said Article to read as follows:

“Sec. 13.1. Contracts or purchases with cafeteria funds. The board may delegate to the director of cafeterias or to the director of purchase and contract, or to such other employee or employees of the board as it may deem advisable, either general authority or special authority from time to time to make contracts for construction or repair work or to purchase or make contracts for the purchase of equipment, materials, and supplies, for which cafeteria funds are to be used, the amount of all such contracts and purchases, however, to be within the balance of the appropriation for the cafeteria fund for the then current year or otherwise within the balance of cafeteria funds on hand at the time such contracts or purchases are made. The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any such contract or purchase.

“Sec. 13.2. Contracts or purchases with book funds. The board may delegate to the director of purchase and contract, or to such other employee or employees of the board as it may deem advisable, either general authority or special authority from time to time to make contracts for construction or repair work or to purchase or make contracts for the purchase of books, equipment, materials, or supplies, for which book funds are to be used, the amount of all such contracts and purchases, however, to be within the balance of the appropriation for the book fund for the then current year or otherwise within the balance of book funds on hand at the time such contracts or purchases are made. The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any such contract or purchase.

“Sec. 13.3. Sections 13.4 to 13.8 not applicable to book or cafeteria funds. The provisions of Sections 13.4 to 13.8, both inclusive of this article, apply to contracts for construction or repair work or to purchases made with any funds other than book funds or cafeteria funds.

“Sec. 13.4. Contracts for construction or repair work involving $1,000.00 or less.

(a) The provisions of General Statutes 143-129 and 143-131 shall not apply to any contract for construction or repair work involving an expenditure of $1,000.00 or less.

(b) The board may delegate to the director of purchase and contract or to any other employee or employees of the board either general authority or special authority from time to time to make contracts for construction or repair work which contracts do not involve in any one case in excess of $1,000.00, these provisions being subject, however, to the following limitations:

(1) If payment is to be made out of the non-budget fund, the contract shall be made only for a purpose specifically authorized by the board and out of an appropriation made by the board.

(2) If payment is to be made out of any fund other than the non-budget fund (this section not applying to the book fund and the cafeteria fund), the contract shall be made only for a purpose specifically authorized by the
budget and the amount thereof must be within the unexpended balance of the budget appropriation for such fund.

"Sec. 13.5. Contracts for construction or repair work involving more than $1,000.00 but less than $2,500.00. Any contract for construction or repair work involving an expenditure of more than $1,000.00 but less than $2,500.00 may be awarded by the board upon informal bids pursuant to the provisions of General Statutes 143-131. The provisions of General Statutes 143-129 shall not apply to any such contract.

"Sec. 13.6. Contracts for construction or repair work involving expenditure of $2,500.00 or more. Contracts for construction or repair work involving expenditure of $2,500.00 or more shall be subject to the provisions of General Statutes 143-129.

"Sec. 13.7. Purchases or contracts to purchase involving $1,000.00 or less.

(a) The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any purchase or any contract to purchase equipment, materials, or supplies involving an expenditure of $1,000.00 or less.

(b) The board may delegate to the director of purchase and contract or to any other employee or employees of the board either general authority or special authority from time to time to purchase or to make contracts to purchase equipment, materials, and supplies which purchases or contracts do not involve in any one case in excess of $1,000.00, this provision being subject, however, to the following limitations:

"(1) If payment is to be made out of the non-budget fund, the purchase or contract to purchase shall be made only for a purpose specifically authorized by the board and out of an appropriation made by the board.

"(2) If payment is to be made out of any fund other than the non-budget fund (this section not applying to the book fund and the cafeteria fund), the purchase or contract to purchase shall be made only for a purpose specifically authorized by the budget and the amount thereof must be within the unexpended balance of the budget appropriation for such fund."

"Sec. 13.8. Purchases or contracts to purchase involving more than $1,000.00. Where purchases or contracts to purchase equipment, materials, or supplies involving more than $1,000.00 are to be made in accordance with a contract or contracts made by the state division of purchase and contract or with the approval of that division, the board may delegate to the director of purchase and contract or to any other employee or employees of the board either general authority or special authority from time to time to make such purchases or contracts to purchase if the amount thereof is within the unexpended balance of the budget appropriation therefor or if surplus funds are on hand to pay therefor."

Sec. 6. Repeal of conflicting laws. All laws and portions thereof in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 7. Effective date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

673
S. B. 375  

CHAPTER 708

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All the provisions of Chapter 673 of the Session Laws of 1945 shall apply to Columbus County, except:

(a) The license fee prescribed in Section 1 of said Act shall be paid by professional bondsmen or sureties who engage in such business in Columbus County to the tax collector of said county.

(b) The same power and authority with respect to the revocation of licenses of professional bondsmen and sureties vested in the governing board of the City of Wilmington and the governing board of New Hanover County by Section 11 of Chapter 673 of the Session Laws of 1945 with respect to professional bondsmen and sureties is hereby vested in the governing board of Columbus County.

Sec. 2. Section 13 of Chapter 673 of the Session Laws of 1945 is amended by striking out in lines one and two of said Section the words “County only.” and inserting in lieu thereof the words “and Columbus Counties.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 377  

CHAPTER 709

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF A FERRY ACROSS THE CAPE FEAR RIVER BETWEEN FORT FISHER AND SOUTHPOR betray THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AND TO PROVIDE FUNDS FOR THE CONSTRUCTION AND INSTALLATION OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. The State Highway and Public Works Commission is authorized, empowered and directed to install and operate a ferry, including the construction and maintenance of the approaches thereto, across the Cape Fear River. The eastern terminus of such ferry, and approaches thereto, shall be located at or near Fort Fisher, in New Hanover County, and the western terminus of such ferry, and approaches thereto, shall be located at or near Southport, in Brunswick County. The exact location of the ferry, and its approaches, shall be selected by the State Highway and Public Works Commission, and when completed shall become a part of the State Highway System.

Sec. 2. For the purpose of obtaining funds with which to construct and install said ferry, and the approaches thereto, and acquiring the necessary land or rights therefor, the State Treasurer is authorized, by and with the
consent of the Governor and Council of State, to issue and sell not exceeding two hundred thousand dollars ($200,000.00) bonds of the State to be designated "State of North Carolina Highway Serial Bonds" maturing in annual installments on the first day of January, beginning not later than 1956 and running not longer than 1971, the amount of each annual installment to be fixed by the Governor and Council of State. The said bonds shall bear interest at a rate to be fixed by the Governor and Council of State, but not exceeding five per cent (5%) per annum to be payable semiannually on the first days of January and July.

Sec. 3. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer or a facsimile thereof, and said bonds shall be subject to registration and be signed and sealed as is now or may hereafter be provided by law for State bonds, and the form and denominations thereof shall be such as the State Treasurer may determine in conformity with this Act.

Sec. 4. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest, and when the conditions are equal he shall give the preference of purchase to the citizens of North Carolina. All expenses necessarily incurred in the preparation and sale of the bonds shall be paid from the proceeds of such sale.

Sec. 5. The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the Treasurer in the construction funds known as the "State Highway and Public Works Commission Funds," but shall be used only for the purposes of this Act.

Sec. 6. By and with the consent of the Governor and Council of State, who shall determine the rate or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and the Council of State have given consent if the Treasurer shall deem it advisable to postpone the issuance of such bonds.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding if there shall not be sufficient funds in the State Treasury with which to pay such interest or installment as they respectively fall due.

(c) For the renewal of any loss evidenced by notes herein authorized.

Sec. 7. Funds derived from the sale of bonds shall be used in the payment of any bond anticipation notes that may have been issued in antici-
pation of the sale of such bonds and any renewal of such notes, and ferry tolls and other funds provided by the General Assembly for the payment of interest and/or principal of such bonds shall be used in paying the principal and/or interest of any notes or renewals thereof, the proceeds of which shall have been used in paying interest and/or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the Treasurer's discretion.

Sec. 8. The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized.

Sec. 9. The coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Sec. 10. All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

Sec. 11. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds and notes.

Sec. 12. Unless and until otherwise directed by the General Assembly, the State Highway and Public Works Commission shall charge and collect for the privilege of using the ferry herein directed to be constructed and operated, tolls at such rates as will in the judgment of the Commission produce an amount sufficient to pay when due the principal and interest of the bonds and notes herein authorized, and the expense of operation and maintenance of said ferry. The agents and employees whose duty it shall be to collect such tolls shall be required to give bond for their proper accounting of collections in such sum and with such sureties as the Commission shall determine.

Sec. 13. All funds collected as provided for in Section 12 shall be daily deposited with the State Treasurer, as now required by the Daily Deposit Act for the deposits of other State moneys as collected, and the same shall constitute a special fund for the payment of the interest and/or principal on the bonds herein provided for, and/or the interest and/or the principal of the notes issued in anticipation of said bonds and/or the interest and/or principal of any renewal notes thereof. It shall be the duty of the State Treasurer at intervals of six months, or shorter intervals, in his discretion, to pay over said funds to the State Sinking Fund Commission to be invested by it, as provided by law for other sinking funds, to create a fund for the discharge of the bonds and notes herein authorized, together with the interest on the same.

Sec. 14. When the State Sinking Fund Commission, or if there be no such Commission, the State Treasurer shall certify to the State Highway and Public Works Commission that in its or his opinion the tolls received,
after adding any surplus of the bond proceeds remaining over after paying for the ferry, abutments, approaches and necessary land or rights, and after subtracting any other disbursements made necessary because of the erection of the ferry, are sufficient, together with reasonable anticipated interest accretions, to meet the payment of principal and interest upon the bonds herein authorized, then the State Highway and Public Works Commission shall suspend the collection of further tolls for the use of said ferry.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. 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 10th day of April, 1951.

S. B. 414  CHAPTER 710

AN ACT TO AMEND G. S. 6-12 SO AS TO PROVIDE THAT THE SOLICITOR'S FEES COLLECTED IN THE SUPERIOR COURT OF COLUMBUS COUNTY SHALL BE PAID INTO THE GENERAL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:
Section 1. G. S. 6-12 is hereby amended by striking out the period at the end of the first paragraph, and inserting a semicolon in lieu thereof and adding the following:
“Provided, further, that said Solicitor's fees collected in Columbus County shall be paid into the general fund and not into the school funds, of said Columbus County.”

Sec. 2. This Act shall apply only to Columbus County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 420  CHAPTER 711

AN ACT TO AMEND SECTION 18-57 OF THE GENERAL STATUTES RELATING TO THE DIVISION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES BETWEEN EDGECOMBE COUNTY AND THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:
Section 1. Section 18-57 of the General Statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:
“In Edgecombe County, there shall be paid over to the board of county commissioners of said county annually a sum not to exceed fifteen thousand dollars ($15,000.00) from the net profits of the alcoholic beverage control stores located in said county, which said sum shall be placed in a special
account by said board of commissioners and appropriated and used for the operation of the Edgecombe County public libraries in Tarboro, and there shall likewise be paid over to the board of county commissioners of Edgecombe County annually from said net profits above described, an amount not exceeding the sum of five thousand dollars ($5,000.00) to be placed in a special account by said board of commissioners and appropriated and used for the operation of the public libraries in Rocky Mount serving Edgecombe County citizens. The balance of said net profits, after the allocations and appropriations for the libraries above mentioned, derived from the alcoholic beverage control stores located in Edgecombe County shall be allocated and paid to the several municipalities in said county as follows:

“twenty-five per cent (25%) of the net profits shall be paid quarterly to the several municipal corporations within the said county where the alcoholic beverage control stores are located. From such share of the profits six hundred and twenty-five dollars ($625.00) shall be paid each quarter to each municipality in which a store is operated and the remainder of such profits shall be allocated proportionately on the basis of the ratio of the profits derived from the operation of the store or stores in any municipality to the profits derived from the operation of all the stores in all of the municipalities in the county in which such stores are operated. Any balance of said net profits remaining after the appropriations and allocations for the libraries and municipalities above mentioned have been provided for shall be paid quarterly to the board of county commissioners of Edgecombe County for general county purposes.”

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 436

CHAPTER 712

AN ACT RELATING TO THE ELECTION OF SCHOOL COMMISSIONERS FOR THE CITY OF CONCORD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 716, Session Laws of 1947, as amended, be and the same is hereby further amended by rewriting Section 3 of said Chapter so as to read as follows:

“Sec. 3. At the next ensuing election for graded school commissioners at the same time the aldermen and mayor for the City of Concord are elected, there shall be elected at large of and by the qualified voters of said city, one commissioner, and in each of said wards there shall be elected separately of and by the qualified voters therein one commissioner for each ward, to serve for terms of four years.”

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 10th day of April, 1951.

S. B. 445

CHAPTER 713

AN ACT TO AUTHORIZE THE WAYNE COUNTY BOARD OF COMMISSIONERS TO INVEST CERTAIN COUNTY FUNDS.

The General Assembly of North Carolina do enact:

Section 1. Monies in the General Fund Debt Service Fund of Wayne County and in the Public School Fund of Wayne County may be invested by the Board of County Commissioners of Wayne County, in its discretion, in either bonds, notes or certificates of indebtedness of the United States of America, or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in bonds of any county, city or town of North Carolina, provided the price paid for such securities shall not be in excess of the then-current market price, and that the sale thereof shall not be at a price less than the market price existing at the time of the sale, and provided further that such investments shall be accounted for in the budgets of the department for which the investment is made.

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 475

CHAPTER 714

AN ACT AMENDING CHAPTER 651, PUBLIC LAWS OF 1909, AS AMENDED, RELATING TO THE GREENSBORO MUNICIPAL-COUNTY COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 651, Public Laws of 1909, as amended, is hereby further amended as follows:

(1) By rewriting Section 32 to read as follows:
"Sec. 32. Civil Jurisdiction; Jurisdiction of the Cause of Action. (a) In addition to the jurisdiction hereinbefore conferred upon the Greensboro Municipal-County Court, the court shall, subject to the provisions of Section 34 hereof, have the following civil jurisdiction:

(1) Concurrent jurisdiction with the justices of the peace in all civil matters, actions, and proceedings within the jurisdiction of justices of the peace, including, but not limited to, actions in summary ejectment, actions to enforce liens provided for by Chapter 44 of the General Statutes entitled Liens, and actions for the recovery of personal property."
(2) Concurrent jurisdiction with the Superior Court of civil actions wherein the sum demanded, exclusive of interest, or the value of the property in controversy, does not exceed $2,000.00, including, but not limited to, actions to enforce liens provided for by Chapter 44 of the General Statutes, entitled Liens, and actions for the recovery of personal property.

(b) The Greensboro Municipal-County Court shall not have any jurisdiction in equity nor shall it have any jurisdiction of any action wherein the title to real estate is in controversy.

(c) It is the intent of this Act that in any case where The Greensboro Municipal-County Court has jurisdiction of the cause of action, whether such cause of action is within the jurisdiction of justices of the peace or of the Superior Court, the process of the court may run anywhere within the State, notwithstanding the provisions of General Statutes 1-93 and 7-139 or of any other general or special Act, and that the running of such process outside of Guilford County in those cases within the jurisdiction of justices of the peace shall not be limited to those cases in which the process of courts of the justices of the peace would run outside the county.

(2) By renumbering paragraphs a, b, c, and d of Section 34 as (1), (2), (3), and (4), respectively.

(3) By striking out of Section 35 the words, “The Municipal Court of the City of Greensboro”, and inserting in lieu thereof the words, “The Greensboro Municipal-County Court”.

(4) By striking out the colon after the words, “Criminal Division”, where they first occur in Section 36 and inserting a period in lieu thereof; and by striking out the remainder of the Section.

(5) By renumbering the present Section 37 as Section 37 (a), and adding at the end of the present Section the following subsection: “(b) The Board of Commissioners for the County of Guilford is hereby authorized and empowered to pay such portion of the salary of the Judge of the Civil Division of The Greensboro Municipal-County Court as may be agreed upon by that board and the City Council of the City of Greensboro.”

(6) By striking out of Section 39 the words “the Municipal Court” and inserting in lieu thereof the words, “The Greensboro Municipal-County Court”, and by inserting between the words “all” and “process” the following: “affidavits,”.

(7) By inserting between the words “on” and “Sunday” in Section 40 the following: “Saturday,”; and by striking out the period after the word “Greensboro” and adding thereafter the words, “or by the judge of the Civil Division. A session of the court may be held on any Saturday when the judge of the Civil Division so orders.”

(8) By striking out Section 41 and inserting in lieu thereof the following: “Section 41. Prosecution Bond; Cash Deposit; Fee for Service of Summons and Other Costs. (a) No prosecution bond shall be required in any action instituted in The Greensboro Municipal-County Court; but, at the time of the commencement of any action, the plaintiff shall pay to the clerk of said court costs in accordance with the following schedule:
1. In actions within the civil jurisdiction of justices of the peace $3.00
2. In all other actions ................................................................. 6.00
3. In all cases where a provisional or ancillary remedy is sought,
an additional fee of ................................................................. 1.00

"(b) In addition to the foregoing the plaintiff shall also pay to the clerk
of said court an amount sufficient to cover the fees for the service of all
process issued in connection with the commencement of such action.

"(c) The clerk of said court shall require payment in advance of the
cost set out below for the issuance of any of the following:

Subpoena, issuing .........................................................$.25 plus service fee
Transcript of judgment .............................................. .50
Return to notice of appeal ............................................. 1.00
Execution, issuing ......................................................... 1.00 plus service fee

"(d) In addition to the witness fees provided for by Section 51/2d of this
Act, the court, in its discretion, may in any case allow expert witness fees,
the same to be taxed as part of the costs of the action."

(9) By striking out the words "the Municipal Court" in Section 42 (a)
and inserting in lieu thereof the words "The Greensboro Municipal-County
Court".

(10) By striking out subsection (c) of Section 42 and inserting in lieu
thereof the following:

"(c) Time for Trial or for Appearance and Pleading. In those cases
where no written complaint is filed, the summons shall direct the defendant
or defendants to appear in the Civil Division of The Greensboro Municipal-
County Court at an hour and upon a day and at a place designated for the
trial of the action, which day shall be not earlier than the third day and
not later than the thirtieth day after the date of the summons. In those
cases where a written complaint is filed pursuant to the plaintiff's election
as provided by Section 44(b), the summons shall direct the defendant to
appear and answer not later than twenty days from service of the sum-
mons. In those cases where the summons runs outside of Guilford County
the provisions of subsection (g) of this Section apply."

(11) By striking out subsection (e) of Section 42 and inserting in lieu
thereof the following:

"(e) Service of Summons. The summons shall be served and returned
as provided by law for the service and return of summons issued from the
Superior Court, except that, in those cases where the summons fixes the
date for trial at a time less than ten days from the date of the summons,
the summons shall be effective only until the date fixed for the trial, and
if not served within that time shall be returned with the officer's return of
non-service thereon. Upon the return of any summons to the court, the
clerk shall report to the attorney for the plaintiff, if the name of the attor-
ney appears on the summons, the date of service on each defendant, or
if service was not obtained on any defendant the fact thereof; but failure
of the clerk to make such report shall not invalidate the service of the
summons."
(12) By striking out of Section 42(g) the words, "chapter four hundred and twenty-one, Public Laws one thousand nine hundred and thirty-one" and inserting in lieu thereof the following: "General Statutes 1-92".

(13) By adding at the end of Section 42 the following: "(h) Service by Publication. Service by publication may be had as provided by law for service by publication in actions in the Superior Court."

(14) By changing the period at the end of Section 44(a) to a semicolon and adding next thereafter the following: "Provided, however, the judge, in his discretion, may order written pleadings to be filed in any action in the court, regardless of whether the amount involved is or is not in excess of the jurisdiction of a justice of the peace."

(15) By striking out of Section 44(b) the words "where the amount involved is in excess of the jurisdiction of a Justice of the Peace," and inserting in lieu thereof the following: ", regardless of whether the amount involved is or is not in excess of the jurisdiction of a justice of the peace,"; and by striking out the word "ten" wherever it appears in the Section and inserting in lieu thereof the word "twenty".

(16) By changing the period at the end of Section 44(b) to a comma and adding next thereafter the following: "and may be rendered in actions within the jurisdiction of a justice of the peace."

(17) By striking out subsection (d) of Section 44 and inserting in lieu thereof the following:

"(d) When the summons runs outside of Guilford County, written pleadings shall be required and shall be subject to and governed by the laws and rules applicable to actions in the Superior Court."

(18) By renumbering the present Section 45 as 45(a) and by adding at the end thereof the following:

"(b) In all cases where a trial is to be had upon written pleadings filed by the parties, the judge shall fix the time for the trial, and the clerk shall notify the parties or their attorneys of the time so fixed."

(19) By striking out of Section 45½ the words "Section forty-four, subsection (b) as herein provided" and inserting in lieu thereof the words "Sections 39 and 44."

(20) By rewriting Section 46 to read as follows:

"Section 46. Costs Taxed. (a) In every case disposed of by the Civil Division of the court the costs shall be taxed as provided by Sections 5½ (d) and 41 of this Act.

"(b) Every return to a notice of appeal shall show therein the costs taxed in the court, and upon final determination of the appeal the Clerk of the Superior Court shall include such costs in the costs taxed in that court."

(21) By striking out of Section 47 the words "the Municipal Court" and inserting in lieu thereof the words, "The Greensboro Municipal-County Court".

(22) By striking out of Section 48(b) the words "the Municipal Court" and inserting in lieu thereof the words "The Greensboro Municipal-County Court"; by striking out the word "rules" and inserting in lieu thereof the
word "law"; and by inserting a period after the words "justices of the peace" and striking out the remainder of the Section.

(23) By striking out of Section 49 the words "the Municipal Court" and inserting in lieu thereof the words "The Greensboro Municipal-County Court."

(24) By striking out Section 50 and inserting in lieu thereof the following:

"Section 50. Procedure with Respect to Appeal. (a) The procedure with respect to appeals to the Superior Court shall be as follows:

(1) The appealing party must give notice of appeal in open court at the time the judgment is rendered or serve written notice of appeal on the opposing party, or his attorney, and on the Clerk of The Greensboro Municipal-County Court, (2) secure from that clerk a return to the notice of appeal and pay the cost therefor, (3) pay the Clerk of the Superior Court of Guilford County such fees and advance deposits as may be required by law, and (4) file the prosecution bond when required under Section 49 of this Act. Whereupon the Clerk of the Superior Court of Guilford County shall docket the appeal of the action for trial de novo in the Superior Court.

(b) Such of the foregoing Acts as may be necessary for the perfecting of an appeal to the Superior Court of Guilford County may be done at any time within fifteen days after the date of the judgment appealed from and said appeal must be perfected within fifteen days after the date of the judgment appealed from."

(25) By striking out of Section 51 the words "the Municipal Court" wherever they occur in the Section and inserting in lieu thereof the words "The Greensboro Municipal-County Court."

(26) By changing the period at the end of the first sentence of Section 51 to a comma and adding next thereafter the following: "and that court shall have jurisdiction thereof, regardless of the township in which the parties reside, if individuals, or in which they have their principal places of business, if corporations."

(27) By renumbering the present Section 51 as Section 51(a) and adding at the end of the present Section the following:

"(b) The judge of the Greensboro Municipal-County Court shall have authority, in his discretion, to remove any action commenced in that court to the Superior Court of any county except Guilford County which would have had jurisdiction of the action if originally commenced in such Superior Court."

(28) By striking out of Section 52 the words "the Municipal Court" and inserting in lieu thereof the words "The Greensboro Municipal-County Court."

(29) By striking out of Section 53 the last two sentences thereof.

(30) By striking out of Section 54 the words "the Municipal Court" and inserting in lieu thereof the words "The Greensboro Municipal-County Court."

(31) By striking out of Section 56 the words "the said Municipal Court" and inserting in lieu thereof the words "The Greensboro Municipal-County Court".
Sec. 2. All laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 481  CHAPTER 715

AN ACT TO AMEND CHAPTER 68 OF THE PRIVATE LAWS OF 1921, RELATING TO THE CHARTER OF THE TOWN OF JACKSON SPRINGS, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 68 of the Private Laws of 1921 is stricken out and the following is substituted in lieu thereof:

"Sec. 4. W. E. Graham is hereby appointed mayor of said town, and O. S. Richardson, Charles Dilling, and K. C. Blake are hereby appointed aldermen of said town. Charles Cole is hereby appointed constable of said town. The said officers shall hold their respective offices until their successors shall be elected and qualified as hereinafter provided."

Sec. 2. The first sentence of Section 7 of Chapter 68 of the Private Laws of 1921 is stricken out and the following is substituted in lieu thereof:

"On Tuesday after the first Monday in May, 1953, and biennially thereafter, there shall be held in said town an election by the qualified voters thereof, at which election there shall be elected a mayor, a constable and a board of three aldermen who shall take office on the first Monday in June next succeeding their election and shall hold office for two years and until their successors are elected and qualified."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 484  CHAPTER 716

AN ACT TO CREATE A MUNICIPAL BOARD OF ELECTIONS FOR THE CITY OF ALBEMARLE, NORTH CAROLINA, AND TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR MUNICIPAL OFFICERS IN THE CITY OF ALBEMARLE BY PRIMARY.

The General Assembly of North Carolina do enact:

Section 1. That a municipal board of elections is hereby created for the City of Albemarle, North Carolina, consisting of a chairman and two members who shall be appointed on or before January 31, 1953 and biennially thereafter by the Board of Commissioners for the City of Albemarle, and who shall serve for a term of two years, and until their successors are appointed and qualified.
Sec. 2. The municipal board of elections, created by Section 1 of this Act, is hereby clothed, in addition to the powers and authority herein bestowed, with all the powers and authority heretofore exercised by the Governing Board of the City of Albemarle, with respect to municipal elections under Article 3 of Chapter 160 of the General Statutes of North Carolina.

Sec. 3. That political parties in the City of Albemarle, North Carolina, shall nominate their candidates for municipal offices in said city by primary election held as hereinafter provided and such primary shall be held on Tuesday after the first Monday in April preceding the general election.

Sec. 4. Candidates for nomination shall file with the municipal board of elections, at least ten (10) days prior to holding any primary, written notice of their intention to be candidates in substantially the following form:

I, ..........................................., hereby give notice that I am a qualified voter and resident of the City of Albemarle, North Carolina; that I am a candidate for the nomination to the office of .................................................. in the primary election to be held on ............................................ I affiliate with the ............................................ Party, and I hereby pledge myself to abide by the results of said primary, and to support in the next general election all candidates nominated by the ............................................ Party.

Signed: ............................................

Sec. 5. The municipal board of elections shall prepare and cause to be printed the primary ballot of each political party and said ballot shall be arranged and printed substantially in the manner following:

(1) At the top of the ballot shall be printed in large capital letters words designating the ballot; if a Democratic ballot, the designating words shall be "Democratic Primary Ballot;" if a Republican ballot, the designating words shall be "Republican Primary Ballot," and in like manner for each political party.

(2) Beginning not less than one inch below the designating word, the name of each office to be filled shall be printed in capital letters, the candidates for mayor coming first. Below the name of each office shall be printed in small letters the directions to the voters, "Vote for one," "Vote for two," or a spelled number designating the number of persons under that head that are to be voted for. Below the name of each office shall be printed in capital letters the names of all candidates for the nomination of said office which are entitled to be placed upon the respective primary ballot. The names of all candidates on the primary ballot shall be printed in type of uniform size, and the names shall be printed in column. Immediately opposite in front of the name of each candidate shall be printed a square, and all squares upon the primary ballot shall be of uniform size. Spaces below the names of candidates under each office shall be uniform, and sufficient space shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion. The size of the ballot shall be determined by the municipal board of elections.

Sec. 6. In all cases where there is only one aspirant for nomination for mayor to be voted on by his political party, and only five aspirants for nomination for city commissioner to be voted on by their political party, the municipal board of elections, upon the expiration of the time for filing
the notice, as required in Section 4, shall declare them the nominee of their party, and their names shall not thereafter be placed on the primary ballot. In case there shall be any office for which no one has filed his declaration for nomination during the proper term, it shall be filled by the executive committee of the political party in which the vacancy appeared; such vacancies shall be filled at least five days before the primary, and the nomination shall be certified by the municipal board of elections as provided in this Section.

Sec. 7. The municipal board of elections shall cause to be delivered to the registrar of each precinct not less than twenty-four hours before the time fixed for the opening of the polls the official primary ballot of each political party, and the number thereof for each political party in each precinct shall be at least one hundred for each fifty votes cast in each precinct by the said political party at the last preceding election.

Sec. 8. The municipal board of elections during the week beginning with the first Monday in March preceding a primary under this Act shall appoint a registrar and two poll holders for each precinct and the poll holders in each precinct shall be members of different political parties. All registrars and poll holders appointed pursuant to this Section shall have been bona fide residents of the City of Albemarle for twelve months next preceding their appointment. The registrars shall open the municipal registration books on the fourth Saturday preceding the day of holding the primary and said registration books shall be closed on the second Saturday preceding the day of holding the primary, and challenges shall be made, heard, and determined during the week preceding the day for holding the primary; provided, the foregoing provision shall not be construed to prevent any elector from challenging any one who offers to vote on primary day. If there are no candidates to be voted on in said primary of the same political party of the poll holder, then such poll holder shall not serve on primary day, nor shall he be entitled to any compensation. Any person offering to vote may be challenged by an elector, and if the party affiliation of the voter is in doubt, he shall be required to make oath of such affiliation.

Sec. 9. The registrar and poll holders shall immediately, and upon the closing of the polls, count the ballots and ascertain the number of votes cast for each of the candidates, and make return thereof to the municipal board of elections upon blanks to be furnished by the board. On the day following the primary election the municipal board of elections shall canvass such returns so received and shall publicly make known the results. The candidate who receives a plurality of the votes cast for the office for which he was a candidate shall be the nominee of said party for such office.

Sec. 10. To provide funds for holding such primary and paying the expenses thereof, each candidate shall at the time of their declaration of intention to seek nomination pay to the municipal board of elections the amount named in this Section, and failing to pay the same, shall not be entitled to participate in said primary. All candidates for mayor shall pay the sum of fifteen dollars ($15.00) and all candidates for city commissioner or any other elective office shall pay the sum of ten dollars ($10.00). The municipal board of elections shall turn over to the City Clerk of Albemarle
all sums collected as herein provided. The city clerk shall use the funds raised by these assessments to pay the expenses of the primary. If there is a deficit, then the City of Albemarle shall pay the remainder of said expenses. The registrars and poll holders shall receive the same compensation allowed for conducting a general election. The members of the municipal board of elections shall receive compensation in amount equal to the compensation received by members of the Stanly County Board of Elections.

Sec. 11. It shall be unlawful for any person to make or cause to be made any copy or copies of the official ballots as sent out by the municipal board of elections, and no other ballots other than those provided in Section 5 of this Act shall be used or voted in said primary. Any violation of this Section by any person shall constitute a misdemeanor. Nothing in this Act shall prevent any elector from writing or otherwise inserting any name on the ballot of a person for whom he wishes to vote.

Sec. 12. Should any political party as defined by this Act, fail to enter the primary as herein prescribed and nominate their candidate accordingly, in that event, no ticket bearing the name of any candidate or members of the political party so failing to comply with this Act shall be permitted to be voted on at the ensuing municipal election.

Sec. 13. A political party within the meaning of this Act shall be every political party, association or group of voters which at the last preceding general State election polled for its candidate for Governor, or for presidential electors in the State, at least 500 votes in the County of Stanly.

Sec. 14. All provisions of the State-wide election laws of the State applicable to municipalities not inconsistent with this Act shall apply as fully to the primary herein provided.

Sec. 15. It shall be the duty of the municipal board of elections to publish in some newspaper published in the City of Albemarle, at least ten days prior to the opening of the registration books, notice stating the dates when said books will open, the names of the registrars, and the location of the polling places, together with the date of the primary. Said notice shall be published at least three (3) times.

Sec. 16. No official or employee of the City of Albemarle nor any relative of such official or employee shall be eligible to serve as an election official in any election to be held under the provisions of this Act.

Sec. 17. That if any Section, or part of any Section, of this Act is declared to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Act shall not thereby be invalidated.

Sec. 18. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 19. This Act shall be in full force and effect from and after January 1, 1953.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.
S. B. 492

CHAPTER 717

AN ACT TO AMEND CHAPTER 225 OF THE SESSION LAWS OF 1949 RELATING TO SCHOOL BUILDING CONSTRUCTION IN WAYNE AND FRANKLIN COUNTIES SO AS TO MAKE THE PROVISIONS OF SAID ACT EXTEND UNTIL JULY 1, 1953.

The General Assembly of North Carolina do enact:

Section 1. Chapter 225 of the Session Laws of 1949 is hereby amended by striking out in Section 2 the words and figures “July 1st, 1951” and inserting in lieu thereof “July 1st, 1953”.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 513

CHAPTER 718

AN ACT RELATING TO THE APPOINTMENT OF CERTAIN LOCAL SCHOOL COMMITTEEMEN IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-354 is amended by adding at the end thereof the following:

“In Montgomery County, the board of education shall appoint as a member of the school committee of the Star-Ether School District one member who shall be a resident of that area which constituted the Ether School District prior to the year 1933. In appointing the members of the school committee for the Mount Gilead-Wadeville School District, said board shall appoint one member who is a resident of that area which constituted the Wadeville School District prior to the year 1933.”

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 10th day of April, 1951.

S. B. 515

CHAPTER 719

AN ACT TO FIX CERTAIN FEES OF SHERIFFS, MAYORS, JUSTICES OF THE PEACE, AND OTHER OFFICERS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Duplin County fees to be charged by sheriffs, mayors, justices of the peace, and other officers shall be as hereinafter set out:

Provided, that when a fee is not fixed herein, such fee shall be charged as is now provided by law in Duplin County:
### BILL OF COST IN CIVIL MATTERS

#### Fees of Justices of the Peace

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summons</td>
<td>$0.30</td>
</tr>
<tr>
<td>Additional Defendants</td>
<td>$0.15</td>
</tr>
<tr>
<td>Affidavit</td>
<td>$0.25</td>
</tr>
<tr>
<td>Plaintiff's Undertaking</td>
<td>$0.35</td>
</tr>
<tr>
<td>Order to Seize Property</td>
<td>$0.35</td>
</tr>
<tr>
<td>Affidavit for Removal</td>
<td>$0.25</td>
</tr>
<tr>
<td>Order of Removal</td>
<td>$0.25</td>
</tr>
<tr>
<td>Subpoena</td>
<td>$0.15</td>
</tr>
<tr>
<td>Trial When Issue Joined</td>
<td>$1.50</td>
</tr>
<tr>
<td>Trial When No Issue Joined</td>
<td>$1.00</td>
</tr>
<tr>
<td>Transcript of Judgment</td>
<td>$0.15</td>
</tr>
<tr>
<td>Execution of Judgment</td>
<td>$0.35</td>
</tr>
<tr>
<td>Return on Appeal</td>
<td>$0.50</td>
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<tr>
<td>Docketing of Appeal</td>
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</tr>
<tr>
<td>Jury Trial and Entering Verdict</td>
<td>$1.50</td>
</tr>
</tbody>
</table>

#### Fees of Other Officers in Civil Cases

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serving Summons</td>
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</tr>
<tr>
<td>Seizing Property</td>
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<tr>
<td>Serving Subpoena</td>
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<tr>
<td>Execution</td>
<td>$2.00</td>
</tr>
<tr>
<td>Summoning Jury (Regular or Special)</td>
<td>$0.30</td>
</tr>
</tbody>
</table>

### BILL OF COST IN CRIMINAL CASES

#### Fees of Justices of the Peace

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<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affidavit</td>
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</tr>
<tr>
<td>Warrant</td>
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<tr>
<td>Subpoenas</td>
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<tr>
<td>Commitment</td>
<td>$0.50</td>
</tr>
<tr>
<td>Recognizance (not over two witnesses to be recognized for each material fact)</td>
<td>$0.10</td>
</tr>
<tr>
<td>Judgment contested</td>
<td>$1.50</td>
</tr>
<tr>
<td>Judgment not contested</td>
<td>$1.00</td>
</tr>
<tr>
<td>Affidavit for Removal</td>
<td>$0.25</td>
</tr>
<tr>
<td>Order of Removal</td>
<td>$0.25</td>
</tr>
<tr>
<td>Capias and Order</td>
<td>$0.50</td>
</tr>
</tbody>
</table>

#### Fees of Other Officers in Criminal Cases

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest</td>
<td>$2.00</td>
</tr>
<tr>
<td>Subpoena</td>
<td>$0.30</td>
</tr>
<tr>
<td>Capias</td>
<td>$2.00</td>
</tr>
<tr>
<td>Conveying to jail, when distance is over five miles</td>
<td>$2.50</td>
</tr>
</tbody>
</table>

#### Sec. 2. In criminal actions instituted and heard before mayors of incorporated cities and towns in Duplin County, the fee shall be the same as those herein fixed for justices of the peace.
Sec. 3. Section 3 of Chapter 739 of the Session Laws of 1947 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after June 1, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 518

CHAPTER 720

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS AND THE TRIAL JUSTICE COURT OF THE TOWN OF TARBORO TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the chief of police and each and every member of the Police Department of the Town of Tarboro are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Tarboro as are now exercised by police officers within the corporate limits of said town.

Sec. 2. The Trial Justice Court of the Town of Tarboro is hereby granted the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Tarboro as are now exercised within the corporate limits of said town.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 10th day of April, 1951.

S. B. 527

CHAPTER 721

AN ACT TO AMEND CHAPTER 824 OF THE SESSION LAWS OF 1947 SO AS TO APPOINT MEMBERS OF THE ALCOHOLIC BEVERAGES CONTROL BOARD OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In accordance with the provisions of Section 1 of Chapter 824 of the Session Laws of 1947, the following named persons are hereby appointed as members of the Alcoholic Beverages Control Board of Halifax County: John F. Vincent, Roanoke Rapids, North Carolina; H. W. Rothrock, Enfield, North Carolina; H. H. Riddick, Scotland Neck, North Carolina; W. T. Stephenson, Halifax, North Carolina; R. H. Ward, Littleton, North Carolina. The five members of said board herein appointed shall, on or before the first day of June, 1951, meet and comply with the requirements of Chapter 824 of the Session Laws of 1947. The members of the board herein appointed shall hold office for a period of two years from
and after the first day of June, 1951, and until their successors are appointed and qualified. Their successors in office shall be appointed by a subsequent Act of the General Assembly.

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 10th day of April, 1951.

S. B. 557

CHAPTER 722

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES FIXING THE TERMS OF THE SUPERIOR COURT FOR NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes, fixing the terms of the Superior Court for New Hanover County in the Eighth Judicial District, is hereby rewritten to read as follows:

"New Hanover—Seventh Monday before the first Monday in March, a term of one week for the trial of criminal cases only; fourth Monday before the first Monday in March, a term of two weeks for the trial of civil cases only; first Monday before the first Monday in March, a term of two weeks for the trial of criminal cases only; first Monday after the first Monday in March, a term of two weeks for the trial of civil cases only; sixth Monday after the first Monday in March, a term of two weeks for the trial of civil cases only; eleventh Monday after the first Monday in March, a term of one week for the trial of criminal cases only; twelfth Monday after the first Monday in March, a term of two weeks for the trial of civil cases only; fourteenth Monday after the first Monday in March, a term of one week for the trial of criminal cases only; sixth Monday before the first Monday in September, a term of one week for the trial of criminal cases only; third Monday before the first Monday in September, a term of one week for the trial of criminal cases only; second Monday before the first Monday in September, a term of two weeks for the trial of civil cases only; fourth Monday after the first Monday in September, a term of one week for the trial of criminal cases only; fifth Monday after the first Monday in September, a term of two weeks for the trial of criminal cases only; ninth Monday after the first Monday in September, a term of two weeks for the trial of criminal cases only; thirteenth Monday after the first Monday in September, a term of two weeks for the trial of civil cases only."

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 June 30, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

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S. B. 559

CHAPTER 723

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES FIXING THE TERMS OF THE SUPERIOR COURT FOR BRUNSWICK COUNTY IN THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes, fixing the terms of the Superior Court for Brunswick County in the Eighth Judicial District, is hereby rewritten to read as follows:

"Brunswick—Sixth Monday before the First Monday in March, a term of one week for the trial of civil and criminal cases; Third Monday before the First Monday in March, a term of one week for the trial of civil cases only; Fifth Monday after the First Monday in March, a term of one week for the trial of civil cases only; Tenth Monday after the First Monday in March, a term of one week for the trial of civil and criminal cases; Second Monday after the First Monday in September, a term of one week for the trial of civil and criminal cases; Fourth Monday after the First Monday in September, a term of one week for the trial of civil cases only."

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 June 30, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

S. B. 567

CHAPTER 724

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF 1903, THE SAME BEING THE CHARTER OF THE TOWN OF FOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. That Section 5 of Chapter 115 of the Private Laws of 1903 is hereby amended by rewriting the same to read as follows:

"Section 5. There shall be held on the first Tuesday in May in the year 1951 and biennially thereafter, in some convenient place in said town to be designated by said commissioners, an election for mayor and commissioners under the laws of the State prescribing the manner of election for municipal officers. The mayor and commissioners shall serve for a term of two (2) years and until their successors have qualified. The officials so elected shall take office at noon on the first Monday immediately following such election, and the terms of office of incumbents theretofore elected shall expire when the newly-elected officials qualify. All persons desiring to become a candidate for the office of mayor or commissioner shall file a notice of candidacy with the town clerk not less than five (5) days prior to the date of the election. All candidates for the office of mayor shall be required to pay a filing fee of five dollars ($5.00) and all candidates for the office of commissioner shall pay a filing fee in the sum of one dollar ($1.00)."
Sec. 2. That Section 7 of Chapter 115 of the Private Laws of 1903 is hereby amended by rewriting the same to read as follows:

"Section 7. The Board of Commissioners shall have power to levy and collect annual taxes for municipal purposes upon all persons and property and subjects of taxation in accordance with the procedure and limitation established by the General Statutes for municipal corporations."

Sec. 3. Section 8 of Chapter 115 of the Private Laws of 1903 is hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon and after the date of its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 100

CHAPTER 725

AN ACT TO VALIDATE WILLS WHICH HAVE BEEN RECORDED BUT DO NOT SHOW ANY ORDER OF PROBATE AND RECORDING.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 31 of the General Statutes be, and the same hereby is, amended by adding a new Section, to be designated as Section 31-31.2, to read as follows:

"Section 31-31.2. Validation of wills when recorded without order of probate or registration upon oath and examination of subscribing witness or witnesses. Whenever any last will and testament has been duly presented to the Clerk of the Superior Court, and the said will together with the oath and examination of the subscribing witness or witnesses thereto taken before a notary public in the county in which the will is probated, or taken before a notary public of any other county, or before the Clerk of the Superior Court of said county, or any other county, is duly recorded in the office of the Clerk of the Superior Court of the said county, without a formal order of probate or registration, such will, if executed in accordance with the laws of this State, is hereby validated with respect to the probate and registration thereof and shall be sufficient to pass title to all real and personal property purporting to be transferred thereby to the same extent that the said will would have done so if there had been a formal order of probate and registration. This Act shall apply only to wills presented to the Clerk of the Superior Court and recorded prior to the first day of January, 1943."

Sec. 2. That this Act shall not affect pending litigation.

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

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

In the General Assembly read three times and ratified, this the 10th day of April, 1951.
H. B. 112

CHAPTER 726

AN ACT TO PRESCRIBE REGULATIONS FOR THE WAIVER OF INDICTMENT.

The General Assembly of North Carolina do enact:

Section 1. Section 15-140 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"15-140. Waiver of Indictment in Misdemeanor Cases. In any criminal action in the Superior Courts where the offense charged is a misdemeanor, the defendant may waive the finding and return into court of a bill of indictment. If the defendant pleads not guilty, the prosecution shall be on a written information, signed by the solicitor, which information shall contain as full and complete a statement of the accusation as would be required in an indictment. No waiver of a bill of indictment shall be allowed by the court unless by the consent of the defendant's counsel in such action who shall be one either employed by the defendant to defend him in the action or one appointed by the court to examine into the defendant's case and report as to the same to the court. The provisions of this Section shall not apply to any case heard in the Superior Court on an appeal from an inferior court.

Sec. 2. A new Section 15-140.1 is hereby enacted to read as follows:

"15-140.1. Waiver of Indictment in non-capital Felony Cases. In any criminal action in the Superior Courts where the offense charged is a felony, but not one for which the punishment may be death, the defendant may waive the finding and return into court of bill of indictment when represented by counsel and when both the defendant and his counsel sign a written waiver of indictment. Where the finding and return into court of a bill of indictment charging the commission of a felony is waived by the defendant, the prosecution shall be on an information signed by the solicitor. The information shall contain as full and complete a statement of the accusation as would be required in an indictment. The written waiver by the defendant and his counsel shall appear on the face of the information." Such counsel shall be one either employed by the defendant to defend him in the action or one appointed by the court to examine into the defendant's case and report as to the same to the court.

Sec. 3. Waiver of indictment may not be withdrawn except with the approval of the presiding judge.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 10th day of April, 1951.
H. B. 260

CHAPTER 727

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT OLIVE SO AS TO EXTEND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Section 2, Chapter 201 of the Private Laws of 1905, as amended by Chapter 182 of the Private Laws of 1911, as further amended by Chapter 31 of the Public-Local Laws of 1939, is amended by striking out all of Section 1 of Chapter 31, Public-Local Laws of 1939, and inserting in lieu thereof the following:

"Section 1. The corporate limits of said town shall be as follows:

Beginning at a point in the center of the right of way of the A. C. L. Railroad, near Davis' sawmill and runs thence with the center of said railroad right of way N. 40 12 E. 243.85 feet to a point in the center of said right of way; thence leaving said right of way and running to and with the southern edge of Budd Street S. 54 57 E. 1999.7 feet to a point in the eastern edge of the Albritton farm road (Church Street Extension); thence with the eastern edge of said road S. 4 51 W. 281.6 feet to a point in the eastern edge of said road; thence leaving said road, S. 81 52 E. 3114.17 feet; thence N. 3-50 E. 1592.45 feet; thence N. 42 40 E. crossing the Mount Olive-Kenansville Highway (James Street Extended) 1574.4 feet; thence N. 1440.6 feet; thence W. 649.5 feet to a point in East College Street; thence N. 23 01 E. 2154.5 feet to a point in the northern edge of the Old Seven Springs road; thence with the northern edge of said road N. 88 56 E. 450.15 feet to a concrete post at the intersection of the northern edge of the Old Seven Springs road and the western edge of Hilltop Road; thence with the western edge of Hilltop Road N. 0 27 E. 589.2 feet to a concrete post at the intersection of the western edge of Hilltop Road and the southern boundary of State Highway 55; thence crossing Highway 55, N. 81 51 W. 1009.5 feet to a point just north of the Wilkins residence; thence S. 89 34 W., crossing the A. C. L. Railroad 989.2 feet to a point in the western boundary of the A. C. L. right of way, corner of the Mount Olive Pickle Company's property; thence N. 55 09 W. 1537.95 feet to a point in a ditch; thence N. 20 01 E. 912.92 feet to a point in a road, just South of the airport; thence N. 49 58 W., crossing Federal Highway 117, 560 feet; thence S. 31 46 W. 1232.5 feet to a point in the center of the Grantham Store road; opposite the center of a ditch; thence S. 28 31 W. 1556.98; thence N. 69 46 W. 820 feet; thence S. 45 44 W. 1059.42 feet to the corner of the schoolhouse fence; thence with that fence S. 62 07 W. 565.08 feet to another corner of that fence; thence N. 54 54 W. 663.09 feet; thence S. 40 09 W. (crossing Main Street Extension) 450 feet; thence S. 49 51 E. 900.75 feet; thence S. 59 52 W. 1962.2 feet; thence S. 19 13 E. 198.25 feet to a point in the Smith Chapel Road (Highway 55); thence crossing Highway 55 S. 49 05 E. 2198.06 feet; thence S. 30 57 W. 3035.6 feet to a point in the northern edge of the old Calypso Road; thence crossing Federal Highway 117 S. 66 47 E. 640.7 feet to the point of beginning, containing 1026.32 acres, more or less. All corners are marked by iron pipes."

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Sec. 2. From and after the calendar year of 1951, all property and polls within the boundary of the corporate limits as hereinbefore set forth, shall be subject to tax, as provided by law, to be levied and established and collected by the governing body of the Town of Mount Olive.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-by repealed.

Sec. 4. 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 10th day of April, 1951.

H. B. 276

CHAPTER 728

AN ACT RELATING TO THE LISTING OF TANGIBLE PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-302 (4), as it appears in the 1949 Supplement, is amended by adding at the end thereof the following:

"Any such property located in the county under the conditions specified in this Section, which has not been listed therein for ad valorem taxes, shall be subject to seizure by the sheriff or tax collector of the county and held by him until the same is properly listed and all taxes to which such property would have been subject to, if it had been regularly and properly listed, together with the costs incident to the seizure and storage charges is paid and if such property is not properly listed and the taxes and assessments thereon paid, the sheriff, after giving (30) days notice to the person having such property in custody at the time of its seizure, shall sell the same after advertisement according to law, and out of the purchase price pay such taxes and assessments, storage charges and costs of sale and retain for himself five per cent (5%) of the purchase price for services rendered in the seizure and the sale."

Sec. 2. This Act shall apply to Caswell, Orange and Person Counties only.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-by repealed.

Sec. 4. 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 10th day of April, 1951.

H. B. 298

CHAPTER 729

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO FIX THE TAX YEAR FOR THE SIX PER CENT (6%) GROSS REVENUE MOTOR VEHICLES TAX AS THE PERIOD FROM JANUARY 1 THROUGH DECEMBER 31 OF EACH YEAR.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-90 of the General Statutes by adding there-to the following:
“Whenever a contract carrier or a flat rate common carrier of property becomes a regular common carrier of property subject to the six per cent (6%) gross revenue tax under this Chapter during the license renewal period, December 1 to January 31, said carrier’s gross revenue for the six per cent (6%) tax purpose shall be all the revenue earned from operations on and after the January 1 following the carrier’s change to a regular common carrier if such change is made in December and shall be all the revenue earned from operations on and after the January 1 preceding the carrier’s change to a regular common carrier if such change is made in January.

“Whenever a regular common carrier of property subject to the six per cent (6%) gross revenue tax under this Chapter becomes a flat rate common carrier of property or a contract carrier during the license renewal period, December 1 to January 31, said carrier’s gross revenue for the six per cent (6%) tax purposes shall be all the revenue earned from operations up to and including operations on the December 31 following the carrier’s change to a flat rate common carrier or a contract carrier if such change is made in December and shall be all the revenue earned from operations up to and including operations on the December 31 preceding the carrier’s change to a flat rate common carrier of property or a contract carrier if such change is made in January.”

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 10th day of April, 1951.

H. B. 330

CHAPTER 730

AN ACT TO AMEND CHAPTER 48 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO BIRTH CERTIFICATES FOR ADOPTED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Sec. 48-29 of the General Statutes, as the same appears in the 1949 Cumulative Supplement, is hereby amended by striking out the period appearing in line 20, inserting a colon in lieu thereof and adding after the word “omitted” in the same line the following: “Provided, that when the adoptive parents reside in another state at the time of adoption, the city and county of birth of the child shall be the same on the new birth certificate as on the original certificate.”

Sec. 2. Subsection (b) of Sec. 48-29 of the General Statutes, as the same appears in the 1949 Cumulative Supplement, is hereby amended by deleting the words “state of birth”, as the same appear in lines 9 and 10 of said subsection and by inserting in lieu thereof the words “city and county of birth as shown on the new certificate”. 
Sec. 3. Subsection (b) of Sec. 48-29 of the General Statutes, as the same appears in the 1949 Cumulative Supplement, is hereby further amended by adding at the end of said subsection the sentence: "When one of the adoptive parents of the child, or the child, shall so request, a full copy of the new certificate prepared in accordance with subsection (a) may be issued."

Sec. 4. Subsection (c) of Sec. 48-29 of the General Statutes, as the same appears in the 1949 Cumulative Supplement, is hereby rewritten in its entirety so as to read as follows:

"(c) The State Registrar shall not issue to registers of deeds copies of birth certificates for adopted children. Certified copies of such record shall be issued by the State Board of Health only, and such copies shall be prepared in accordance with subsection (b). This Section shall not be construed to prohibit issuance of copies of certificates now on file in the office of the register of deeds."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 547

CHAPTER 731

AN ACT TO AMEND THE LAW RELATING TO PUBLIC DRUNKENNESS IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 215 of the Session Laws of 1949 is hereby repealed.

Sec. 2. Subsection 8 of G. S. 14-335, as the same appears in the Cumulative Supplement of 1949, is hereby amended by inserting a period after the word "county" in the seventh line of said subsection and by striking out the words "and in Graham County." as the same appear in the seventh and eighth lines of said subsection.

Sec. 3. Subsection 1 of G. S. 14-335, as the same appears in the Cumulative Supplement of 1949, is hereby amended by inserting the word "Graham," after the word "Gaston" and before the word "Greene" as the same appears in the fifth line of said subsection 1.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.
H. B. 555    CHAPTER 732

AN ACT TO AMEND CHAPTER 993 OF THE SESSION LAWS OF 1949
ENTITLED "AN ACT FOR THE BETTER ENFORCEMENT OF
LAW IN PINEHURST, MOORE COUNTY, NORTH CAROLINA" SO
AS TO PERMIT THE HOLDING OF BEER AND WINE REFEREN-
DUMS THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 993 of the Session Laws of 1949 is amended by
adding a new Section to be designated as Section 5-1/2 and to read as
follows:

"Upon a petition being filed with the Moore County Board of Elections
signed by at least fifteen per cent (15%) of the registered voters of Moore
County, residing in the territory described in Section 1 of said Chapter
993 of the Session Laws of 1949, who voted for Governor in the last general
election, so requesting, the said board of elections shall call an election
to determine whether or not beer and/or wine, as defined in G. S. 18-64,
may be sold in said territory."

The petition and procedure in calling and holding such an election shall,
insofar as practical, and not inconsistent with this Act, be the same as
provided in G. S. 18-127.

G. S. 18-124(f), insofar as it relates to Moore County and any munici-
pality or territory therein, is rewritten to read as follows:

"No beer and/or wine election may be held in Moore County or any
municipality or territory therein within sixty (60) days of the holding
of any primary or general election for the nomination or election of county
officials or the officials of any municipality therein."

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 full force and effect from and after its
ratification.

In the General Assembly read three times and ratified, this the 10th
day of April, 1951.

H. B. 570    CHAPTER 733

AN ACT TO AMEND G. S. 20-116 AS TO THE AUTHORITY OF THE
STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO DESIG-
NATE TRUCK ROUTES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (h) of G. S. 20-116 is hereby amended by re-
writing said subsection to read as follows:

"(h) Wherever there exist two highways of the primary State High-
way System of approximately the same distance between two or more
points, the State Highway and Public Works Commission shall have author-
ity, when in the opinion of the Commission, based upon engineering and
traffic investigation, safety will be promoted or the public interest will
between said points, and to prohibit the use of the other highway by heavy
be served thereby, to designate one of said highways the ‘truck route’
trucks or other vehicles of a gross vehicle weight or axle load limit in
excess of a designated maximum. In such instances the highways so
selected for heavy vehicle traffic shall be so designated as ‘truck routes’
by signs conspicuously posted thereon, and the highways upon which heavy
vehicle traffic is prohibited shall likewise be so designated by signs con-
spicuously posted thereon showing the maximum gross vehicle weight or
axle load limits authorized for said highways. The operation of any vehicle
whose gross vehicle weight or axle load exceeds the maximum limits
shown on such signs over the highway thus posted shall constitute a mis-
demeanor: Provided, that nothing herein shall prohibit a truck or other
motor vehicle whose gross vehicle weight or axle load exceeds that pre-
scribed for such highways from using such highway when the destination
of such vehicle is located solely upon said highway, road or street: Pro-
vided, further, that nothing herein shall prohibit passenger vehicles or
other light vehicles from using any highways so designated for heavy
truck traffic.”

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 full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 10th
day of April, 1951.

H. B. 584

CHAPTER 734

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS
OF NASH COUNTY TO LEVY A SPECIAL TAX FOR THE SUP-
PORT OF THE COUNTY POOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-152, as it appears in the 1949 Cumulative Supple-
ment to the General Statutes, is amended by striking out the word “Nash,”
in the fourth line of the second paragraph of said Section.

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 10th
day of April, 1951.

H. B. 618

CHAPTER 735

AN ACT TO PROHIBIT THE USE OF FIREARMS IN THE PROX-
IMITY OF LIVESTOCK IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person willfully and inten-
tionally to discharge a pistol, rifle, shotgun or other firearm within 300
yards of any domestic livestock not belonging to him unless such person
first procures the permission of the owner of such domestic livestock or unless such person is immediately engaged in hunting birds or animals, the killing of which is not prohibited by the laws of North Carolina, on land of which he is the owner, lessee or licensee: Provided, that nothing in this Act shall make it unlawful for any person to defend himself against an unlawful attack; and provided further, that nothing in this Act shall have the effect of modifying or repealing any ordinance now in force in any municipality in Davidson County.

Sec. 2. This Act shall apply only to Davidson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective after July 1st, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 623

CHAPTER 736

AN ACT AUTHORIZING AN ELECTION UPON THE LEVYING OF CERTAIN SPECIAL AD VALOREM TAXES IN THE CITY OF HENDERSON IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Henderson, in Vance county, is hereby authorized and empowered, in its discretion, to submit to the qualified voters of the City of Henderson the question of the levy and collection of an annual ad valorem tax of not to exceed one cent (1c) on each one hundred dollars ($100.00) of assessed valuation of the taxable property within the City of Henderson for the support of school bands in the public schools in the city, and the question of the levy and collection of an annual ad valorem tax of not to exceed one-fourth of one cent (¼ of 1c) on each one hundred dollars ($100.00) of assessed valuation of the taxable property within the City of Henderson for the support of military units located in the City of Henderson, both purposes being hereby declared to be proper public and municipal purposes.

Sec. 2. The said questions may be submitted at the same election or at separate elections, and may be submitted at a regular municipal election, or at a special election, such elections to be held and conducted in the same manner as elections are held to determine the question of the issuance of bonds.

Sec. 3. If either one or both of said questions shall be approved by the voters of the city by receiving the vote of a majority of the qualified voters of the City of Henderson who shall vote thereon, the governing body of the City of Henderson is hereby authorized and empowered to levy and collect the ad valorem tax the levy of which is so approved, such ad valorem tax to be in addition to all taxes authorized by any other special or general Act, and such ad valorem tax shall be levied and collected as other general taxes are levied and collected on all the taxable property within the City of Henderson. The funds so derived from the levy of such ad valorem tax shall be expended exclusively for the purpose for which they are voted.

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Sec. 4. The governing body shall prepare a statement showing the number of votes cast for and against each question submitted, and declare the result of the election, which statement shall be signed by a majority of the members of the governing body and delivered to the city clerk who shall record it in the minutes of the governing body and file the original in his office and publish it once.

Sec. 5. 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 30 days after the publication of such statement of result.

Sec. 6. Any steps and proceedings heretofore taken in connection with submitting either one or both of such questions to the qualified voters of the City of Henderson, be and the same are hereby in all respects ratified, approved, confirmed and validated.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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 10th day of April, 1951.

H. B. 647 CHAPTER 737
AN ACT TO AMEND CHAPTER 23 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO THE LEVYING OF CERTAIN SPECIAL TAXES IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 23 of the Public-Local Laws of 1935 is amended by striking out in line four of said Section the word and figures “twelve (12c)” and inserting in lieu thereof the word and figures “eighteen (18c)”.

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 10th day of April, 1951.

H. B. 671 CHAPTER 738
AN ACT TO AMEND SECTIONS 18-45 AND 18-57 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO LAW ENFORCEMENT AND THE DIVISION OF PROFITS FROM ABC STORES BETWEEN NASH COUNTY AND THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Section 18-45 of the General Statutes is amended by adding at the end thereof a new paragraph to read as follows:
"Notwithstanding the provisions of subsection (o) of this Section, in Nash County the Board of Alcoholic Control is authorized to expend for law enforcement the sum of not less than five per cent (5%) nor more than ten per cent (10%) of the total net profits to be determined by quarterly audits in such manner as to secure the maximum amount of results, and to this end the board is authorized, in its discretion and with the approval of the Board of County Commissioners of Nash County, to expend said fund in cooperation with the sheriff’s department of Nash County."

Sec. 2. Section 18-57 of the General Statutes is amended by adding at the end thereof a new paragraph to read as follows:

"In Nash County, twenty-five per cent (25%) of the net profits shall be paid quarterly to the several municipal corporations within said county where the Alcoholic Beverage Control Stores are operated, such profits shall be allocated proportionately on the basis of the ratio of the profits derived from the operation of the store or stores in any one municipality to the profits derived from the operation of all the stores in all the municipalities in the county in which such stores are operated. Seventy-five per cent (75%) of the net profits shall be paid quarterly to the Board of County Commissioners of Nash County for general county purposes."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 10th day of April, 1951.

H. B. 672

CHAPTER 739

AN ACT TO PROVIDE FOR THE REASSESSMENT AND REVALUATION OF REAL PROPERTY IN CAMDEN COUNTY FOR AD VALOREM TAX PURPOSES AND TO AUTHORIZE THE LEVYING OF A SPECIAL TAX TO PAY THE EXPENSES THEREOF.

WHEREAS, Camden County has not had an actual and thorough re-appraisal of real property in said county for ad valorem tax purposes for a long number of years, which has resulted in real property tax valuations becoming seriously unequalized; and

WHEREAS, it is probable that many new improvements constructed in recent years upon real estate may be escaping taxation or may be assessed a valuation, if on the tax books, at a disproportionate valuation in comparison with other properties; and

WHEREAS, because of the magnitude of the tax involved in effectuating a complete revaluation and reassessment of property in the county part of the expenses thereof will have to be met from the proceeds of a special tax levy, such expense not being an annual recurring one such as is ordinarily provided for in the annual budget of the county: Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. The Commissioners of Camden County are hereby authorized to order and carry through a complete reassessment and revaluation of all of the taxable real property located in the County of Camden for ad valorem tax purposes as of January 1, 1952. The reassessment and revaluation shall be effectuated in the same manner as regular quadrennial reassessments and revaluations are carried through under the provisions of the Machinery Act, being Chapter 310 of the Public Laws of 1939, as amended, and being also subchapter II of Chapter 105 of the General Statutes, and all of the provisions of said Machinery Act shall apply to such revaluation and reassessment.

Sec. 2. In order to defray the extraordinary expenses of carrying through the reassessment and revaluation provided for in Section 1, the Board of Commissioners of Camden County is hereby authorized to levy for the fiscal year 1951-52 a special tax not in excess of fifteen cents (15c) on the one hundred dollars ($100.00) valuation.

Sec. 3. In the event the debt service levy of twenty-eight cents (28c) on the one hundred dollars ($100.00) valuation for the fiscal year 1950-51 shall produce an excess over the amount of money required to retire all of the outstanding bonded indebtedness of Camden County (exclusive of the school bonded indebtedness, for which a separate levy is made), both due and to become due, including principal and interest, then such excess may, in the discretion of the commissioners, be applied upon the expense of carrying forward the revaluation and reassessment authorized in Section 1.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 10th day of April, 1951.

H. B. 680  
CHAPTER 740  
AN ACT RELATING TO THE JURISDICTION OF ELECTED SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

Section 1. A Judge of the Superior Court elected by a vote of the people or his successor appointed to fill a vacancy as provided by law, duly assigned to hold the courts of a county or judicial district, or holding such courts by exchange or otherwise as provided by law, shall have the same powers in the district in open court and in chambers as the resident judge or any judge regularly assigned to hold the courts of the district would have, which jurisdiction in chambers shall extend until the term is adjourned or the term expires by operation of law, whichever is later.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 684

CHAPTER 741

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF SANFORD, IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Sanford, in Lee County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 708

CHAPTER 742

AN ACT TO REGULATE THE SPEED OF CERTAIN MOTOR VEHICLES WHILE OPERATING OVER STREETS OF THE TOWN OF WALLACE.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to drive or operate a tractor-trailer vehicle on or over any public street in the Town of Wallace at a speed in excess of twenty-five (25) miles per hour, and no such vehicle shall follow another similar vehicle within 150 feet while being operated on or over the public streets of said town, provided, this provision shall not be construed to prevent one vehicle from passing another when such passing is permitted by law.

Sec. 2. It shall be unlawful for any person to drive or operate any motor truck or other vehicle not mentioned in Section 1 hereof on or over any public street in the Town of Wallace which has an overall length of more than twenty-one (21) feet or with a gross weight of or in excess of 18,000 lbs. at a speed in excess of twenty-five (25) miles per hour, and no such vehicle shall follow another similar vehicle within 150 feet while being operated on or over the public streets of said town, provided this provision shall not be construed to prevent one vehicle from passing another when such passing is permitted by law.

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Sec. 3. Any person violating this Act or any provision hereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars ($25.00).

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 10th day of April, 1951.

H. B. 713

CHAPTER 743

AN ACT PROVIDING FOR THE ELECTION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION FOR TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the primary and general election to be held in Transylvania County in the year 1952, there shall be nominated and elected in accordance with the general laws governing such primaries and elections, excepting as hereinafter specifically provided, five persons who shall constitute the County Board of Education of Transylvania County, and shall upon election and qualification constitute the county board of education, no confirmation by the General Assembly of North Carolina being required.

Sec. 2. At the election held hereunder in the year 1952, the candidate receiving the highest number of votes shall be declared elected for a term of six years; the two candidates receiving the next highest number of votes shall be declared elected for terms of four years each; and the two remaining candidates shall be declared elected for terms of two years each. In the event of a tie vote in either the primary or the general election, the county board of elections is hereby authorized and directed to break the tie.

The five candidates so elected shall serve for the period of their respective terms or until their successors are elected or appointed and qualified.

Sec. 3. At the time of the primary and general election first following the expiration of the respective terms of the several members of the county board of education elected in 1949, and every two years thereafter a primary and election shall be held to elect successors to the members whose terms expire, such successors to be elected for terms of two years each. Nothing contained in this Act shall be construed to bar any member of the county board of education from succeeding himself in office.

Sec. 4. Any vacancy occurring in the membership of the county board of education by reason of death, removal, resignation, or otherwise shall be filled for the unexpired term in the same manner as prescribed in G. S. 115-41.

Sec. 5. Except as otherwise specifically provided in this Act, all primaries and elections authorized hereunder shall be called, conducted, and the results declared in accordance with the general laws governing such primaries and elections.
Sec. 5½. The members of the board of education elected as provided in this Article shall be subject to confirmation by the next regular session of the General Assembly in the same manner as is prescribed by law for county boards of education in the several counties of the State.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 725

CHAPTER 744

AN ACT FIXING FEES, COMMISSIONS AND COSTS TO BE COLLECTED BY THE CLERK OF SUPERIOR COURT AND THE CLERK OF THE GENERAL COUNTY COURT OF ALAMANCE COUNTY NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Fees and commissions to be charged by the Clerk of Superior Court and the Clerk of the General County Court of Alamance County shall be those set out in Sections 5 to 104, both inclusive of this Act; provided, however, that the fee or commission to be charged by the Clerk of Superior Court or the Clerk of the General County Court of Alamance County for any item shall be that provided by the General Statutes of North Carolina, if no fee or commission for such item is fixed in this act. The provisions of the General Statutes of the State of North Carolina applicable to collection of fees and commissions by Clerks of Superior Court shall be applicable to the collection by the Clerk of the Superior Court and the Clerk of the General County Court of Alamance County of the fees and commissions fixed by this Act.

Sec. 2. The Clerk of the Superior Court and the Clerk of the General County Court of Alamance County shall charge no fee for the following:

(a) Administering oath of office to any official or employee of the State of North Carolina, of Alamance County or any territorial subdivision thereof, or any municipality within said county who is required by law to take such oath.

(b) Taking official bond and acknowledgments thereon, of any public official of Alamance County or any territorial division thereof.

(c) Certificate and seal on any university or college loan fund note.

(d) Certificate that fiduciary has filed final account.

(e) Proceeding to commit patient to veterans hospital or governmental asylum.

(f) Commitment to State hospital where mentally disordered person has no estate and family financially unable to pay.

Sec. 3. Definition of fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, persons or corporation administering or accountable for, as executor, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a.d.b.n., collector, guardian, trustee, commis-
Superior

cents (25c).

includes any person or persons or corporation whose account or accounts the
clerk is authorized or directed or required, by law or any order of the
Superior Court, to audit or approve.

Sec. 4. The term "copy sheet" as used in this Act shall be construed
to mean one hundred words.

Sec. 5. Acknowledgements, twenty-five cents (25c).

Sec. 6. Adoption proceeding, total clerk’s fee in and for the entire
proceeding to be Ten Dollars ($10.00).

Sec. 7. Affidavit: Administering oath and making jurat, twenty-five
cents (25c).

Sec. 8. Alien registration, one dollar ($1.00).

Sec. 9. Appeal from clerk to the judge, one dollar ($1.00).

Sec. 10. Appeal from justice of peace or from any inferior court to
the Superior Court, one dollar ($1.00).

Sec. 11. Appeal to Supreme Court, including certificate and seal, two
dollars ($2.00).

Sec. 12. Appointment of fiduciaries:

(a) Executors: Application, oath, docketing, indexing and issuing let-
ters testamentary in triplicate, two dollars and fifty cents ($2.50).

(b) Administrators: Application, oath, taking bond and justification,
docketing, indexing and issuing letters in triplicate two dollars and fifty
cents ($2.50).

(c) Collectors: Application, oath, taking bond and justification, docket-
ing, indexing and issuing letters in triplicate, two dollars, and fifty cents
($2.50).

(d) Guardians: Application, oath, docketing, taking bond and justifica-
tion, indexing and issuing letters in triplicate, two dollars and fifty cents
($2.50).

Sec. 13. Approval of bond, with or without seal, one dollar ($1.00).

Sec. 14. Approval of judge of commitment of mentally disordered per-
son to private institution, one dollar ($1.00).

Sec. 15. Attachment order, fifty cents (50c).

Sec. 16. Capias, each defendant, one dollar ($1.00).

Sec. 17. Caveat to will, costs computed as in other civil actions.

Sec. 18. Certificate, twenty-five cents (25c).

Sec. 19. Certificate of dissolution or domestication, recording and in-
dexing, one dollar ($1.00).

Sec. 20. Change of Name: Entire proceeding before the clerk and
certificate as to change, with seal, eight dollars ($8.00).

Sec. 21. Commission, including but not limited to commission to take
deposition, with seal, one dollar ($1.00).

Sec. 22. Commitment of mentally disordered person to state hospital
or private institution, two dollars and fifty cents ($2.50).

Sec. 23. Competency proceeding:

(a) Proceeding to declare person incompetent, total clerk’s fee in and
for the entire proceeding to be ten dollars ($10.00).
(b) Proceeding to declare person competent, total clerk's fees in and for the entire proceeding to be ten dollars ($10.00).

Sec. 24. Confession of judgment, total clerk's fees in and for the entire proceeding to be three dollars ($3.00).

Sec. 25. Confirmation or approval of clerk's order of judgment by the judge, fifty cents (50c).

Sec. 26. Confirmation of sale, whether signed by judge or clerk, one dollar ($1.00).

Sec. 27. Continuance: In civil cases, fifty cents (50c); in criminal cases, thirty cents (30c) for each defendant.

Sec. 28. Copying record or paper on file, forty cents (40c) per copy sheet.

Sec. 29. Copy of summons, twenty-five cents (25c).

Sec. 30. Cross-indexing of judgment in civil and criminal cases, twenty-five cents (25c) for the first defendant and ten cents (10c) for each additional defendant.

Sec. 31. Cross-indexing judgment or confirmation in special proceeding, twenty-five cents (25c) for the first defendant and ten cents (10c) for each additional defendant.

Sec. 32. Deed of separation, taking acknowledgment of husband and/or wife, with special examination of wife, with or without seal, one dollar and fifty cents ($1.50).

Sec. 33. Divorce actions, where no answer is filed, thirteen dollars ($13.00), plus process tax of two dollars ($2.00); and no other fees shall be charged under this Act, and no fee shall be charged for first certified copy of the judgment.

Sec. 34. Docketing indictment, one dollar ($1.00) for each defendant in bill.

Sec. 35. Docketing judgment in civil or criminal case, fifty cents (50c).

Sec. 36. Docketing summons, fifty cents (50c).

Sec. 37. Docketing warrant, fifty cents (50c).

Sec. 38. Docketing and indexing sheriff's levy, one dollar and fifty cents ($1.50).

Sec. 39. Docketing petition in Ex Parte proceeding, one dollar ($1.00).

Sec. 40. Execution against person and docketing the return, one dollar ($1.00).

Sec. 41. Execution against specific property and docketing the return, one dollar ($1.00).

Sec. 42. Execution on money judgment and docketing the return, one dollar ($1.00).

Sec. 43. Execution for possession of property and docketing the return, one dollar ($1.00).

Sec. 44. Filing and indexing bond required of commercial college or business school and notice of approval of State Board of Education, two dollars ($2.00).

Sec. 45. Filing and indexing fiduciary's inventory, one dollar ($1.00). In addition thereto, forty cents (40c) for each copy sheet or fraction for recording.
Sec. 46. Filing papers, each civil action and special proceeding, twenty-five cents (25c).

Sec. 47. Filing written motions, fifty cents (50c).

Sec. 48. Final judgment in criminal cases, one dollar ($1.00) for each defendant.

Sec. 49. Habeas corpus, entire proceeding, seven dollars ($7.00).

Sec. 50. Hearing before Clerk: Two dollars ($2.00) for each hour or fraction thereof. Minimum fee, two dollars ($2.00).

Sec. 51. Inebriacy proceeding, total clerk's fees in and for entire proceeding to be eight dollars ($8.00).

Sec. 52. Injunction: Taking bond or undertaking and justification, one dollar ($1.00).

Sec. 53. Injunction order, one dollar ($1.00).

Sec. 54. Issuing citation, fifty cents (50c).

Sec. 55. Issuing transcript, printed form, seventy-five cents (75c), which includes issuance of certificate of satisfaction.

Sec. 56. Issuing transcript, irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction of a page, which includes issuance of certificate of satisfaction.

Sec. 57. Judgment, signing of, in civil action by clerk or judge, whether interlocutory or final, one dollar ($1.00), for each defendant.

Sec. 58. Judgment, signing of, in special proceeding by clerk or judge, whether interlocutory or final, one dollar ($1.00) for each defendant. In no case shall the fee exceed five dollars ($5.00).

Sec. 59. Judgment Nisi and issuing Sci Fa for defaulting witness, jurors or surety on bail bond or recognizance, five dollars ($5.00); no additional fees for recording of minutes, docketing and indexing to be charged.

Sec. 60. Jury tax: On every indictment or criminal proceeding tried or otherwise disposed of, the party convicted or adjudged to pay the cost shall pay a jury tax of four dollars ($4.00). In civil actions the party adjudged to pay the costs shall pay a jury tax of five dollars ($5.00); but this tax shall not be charged in any civil action unless a jury is empaneled.

Sec. 61. Legitimation proceeding, entire proceeding, before clerk, and copy of order, seven dollars and fifty cents ($7.50).

Sec. 62. Letters of appointment of fiduciary: Each certified copy with seal, fifty cents (50c).

Sec. 63. Liens: Filing, docketing and recording and indexing, two dollars ($2.00).

Sec. 64. Limited partnership agreement, filing and indexing, two dollars ($2.00).

Sec. 65. Lis pendens, docketing notice of, recording, indexing and cancelling, seventy-five cents (75c) for the first page, plus fifty cents (50c) for each additional page or fraction.

Sec. 66. Notary public, qualifying, indexing and notification to Governor, seventy-five cents (75c).

Sec. 67. Notice, whether signed by clerk or judge, fifty cents (50c) plus ten cents (10c) for each person in excess of one to whom notice is to be given.

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Sec. 68. Notifying solicitor of removal of guardian, one dollar ($1.00).
Sec. 69. Order of arrest, each defendant, one dollar ($1.00).
Sec. 70. Order in claim and delivery, fifty cents (50c).
Sec. 71. Order extending time for pleading in civil actions and special proceedings, twenty-five cents (25c).
Sec. 72. Order, not otherwise provided for, whether signed by judge or clerk, fifty cents (50c).
Sec. 73. Five per cent commissions shall be allowed the clerk on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office; and three per cent on all sums of money not exceeding five hundred dollars placed in his hands by virtue of his office, except on judgments, decrees, executions and deposits under article three of chapter fifty-four; and upon the excess over five hundred dollars of such sum, one per cent.
Sec. 74. Partnership or assumed named certificate, filing and indexing, one dollar ($1.00).
Sec. 75. Permit to purchase or receive weapon, fifty cents (50c).
Sec. 76. Registering weapons, twenty-five cents (25c).
Sec. 77. Petition and order, one dollar and fifty cents ($1.50), in addition to recording fee.
Sec. 78. Photographer's bond (or other bond of similar nature), filing and indexing, two dollars ($2.00).
Sec. 79. Postage, actual amount necessarily expended.
Sec. 80. Preparing bill of cost, fifty cents (50c).
Sec. 81. Presentment, one dollar ($1.00), for each defendant.
Sec. 82. Probate of any instrument (except will), twenty-five cents (25c).
Sec. 83. Probate of chattel mortgage and conditional sales agreement, twenty-five cents (25c).
Sec. 84. Probate of will in common form: Taking depositions of witness and entering certificate of probate and recording first four sheets of will, two dollars and fifty cents ($2.50); each additional sheet or fraction, one dollar ($1.00).
Sec. 85. Recognizance: Where no bond is taken, twenty-five cents (25c) for each person.
Sec. 86. Recording and indexing assignment of judgment, seventy-five cents (75c).
Sec. 87. Recording corporation certificate, certificate of credit union or certificate of cooperative association, three dollars ($3.00), plus fifty cents (50c) for each page or fraction thereof in excess of four, certificate of Secretary of State to be considered a page.
Sec. 88. Recording and indexing amendment to corporation certificate, certificate of credit union or certificate of cooperative association, the same fee as that of the original of these certificates.
Sec. 89. Recording or copying papers: Except as otherwise provided in this act, forty cents (40c) per copy sheet.
Sec. 90. Recording transcripts from justice of peace or other inferior courts, printed form seventy-five cents (75c); irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction thereof.
Sec. 91. Recording certificate of satisfaction of judgment, fifty cents (50c).
Sec. 92. Registration certificates of nurses, architects, medical doctors, surgeons, dentists, optometrists, chiropodists, chiropractors, osteopaths and other persons required to be registered in the same manner, with seal, one dollar ($1.00).
Sec. 93. Renunciation of right to qualify as administrator, executor or guardian, fifty cents (50c).
Sec. 94. Restoring maiden name after absolute divorce, one dollar ($1.00).
Sec. 95. Seal of office, twenty-five cents (25c).
Sec. 96. Stenographer: At the time of docketing criminal or civil action, one dollar ($1.00). In each action where stenographer is actually used, fee of ten dollars ($10.00) per day or fraction of a day.
Sec. 97. Subpoena, fifteen cents (15c) for each witness named therein.
Sec. 98. Substitution of trustee in deed of trust or trust indenture, one dollar ($1.00), and no additional fee for probate shall be charged.
Sec. 99. Summons, in civil action and special proceeding, regardless of number of defendants, one dollar ($1.00).
Sec. 100. Taking bond and justification of surety thereon, one dollar ($1.00).
Sec. 101. Verification of any paper filed or recorded in office: ten cents (10c) per copy sheet for the first two copy sheets or fraction and five cents (5c) for each additional sheet or fraction, in addition to the fees for certificate and seal.
Sec. 102. Warrant, issuing, one dollar ($1.00).
Sec. 103. Widow's dissent to will, one dollar ($1.00).
Sec. 104. Widow's year's allowance: Docketing report of allotment and rendering judgment for deficiency under G. S. 30-15, 30-16, 30-17, seventy-five cents (75c).
Sec. 105. This act shall apply only to Alamance County.
Sec. 106. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 107. This act shall be in full force and effect from and after June 1, 1951.
In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 735

CHAPTER 745

AN ACT TO AMEND CHAPTER 343 OF THE SESSION LAWS OF 1945 TO AUTHORIZE THE COMMISSIONERS OF CASWELL COUNTY TO LEVY TAXES FOR SPECIAL PURPOSES IN EXCESS OF THE FIFTEEN-CENTS LIMITATION SET OUT IN ARTICLE V, SECTION 6, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 343 of the Session Laws of 1945 is hereby rewritten so that the same shall hereafter read as follows:
“Section 1. The Board of County Commissioners of Caswell County is hereby authorized and empowered to levy a tax not to exceed six cents (6c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, § 6, of the Constitution of North Carolina for the special purpose of paying the salaries of the county farm agent, one assistant county farm agent, one assistant county farm agent for livestock, home demonstration agent, one assistant home demonstration agent and the expenses of operating said offices.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 740

CHAPTER 746

AN ACT TO AUTHORIZE THE USE OF THE CITY HALL PROPERTY OF THE CITY OF RALEIGH AS THE SITE FOR A STRUCTURE FOR THE PARKING AND STORAGE OF MOTOR VEHICLES, SUBJECT TO THE APPROVAL OF THE VOTERS AT AN ELECTION.

The General Assembly of North Carolina do enact:

Section 1. In the event of the establishment of a parking authority for the City of Raleigh, pursuant to the provisions of any general or local statute, authorizing the creation thereof, the City of Raleigh shall have power and authority, upon full compliance with the provisions of this Act, to sell at private sale and convey to such parking authority the real property owned by the City of Raleigh and known as the City Hall property (being fully described in the deed to the City from Grimes Realty Company, dated May 25, 1909, recorded in Book 238, Page 523, Registry of Wake County) at a cash price to be determined by the City Council of the City of Raleigh, in its discretion, but which shall not be less than five hundred thousand dollars.

Sec. 2. No sale or conveyance of the real property referred to in section one shall be made until and unless:

(a) The City Council of the City of Raleigh shall adopt a resolution authorizing the sale of said real property to the parking authority of the City of Raleigh at a price and upon terms and conditions set forth in such resolution; and until and unless

(b) The parking authority of the City of Raleigh, by appropriate legal action, shall enter into a written contract with the City of Raleigh to purchase said property at the price and upon the terms and conditions prescribed by the City Council; and until and unless

(c) A majority of the qualified voters of the City of Raleigh voting in an election called and held for the purpose shall vote in favor of approving the sale and conveyance of said property to said parking authority; and until and unless

(d) Adequate offices, rooms and other facilities for the officials and employees of the City necessary and suitable for the conduct of the municipal affairs shall have been made available and occupied.
Sec. 3. In the event a sale and conveyance of said real property shall
be consummated in accordance with the terms and provisions of this Act,
the proceeds of the sale shall be held and used as follows:

(a) After paying the necessary and proper expenses of the sale and
of the election held as hereinafter provided, an amount of money suf-
ficient to pay the principal (and the interest as it accrues thereon) of the
Raleigh Memorial Auditorium bonds outstanding and unpaid at the time
said sale is completed shall be deposited in a sinking fund to be held and
invested by the City Clerk and Treasurer in securities lawful for the in-
vestment of sinking funds as provided by Section 53-44 of the General Stat-
utes of North Carolina and the principal and income of said sinking fund shall
be used solely for the payment of the principal and interest of said Raleigh
Memorial Auditorium Bonds issued by the City of Raleigh pursuant to the
provisions of Chapter 80 of the Private Laws of North Carolina, 1931, and
the election held thereunder, until said bonds and interest have been paid
in full; and any and all balances remaining in said sinking fund after
paying said principal and interest shall be paid into the Debt Service Fund
of the City of Raleigh, to be used towards the payment of principal and
interest of any outstanding bonds of the City of Raleigh.

(b) The balance of the proceeds of the sale of said real property shall
be deposited in a special bank account and used solely towards the financ-
ing of the construction of a new city hall or municipal building.

Sec. 4. In the event no parking authority for the City of Raleigh shall
be established, the City Council of the city shall have full power and
authority to use the lands conveyed to the city by Grimes Realty Com-
pany by deed dated May 25, 1909, recorded in Book 238, Page 523, Registry
of Wake County, and known as the City Hall and City Hall Annex prop-
erty, as the site upon which a suitable structure or structures for the
parking and storage of motor vehicles may be constructed and erected, but
no such use of said lands shall be made until and unless

(a) The City Council of the City of Raleigh shall adopt a resolution
authorizing such use of said lands; and until and unless

(b) A majority of the qualified voters of the City of Raleigh voting
in an election called and held for the purpose shall vote in favor of ap-
proving the use of said lands as the site for a suitable structure or struc-
tures for the parking and storage of motor vehicles; and until and unless

(c) Adequate offices, rooms and other facilities for the officials and em-
ployees of the City necessary and suitable for the conduct of the municipal
affairs shall have been made available and occupied.

Sec. 5. In the event the City Council of the City of Raleigh shall re-
quest the Wake County Board of Elections to call and hold an election on
the question of the sale or the use of the aforesaid property as a site for
a structure or structures for the parking and storage of motor vehicles,
as hereinbefore provided for, the Wake County Board of Elections is
authorized and directed to call and hold such election for the purpose of
permitting the qualified voters of the City of Raleigh to vote upon such
question or questions as may be submitted by the City Council, and every
such special election shall be held and conducted by the Wake County
Board of Elections and the result shall be canvassed and determined by said Board in accordance with the laws of the State of North Carolina governing special municipal elections. The City Council is hereby authorized to prepare the form of the question or questions to be printed on the ballots. Nothing in this act shall require a special registration of voters to be eligible to vote in such an election.

Sec. 6. The sole purpose of this act is to authorize the use of the City Hall property by the city or by a parking authority as a site for the parking and storage of motor vehicles, upon the terms and conditions herein prescribed; and nothing in this act shall be construed as prohibiting the sale of said City Hall property to any other corporation or person, in the manner provided by law for the sale of other real property of the City, in the event that the City Council shall determine to construct a new City Hall or municipal building on some other site.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. This Act shall not be deemed to be repealed or modified by any subsequent act except an act expressly referring to this Act.

Sec. 8. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 746

CHAPTER 747

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BLACK MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the of the Town of Black Mountain, North Carolina, within the boundaries as established in Section three of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Black Mountain and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Black Mountain shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Black Mountain by this section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.
(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of Aldermen shall have authority to determine by whom and in what manner the powers granted by this section shall be exercised.

Sec. 2. Enumerated Powers not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Black Mountain shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of Aldermen of the Town of Black Mountain.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

Beginning at a stake one-half mile due north from the center of the Southern Railway depot, and runs thence South 67 deg. 30’ East 122 rods; thence South 22 deg. 30’ East 122 rods; thence South 22 deg. 30’ West 122 rods; thence South 67 deg. 30’ West 122 rods; thence North 67 deg. 30’ West 122 rods; thence North 22 deg. 30’ West 122 rods; thence North 22 deg. 30’ East 122 rods; thence North 67 deg. 30’ East 122 rods to the place of the Beginning.

Also the following property which has been recently annexed and the owners of which have voluntarily requested to be brought into the Town Limits of the Town of Black Mountain, and described as follows:

Beginning on a stake in the Southern margin of Fourth Street as shown on the plat hereinafter mentioned, at the Northeast corner of Lot 5 and the Northwest corner of Lot 7 of Block 5 of the plat hereinafter mentioned, and runs thence South 4 deg. 00’ West 150 feet to a stake, the
Southeast corner of Lot 5 and the Southwest corner of Lot 7 of Block 5 of the plat hereinafter mentioned; thence North 86 deg. 00' West 75 feet to a stake, the Southwest corner of Lot 5 and the Southeast corner of Lot 2 of Block 5 of the plat hereinafter mentioned; thence along and with the Eastern line of Lots 3 and 4 of Block 5, South 4 deg. 00' West 180 feet to a stake in the South margin of Third Street of the plat hereinafter mentioned; thence North 86 deg. West 130 feet to a stake in the Eastern margin of the Montreat Road, the Northwest corner of Lot 1 of Block 6 of the plat hereinafter mentioned; thence South 6 deg. 30' West and along the Eastern margin of the Montreat Road, 75 feet to a stake, the Southwest corner of Lot 1 of Block 6 of the plat hereinafter mentioned; thence crossing the Road and running North 86 deg. West 40 feet to a stake in the Western margin of the Montreat Road and the Northeast corner of Lot 13 of Block 10 of the plat hereinafter mentioned; thence South 80 deg. West 183.8 feet to a stake, the Northwest corner of Lot 13 of Block 10 of the plat hereinafter mentioned; thence South 10 deg. West and crossing Pine Street, 105 feet to a stake in the Southern margin of said Pine Street and in the North line of the W. C. Greene property; thence South 80 deg. West 300 feet to a stake in the Eastern margin of Black Mountain Street, the Northwest corner of the James A. Dougherty property; thence along and with the Eastern margin of said Black Mountain Street, South 10 deg. East 100 feet to a stake in the North line of the present Town of Black Mountain Corporate Limits; thence along and with the North line of the present Town of Black Mountain Corporate limits North 67 deg. 40' East 739 feet to a stake; thence South 67 deg. 20' East 179 feet to a stake; thence North 4 deg. 00' East and crossing Third Street, 453 feet to a stake in the Southern margin of Fourth Street; thence North 86 deg. 00' West 150 feet to the point of Beginning. Being all of Lots 6, 7, 8, 9 and 10 of Block 5 and all of Block 1, and a portion of Lots 2, 5, 7 and 9 of Block 6 and Lot 13 of Block 10 and that portion, it being a triangular shaped lot located South of Pine Street and North of the present Town of Black Mountain Corporate Limits, and East of Black Mountain Street, belonging to W. C. Greene and James A. Dougherty, all as laid down and shown on the plat of the S. F. Dougherty Heirs property, which plat is duly of record in Plat Book 154 page 106 of the Buncombe County Records, to which reference is hereby made. Said properties above described belonging to Dr. James H. Love et ux; R. T. Hill; Mrs. Fannie Fitzgerald; G. C. Rayfield et ux; W. C. Greene et ux and James A. Dougherty et ux and H. W. Baucom et ux, to which reference is hereby made.

BOARD OF ALDERMAN

Sec. 4. Creation, Salary and Composition of Mayor and Board of Aldermen. Except as otherwise provided in this charter all powers of the town shall be vested in a board of Aldermen of 3 members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of aldermen shall be for two years and until their successors are elected and qualified, and shall begin on the first Tuesday of June next following their election. If a vacancy occurs in the office of mayor or alderman, it shall be filled for
the remainder of the unexpired term by the remaining members of the board of aldermen. Each member of the board of aldermen shall receive a salary the amount of which shall be prescribed by ordinance. Provided, however, that the present mayor and members of the board of aldermen shall continue to receive the same salary until the same is changed as herein outlined. No ordinance fixing or changing the salary of members of the board of aldermen shall become effective during the current term of office of the members of the board of aldermen enacting such ordinance. Members of the board of aldermen shall be qualified electors of the town. A member of the board of Aldermen ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Aldermen. At 7:30 p.m. o'clock on the first Tuesday of June following a regular municipal election the board of Aldermen shall meet at the usual place for holding its meeting and the usual place for holding its meeting and the newly elected members shall assume the duties of office. Thereafter the board of Aldermen shall meet at such time as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of Aldermen. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of Aldermen and of committees thereof shall be open to the public, and the rules of the board of Aldermen shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of Aldermen or a committee thereof may by a two-thirds vote of all the members authorize an executive meeting.

Sec. 6. Mayor and Mayor pro tem. At its first meeting in the month of June following a regular municipal election the board of Aldermen shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of Aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of Aldermen, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Aldermen Rules. The board of Aldermen shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of Aldermen in any such case shall be subject to review by the courts. The board of Aldermen shall determine its own rules and order of business and keep a journal of its proceedings.
Sec. 8. Quorum. A majority of the members elected to the board of Aldermen shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of Aldermen shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of Aldermen only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of Aldermen. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Black Mountain."

Sec. 10. When Ordinances and Resolutions Take Effect—Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of Aldermen shall take effect at the time indicated therein, but not less than ten days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least two members of the board of Aldermen shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of Aldermen except as defined in this section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of Aldermen may prescribe.
NOMINATIONS AND ELECTIONS

Sec. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of Aldermen shall be held on Tuesday following the first Monday in May in odd numbered years. The board of Aldermen may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections. All elections shall be conducted in accordance with the general state laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Nominations. Any qualified elector of the town may be nominated for mayor or the board of Aldermen by petition of any five electors of the town who shall be designated as his sponsors. No elector shall sign more than one such petition, and should an elector do so, his signature shall be void as to the petition or petitions last filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than thirty days nor later than five days before the election and shall be in the following form:

We, the undersigned five electors of the Town of Black Mountain hereby nominate and sponsor .................................. whose residence is ........................................ for the office of ............................................... to be voted for at the election to be held on the ............... of ........................................, and we individually certify that we are qualified to vote for a candidate for .................................. and that we have not signed any other nominating petition therefor. Name .................................. Street and Number ..................................

Name .................................. Street and Number ..................................
Name .................................. Street and Number ..................................
Name .................................. Street and Number ..................................
Name .................................. Street and Number ..................................

Acceptance of Nomination

I hereby accept the nomination for .................................. and agree to serve if elected.

Signature of candidate ..................................

Date of filing ..................................

This petition is filed by .................................. whose address is ..................

.................................. Street.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within five days after the filing of a nomination petition the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient, the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within
the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of Aldermen shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

Sec. 15. Ballots. The full names of candidates nominated for mayor and board of Aldermen in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of Mayor and Board of Aldermen. All members of the board of Aldermen shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of Aldermen. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 17. Appointment of Officers and Employees. The board of Aldermen may appoint a town clerk, treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of Aldermen may appoint one person to fill any two or more such positions and assign such title to the office as they deem best. Such employees or officers shall serve at the pleasure of the board of Aldermen, and shall perform such duties as may be prescribed by the board of Aldermen. The board of Aldermen shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 18. Town Clerk. The board of Aldermen shall choose a town clerk. The town clerk shall keep the records of the board of Aldermen and perform such other duties as may be required by law or the board of Aldermen.

Sec. 19. Duties of Town Attorney. The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of Aldermen when requested; to give advice in writing, when so requested, to the board of Aldermen or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town
is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of Aldermen may require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of Aldermen he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 20. Duties of Town Accountant. The town accountant shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required by ordinance or by the board of Aldermen for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, pay rolls, and other evidences of claims, demands, or charges against the town government and to determine the regularity and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and board of Aldermen and to take monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of Aldermen, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of Aldermen may require by ordinance.

Sec. 21. Duties of Town Tax Collector. Tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 22. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.
Sec. 23. Custody of Town Money. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of Aldermen in accordance with such regulations and subjects to such requirements as to security for deposits and interest thereon as may be established by statute. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the town treasurer and countersigned by the mayor.

Sec. 24. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 25. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of Aldermen may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 26. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of Aldermen to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of Aldermen shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of Aldermen.

Sec. 27. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least ten days before its passage by the board of aldermen.

Sec. 28. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of aldermen, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon completion.
MISCELLANEOUS PROVISIONS

Sec. 29. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of aldermen, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 30. Personal Interest. Neither the mayor nor any member of the board of aldermen nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of aldermen.

Sec. 31. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Black Mountain and will faithfully discharge the duties of the office of ...................................................."

Sec. 32. Continuance of Contracts. All contracts entered into by the town, or for its benefit prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 33. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Black Mountain is affected thereby.

Sec. 34. Repealing Clause. All laws and clauses of laws in conflict with this Act, except Chapter 34, Private Laws 1931, are hereby repealed.

Sec. 35. This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of aldermen in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

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H. B. 751

CHAPTER 748

AN ACT RELATING TO LOCAL SUPPLEMENTS IN THE WHITE CROSS ELEMENTARY SCHOOL DISTRICT AND THE CARRBORO ELEMENTARY SCHOOL DISTRICT IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-362 is hereby amended by adding the following at the end thereof:

"This Section shall be applicable to the White Cross Elementary School District and the Carrboro Elementary School District in Orange County notwithstanding that either such district has a school population of less than one thousand. The purposes for which levies may be made for supplementing funds in either of the above described districts shall include all of those now provided by law and, in addition thereto, the right to provide and use supplemental funds to pay high school tuition to the Chapel Hill City School Administrative Unit for pupils attending from the White Cross Elementary School District or the Carrboro Elementary School District, respectively."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 765

CHAPTER 749

AN ACT TO AMEND CHAPTER 90, SECTION 183, GENERAL STATUTES OF NORTH CAROLINA, RELATING TO EXAMINATION AND LICENSING OF VETERINARIANS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-183 is rewritten to read as follows:

"90-183. The board of examiners shall, at its annual meeting, examine all applicants who desire license to practice veterinary medicine or surgery in the State of North Carolina. To entitle a person to such examination, each applicant shall have attained the age of 21 years and shall be a person of good moral character and shall furnish said board of examiners with satisfactory evidence that said applicant is a graduate of a reputable and accredited veterinary school, college or university accepted and approved by the United States Bureau of Animal Industry and the United States Army. If upon such examination the applicant be found to possess sufficient skill to practice veterinary medicine or surgery, a license or certificate shall be issued to him. No certificate shall be granted except with a concurrence of a majority of the members present. To prevent delay and inconvenience two members of the board of examiners may grant a temporary certificate to practice veterinary medicine or surgery which shall be in force only until the next regular meeting of the board of examiners, but in no case shall such temporary certificate be granted to any person who theretofore has been an unsuccessful applicant for a certificate

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The board shall have power to require such applicant to pay a fee of not more than twenty-five dollars ($25.00) before issuing a certificate, and ten dollars ($10.00) before issuing a temporary certificate."

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 811  
CHAPTER 750  
AN ACT RELATING TO THE MANUFACTURE AND POSSESSION OF WINE IN POLK COUNTY WHEN THE SAME IS MANUFACTURED AND POSSESSED FOR THE PURPOSE OF DELIVERY TO A TERRITORY IN WHICH THE SAME MAY BE LEGALLY RESOLD.

The General Assembly of North Carolina do enact:

Section 1. Any person, firm or corporation, upon compliance with the other provisions of the law relating to the manufacture, sale and possession of wines as defined in G. S. 18-64 (b), may manufacture and possess such wines in Polk County when the same are manufactured and possessed for the purpose of delivery for sale or resale in a territory in which such wines may be legally sold.

Sec. 2. All laws and clauses of laws, and particularly Article II of the General Statutes, are repealed as they apply to Polk County, to the extent to which they are in conflict with the provisions of this Act.

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 10th day of April, 1951.

H. B. 813  
CHAPTER 751  
AN ACT RELATING TO THE GAME OF BINGO IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 650 of the Session Laws of 1945, relating to the game of bingo in Mecklenburg County, is hereby, in all respects, made applicable to Nash County.

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 10th day of April, 1951.
H. B. 839  CHAPTER 752

AN ACT TO AUTHORIZE THE STATE BOARD OF CONSERVATION AND DEVELOPMENT TO TAKE CERTAIN ACTION WITH RESPECT TO THE DRAINAGE OF THE OVERFLOW WATERS FROM LAKE PHELPS IN WASHINGTON AND TYRRELL COUNTIES.

WHEREAS, Lake Phelps is a 16,600-acre natural body of water, located in Washington and Tyrrell Counties, said body of water being the property of the State of North Carolina; and

WHEREAS, a critical problem of drainage does exist and has existed for several years, in that Lake Phelps often overflows and damages the crops of landowners of an area of approximately 20,000 acres lying generally to the North of Lake Phelps and between the lake and the Scuppernong River, which is the natural outlet for surface runoff, this overflow often occurring even though a number of canals lead from Lake Phelps through the lands of individual owners to the Scuppernong River; and

WHEREAS, at the present time gates controlling the flow of water from the lake are in a poor state of repair, and the canals leading from the lake to Scuppernong River are in bad need of cleaning and dredging, and farmers and agriculture technicians are convinced that efficient drainage can be attained and thousands of dollars of crop damage and loss averted by repairing existing control gates, where possible, and installing new gates, where necessary, and by cleaning and dredging existing canals; and

WHEREAS, a duly constituted committee of farmers and landowners of the Lake Phelps area vitally affected by this problem, recognizing that of the approximately 40 odd thousand acres involved, about fifty per cent (50%) of the area is owned by the State of North Carolina, and said committee having petitioned their legislative representatives in the 1951 North Carolina General Assembly and the Department of Conservation and Development, which is charged with the responsibility of administration of Lake Phelps, to alleviate this problem, this committee does further propose to equally participate in the cost of cleaning and dredging the canals: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Conservation and Development, in the management of Lake Phelps in Washington and Tyrrell Counties, is hereby authorized to cooperate with farmers and landowners in effecting efficient drainage of any area adjoining said Lake Phelps, where the need therefor is due to an overflow. Such work shall be performed in accordance with accepted engineering practices. Unexpended funds heretofore appropriated as part of the permanent improvements appropriation for the Pettigrew State Park may be expended for the purposes of this Act on the basis of matching dollar for dollar funds made available for said purposes locally as hereinafter provided in this Act or any funds made available from the Contingency and Emergency Fund for such purposes may be so expended on the same dollar for dollar matching basis, but in no event shall the total expended by the Board of Conservation and Development exceed twenty-five thousand dollars ($25,000.00).
Funds may be made available locally for said drainage purposes by landowners of the area through a committee treasurer, a drainage district, an official or department of county or counties governments, or a designated bank, as the landowners' agent.

The director of the Department of Conservation and Development is hereby authorized to administer the expenditure of any State funds made available pursuant to this Act.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 864

CHAPTER 753

AN ACT TO AMEND G. S. 153-9(7) RELATING TO CERTAIN SPECIAL TAX LEVIES FOR SPECIAL PURPOSES ON PROPERTY IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(7) shall be applicable to Cleveland County.

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 10th day of April, 1951.

H. B. 922

CHAPTER 754

AN ACT TO FIX THE FEES OF THE CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fees charged by the Clerk of the Superior Court of Haywood County shall be as follows for the items set out below:

- Appeal from Justice's Court: $1.00
- Docketing Warrant: .50
- Presentment, each defendant in bill: .25
- Indictment, each defendant in bill: .75
- Certificate on Indictment: .50
- Docketing: .40
- Capias, each defendant when arrested: 2.00
- Subpoena, each name: .25
- Filing Papers: .35
- Bond, including Justification: 1.00
- Continuance: .40
- Seal: .50
- Impaneling Jury: .35
- Motion — Order: .50
- Notices: .50
Each additional name over one in same paper ........................................... .20  
Certificate ........................................................................................................... .50  
Affidavit, with Jurat .......................................................................................... .50  
Commitment ......................................................................................................... 2.00  
Judgment, final (against each defendant) ......................................................... 1.50  
Docketing Judgment ........................................................................................... .50  
Indexing Judgment .............................................................................................. .25  
Clerk Commissions ............................................................................................. .25  
Appeal to Supreme Court, inc. Cert. & Seal ..................................................... 4.00  
Preparing Bill of Costs ....................................................................................... .50  
Officer's Retirement ............................................................................................ 2.00  
Identification ...................................................................................................... 1.00  
State Tax ............................................................................................................. 2.00  
County Tax, Jury & Stenographer ...................................................................... 7.00  
Library Fee ......................................................................................................... 1.00  
Original Summons or other Original Processes including all names therein .... 2.00  
Every copy of same .............................................................................................. .50  
Bond, including Justification .............................................................................. 1.00  
Appeal from justice of peace ............................................................................ 1.00  
Interlocutory Order ............................................................................................. .50  
Attachment, Order in ........................................................................................ 1.00  
Claim and Delivery, Order of ........................................................................... 1.00  
Arrest, Order of ................................................................................................. 1.50  
Subpoena, Each Name ....................................................................................... .25  
Seal ....................................................................................................................... .50  
Continuance ......................................................................................................... .50  
Motion, Entry and Record of .............................................................................. .50  
Notice, (one name) ............................................................................................ .50  
Notice, each name additional ........................................................................... .20  
Empaneling jury ................................................................................................... .35  
Judgment Final .................................................................................................. 1.50  
Docketing Judgment ......................................................................................... 1.50  
Indexing Judgment ............................................................................................. .25  
Docketing Summons ......................................................................................... .35  
Filing Papers ....................................................................................................... .35  
Bill of Cost, preparing ....................................................................................... .50  
Clerks Commission on State Tax ...................................................................... .10  
Caveat to Will, entering and docketing ............................................................. 1.50  
Issuing Commission ......................................................................................... 1.00  
Judgment by Confession, All services ............................................................... 3.00  
Judgment in favor of Widow's year support ...................................................... .50  
Docketing same .................................................................................................. .25  
Docketing ex parte proceedings ....................................................................... 1.00  
Transcript of Judgment ..................................................................................... 1.00  
Appeal to Supreme Court, Certificate & Seal .................................................. 4.00  
Transcript of Record, per page ......................................................................... .25  
State Tax ........................................................................................................... 2.00  
County Tax when jury empaneled .................................................................. 5.00  

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Sec. 2. Costs payable in advance in the office of the Clerk of Superior court of Haywood County shall be as follows:
All Civil Actions ...........................................$7.00
Special Proceedings ............................................. 5.00
Appeal from Justice of Peace Court .......................... 3.00
These amounts taxed shall be placed to the credit of plaintiff or appellant in the final disposition of action in the Superior Court.

All certificates to Supreme Court shall be payable in advance.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.
In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 923

CHAPTER 755
AN ACT TO FIX THE FEES OF THE REGISTER OF DEEDS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fees charged by the Register of Deeds of Haywood County shall be as follows:
Recording warranty deeds (form) .............................................. $2.25
(10c extra for each indexing in excess of two signatures)
(25c extra for each notary certificate in excess of one)
Recording copy deeds $1.25 each for first three copy sheets (double space type), 50c each additional page or portion, 10c each for indexing more than two signatures, 25c each for more than one notary certificate
Recording Junaluska Assembly deeds ...................................... 3.50
Recording Junaluska Assembly leases ...................................... 5.25
Recording cemetery deeds .................................................. $1.75 and 2.25
Recording regular form deeds of trust .................................. 2.25
Recording Building & Loan deeds of trust ............................. 3.00
Recording Federal Land Bank deed of trust (regular) ............... 5.50
Recording Veterans Administration deed of trust ................... 5.50
Recording Jefferson Standard deed of trust .......................... 5.50
Recording copy deeds of trust $1.25 each for first three copy sheets, 50c for each additional sheet or portion
Recording regular form chattel mortgage .............................. .75
Recording short form sales contracts and mortgages ............... 1.25
Recording irregular sales contracts and mortgages that must be written out $1.25 per page for first three, 50c each for each additional page or portion (double space type)
Recording Farmers Home Administration crop lien .................. 1.50
Recording Asheville Production Credit Corp. crop lien ........... 2.00
Recording easements and right of way .................................. 1.50
Recording discharges .................................................... 1.00
Certified copy of discharge ............................................. 1.00
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Certified copy of birth certificate .............................................. .75
Certified copy of death certificate ............................................. .75
Certified copy of marriage certificate ........................................ .75
Indexing Vital Statistics, per name ........................................... .10
Making general index book, per name ......................................... .15
Making tax receipts, per name ................................................... .15
Drawing of jury, per name ........................................................ .10
Revising jury list, per name ..................................................... .05
Issuing marriage license ........................................................... 3.50
Issuing marriage certificate ....................................................... .75
Indexing marriage license ......................................................... .50
Indexing maps ............................................................................ .50
Collecting beer license .............................................................. 5%
Clerk to board of commissioners (regular meetings per month) ....... 20.00

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th
day of April, 1951.

H. B. 940 CHAPTER 756

AN ACT FIXING THE TERMS OF THE SUPERIOR COURT FOR
ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70, which fixes the terms of the Su-
perior Court to be held in Alamance County is rewritten to read as fol-
 lows:

“Alamance—Fourth Monday before first Monday in March, sixth Mon-
day after first Monday in March, fourteenth Monday after first Monday
in March, third Monday before first Monday in September, sixth Monday
after first Monday in September, seventh Monday after first Monday in
September and twelfth Monday after first Monday in September, all for
the trial of criminal cases.

Seventh Monday before first Monday in March, sixth Monday before
first Monday in March, third Monday after first Monday in March, fourth
Monday after first Monday in March, eleventh Monday after first Monday
in March, twelfth Monday after first Monday in March, first Monday in
September, first Monday after first Monday in September, ninth Monday
after first Monday in September and tenth Monday after first Monday in
September, all for the trial of civil cases.

In case of conflict of any of the regularly established terms of the
courts of the tenth judicial district with the terms above set out, the said
terms of court herein established shall be considered special terms, and a
special judge may be named to hold said terms of the Superior Court of
Alamance County when the judge holding the regular terms of court in
the district is unable to hold said terms.”

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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 10th day of April, 1951.

H. B. 973

CHAPTER 757

AN ACT TO AMEND CHAPTER 455 OF THE SESSION LAWS OF 1949 BY CHANGING THE NAME OF THE CHERRY POINT MARINE CORPS AIR STATION ZONING COMMISSION AND TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF SAID COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 455 of the Session Laws of 1949 be amended by rewriting the same to read as follows:

"Section 1. There is hereby created a Zoning Commission to be known as Havelock Zoning Commission and such commission is hereby vested with all property of the Cherry Point Marine Corps Air Station Zoning Commission.

"Sec. 2. Said commission shall consist of five (5) members, four (4) of whom shall be appointed by the Board of Commissioners for the County of Craven and one (1) member by the Commanding General of the Cherry Point Marine Corps Air Station Base. All said commissioners shall serve without compensation for a period of two years, and until their successors are appointed and qualified. Each member of said commission shall be considered as holding office as a commissioner for special purpose within the meaning of Article XIV, Section 7, of the Constitution of North Carolina, and if any officer is appointed his powers and duties shall be in addition to other powers and duties and he shall serve as an ex-officio member of said commission.

"Sec. 3. Said board of county commissioners and said Havelock Zoning Commission shall have the same powers which are given to the legislative bodies and Zoning Commissions of cities and incorporated towns by Article XIV of Chapter 160 of the General Statutes. Said board of county commissioners shall act as a board of adjustment with the powers and duties prescribed by G. S. 160-178 for boards of adjustment thereunder and procedure in such matters shall be as therein prescribed.

"Sec. 4. The area in which said Havelock Zoning Commission shall have jurisdiction is bounded as follows: Beginning in Craven County at the southeastern corner of the Cherry Point Marine Corps Air Station Base on State Highway No. 101, and running thence South one mile; thence westwardly and parallel with said highway to a point one mile eastwardly of U. S. Highway No. 70; thence southwardly and parallel with said U. S. Highway No. 70 to the boundary line of Carteret County; thence westwardly with said boundary line to the right-of-way of the Atlantic and North Carolina Railroad Company; thence northwardly with
said right-of-way of said Railroad Company to a point one mile northwardly of the West prong of Slocombs Creek; thence North 45 degrees East to the boundary of said Cherry Point Marine Corps Air Station Base; and then with the boundary of said Cherry Point Marine Corps Air Station Base to the place of beginning.

"Sec. 5. This Act shall not be construed as nullifying any Act or doing of the Cherry Point Marine Corps Air Station Zoning Commission, predecessor of Havelock Zoning Commission, insofar as such Act or doing may affect land situate in said area.

"Sec. 6. The Board of County Commissioners for the County of Craven is hereby authorized to pay the necessary expenses of said Havelock Zoning Commission."

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 1006  
CHAPTER 758
AN ACT TO FIX THE FEES FOR THE SERVICE OF PROCESS BY CONSTABLES IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all constables in Henderson County shall be entitled to receive for service of process, both criminal and civil, the amount now provided by law, plus fifty per cent (50%) for all process served after the effective date of this Act.

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

Sec. 3. This Act shall be in full force and effect from and after May 1, 1951.

In the General Assembly read three times and ratified, this the 10th day of April, 1951.

H. B. 1050  
CHAPTER 759
AN ACT TO AMEND THE CHARTER OF THE TOWN OF HAMILTON LAKES, INCREASING THE MEMBERSHIP OF THE TOWN COUNCIL FROM THREE MEMBERS TO FIVE MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 161 of the Private Laws of 1925 is hereby stricken out and the following is inserted in lieu thereof:

"Sec. 5. The town council shall consist of five members who shall be elected in the manner hereinafter provided, for a term of two years and until their successors are elected and qualified."

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 10th day of April, 1951.

S. B. 54

CHAPTER 760

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES RELATING TO THE EXAMINATION OF PARTIES AND CERTAIN OTHER PERSONS BEFORE TRIAL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1 of the General Statutes is hereby amended by changing the title of Article 46 to "Examination before Trial", and by inserting the following Sections in said Article 46:

"Art. 46. Examination before Trial

§1-568.1. Definitions. As used in this Article,
(1) "Action" includes any civil action or special proceeding;
(2) "Clerk" means the Clerk of the Superior Court in which the action is pending;
(3) "Examining party" means the party who procures the examination of a person pursuant to this Article;
(4) "Judge" means the judge having jurisdiction.

§1-568.2. Notice to attorney. Whenever notice is required to be given to a party pursuant to this Article, such notice may be given in lieu thereof to such party's attorney, as provided by G. S. 1-585, except when the party is the person to be examined.

§1-568.3. Purposes for which examination may be had. An examination may be had before trial pursuant to the provisions of this Article—
(1) For the purpose of obtaining information necessary to prepare a pleading or an amendment to a pleading, or
(2) For the purpose of obtaining evidence to be used at the trial, or at any hearing incident to the trial, or
(3) For both purposes.

§1-568.4. Who may examine and be examined.
(a) Any party to an action may examine before trial any other party to the action.
(b) A plaintiff may also examine any person for whose immediate benefit the action is being defended even though such person is not a party to the action.
(c) A defendant may also examine any person for whose benefit the action is being prosecuted even though such person is not a party to the action.
(d) A person in whose behalf an action is being prosecuted or defended may be examined only under the same conditions and circumstances as the prosecuting or defending party might be examined pursuant to this Article.
(e) An examination may be had of any officer, agent or employee of a corporation which is a party to the action.
(f) A person may be examined pursuant to this Article irrespective of whether he is a resident or nonresident of this State.

"§ 1-568.5. Where examination may be held.

(a) Except as provided by subsection (b), the examination shall be held in the county, or other corresponding governmental subdivision, in which the person to be examined resides.

(b) If a person is to be examined as an officer, agent or employee of a corporation, the examination may, at the option of the examining party, be held in the county, or other corresponding governmental subdivision, where the home or principal office of such corporation is located or where such officer, agent or employee resides, or where he regularly perform duties for the corporation in or out of this State.

(c) Upon application made by either the examining party or the person to be examined, and for good cause shown, the clerk may make an order changing the place of examination from that fixed by the original order of examination pursuant to subsections (a) and (b) to some place other than one of those prescribed by those subsections, or changing the time fixed therefor, or both. Such order may be made only upon notice of the application therefor to the other parties to the action and to the person to be examined if he is not the applicant. The notice shall be given as provided by G. S. 1-568.14 (b) and (c).

(d) By agreement of the examining party and the person to be examined, the examination may be held anywhere in or out of the State.

"§ 1-568.6. Examination held by commissioner. The examination shall be held by a commissioner appointed by the judge or clerk.

"§ 1-568.7. Powers of commissioner. In addition to his other powers the commissioner may—

(1) Grant continuances from time to time for good cause;
(2) Administer oaths to witnesses; and
(3) Designate a reporter to take and transcribe the examination.

"§ 1-568.8. Procedure exclusive; Judge's or clerk's authority to fix details. The procedure prescribed by this Article is the sole procedure for the examination before trial of the persons designated in G. S. 1-568.4. The judge or the clerk, however, has authority to fix and determine all necessary procedural details with respect to such an examination in all instances in which this Article does not make definite provision.

"§ 1-568.9. When examination is and when not matter of right.

(a) Before the examining party has filed his complaint, petition or answer, he may procure an examination pursuant to this Article only upon showing by affidavit, as provided by G. S. 1-568.10, that the examination is necessary to enable him properly to prepare his complaint, petition or answer.

(b) After the examining party has filed his complaint, petition or answer, such party may not examine another person before such person or the party prosecuting or defending in his behalf has filed his complaint, petition or answer.

(c) After both the examining party and the person to be examined, or the party prosecuting or defending on his behalf, have filed their com-
plaint, petition or answer, as the case may be, an examination is a matter of right, and may be had as provided by G. S. 1-568.11.

"§ 1-568.10. Preliminary procedure for examination before examining party's initial pleading has been filed.

(a) Before a party has filed his complaint, petition or answer, he may, without notice to other parties, apply to the clerk or judge for an order for the examination of any person who may be examined by him as provided by G. S. 1-568.4.

(b) The application must be in the form of, or supported by, an affidavit showing:

1. That the action has been commenced and the purpose thereof;
2. That, in order to prepare his complaint, petition or answer, it is necessary for the applicant to secure information from the person proposed to be examined about certain matters, which matters must be designated with reasonable particularity;
3. That the information sought is not otherwise available to the applicant, together with a statement of the reasons therefor;
4. That, if the person proposed to be examined is not a party, the action is being prosecuted or defended in his behalf, together with facts in support thereof;
5. That the application is made in good faith; and
6. That the examination should be held at a place designated in the affidavit, together with facts showing the reason therefor.

(c) If the judge or clerk finds that the facts are as set out in the affidavit, he shall make an order:

1. Appointing a commissioner to hold the examination;
2. Fixing the time and place of the examination, subject to the provisions of G. S. 1-568.5;
3. Directing the person to be examined to appear before the commissioner at such time and place for examination; and
4. Designating the particular matters about which the person may be examined.

"§ 1-568.11. Preliminary procedure for examination after initial pleadings have been filed.

(a) After a party has filed his complaint, petition or answer, he may, without notice to other parties, apply to the clerk or judge for an order for the examination of any person who has also filed his complaint, petition or answer, as the case may be, or on whose behalf a complaint, petition or answer has been filed as provided by G. S. 1-568.4.

(b) The application must be in the form of, or supported by, an affidavit showing:

1. That the action has been commenced;
2. That the applicant has filed complaint, petition or answer;
3. That the applicant desires to examine a designated person who has filed a petition, complaint or answer or on whose behalf a petition, complaint or answer has been filed;
4. That the examination should be held at a place designated in the affidavit, together with facts showing the reasons therefor.
(c) If the judge or clerk finds that the facts are as set out in the affidavit, he shall make an order:

(1) Appointing a commissioner to hold the examination;
(2) Fixing the time and place of the examination, subject to the provisions of G. S. 1-568.5; and
(3) Directing the person to be examined to appear before the commissioner at such time and place for examination.

"§ 1-568.12. Subsequent procedure the same. Except as provided in G. S. 1-568.10 and 1-568.11, the procedure for examining a person before the examining party has filed his complaint, petition or answer and the procedure for examining a person after the examining party and the person to be examined or the person filing such pleading in his behalf, have filed their complaint, petition or answer, as the case may be, are the same.

"§ 1-568.13. Service of order upon person to be examined.

(a) The examining party shall cause a copy of the order for examination to be served upon the person to be examined not less than 10 days before the date fixed for the examination, and no other notice of such examination need be given him.

(b) When a person is to be examined as an officer, agent or employee of a corporation, the service required by this Section shall be had both upon the corporation and the officer, agent or employee thereof who is to be examined.

(c) Service of the order may be had on a corporation in the same manner as service of summons.

(d) Service on a nonresident outside this State may be had in the same manner as service of summons pursuant to G. S. 1-104.

(e) Service on a foreign corporation may also be had as follows:

A copy of the order may be mailed to the sheriff or other process officer of the county where the home or principal office of the corporation is located in the state in which such corporation is incorporated, with the request that it be served upon the corporation by delivering it to the president or other head of the corporation, secretary, cashier, treasurer, a director or managing agent thereof. If the sheriff or process officer serves a copy of the order, such service shall be valid for the purposes of this Section. Such sheriff or process officer shall execute an affidavit of the service and send it to the party who forwarded the order for service together with a certificate from the clerk of a court of record of the jurisdiction in which the order was served, certifying that the person who served the order was a person duly authorized by the laws of the State to serve legal process in that jurisdiction. Such affidavit and certificate shall be prima facie evidence of the service of the order.


(a) The examining party shall give notice of the examination to all parties other than the party to be examined.

(b) Whenever any party is represented by a next friend, guardian, guardian ad litem or any other person acting in a representative capacity, the notice required by this Section need be given only to such representative or his attorney of record.
(c) Such notice, which shall consist of a copy of the order for the examination, shall be delivered at least five days before the date fixed for the examination or shall be properly mailed at least 10 days before such date. For good cause shown the judge or clerk, without notice to parties, may make an order reducing the number of days notice or specifying the manner of giving notice.

"§ 1-568.15. When order not served or notice not given; new order. In the event a person cannot be served as provided by G. S. 1-568.13, or notice cannot be given as provided by G. S. 1-568.14, such fact with the reason therefor may be reported to the clerk or judge, and a new order may be issued fixing a later date for the examination. Whenever a new order is issued, it shall be served as provided by G. S. 1-568.13 and notice shall be given as provided by G. S. 1-568.14.

"§ 1-568.16. The examination.

(a) An examination pursuant to this Article shall be conducted in the same manner and subject to the same rules as if the examination were being had at the trial of the action, except as otherwise provided in this Section.

(b) The commissioner before whom the deposition is to be taken shall put the witness on oath or affirmation, and, unless the parties agree otherwise, shall personally, or by someone acting under his direction, record the testimony of the witness in his presence, and cause it to be transcribed.

(c) All objections made at the time of the examination to the qualifications of the commissioner taking the deposition, or to the conduct of any person, and any other objection to the proceedings, shall be recorded and transcribed as part of the deposition.

(d) Evidence objected to shall be taken subject to the objection, except that, when an objection is made on the ground of privilege or on the ground that the question goes beyond the proper scope of the examination, the person being examined may refuse to answer the question, in which case such refusal and the grounds therefor shall be recorded and transcribed as part of the deposition. The procedure when the person being examined refuses to answer a question is governed by G. S. 1-568.18 and 1-568.19.

(e) Any party may examine the person being examined and may make all proper objections to the proceedings and to the evidence taken, but the scope of an examination ordered pursuant to G. S. 1-568.10 shall not thereby be enlarged beyond the scope specified in the order for the examination.

"§ 1-568.17. Written interrogatories.

(a) An examining party may examine upon written interrogatories as provided in this Section. Except as otherwise provided in this Section, such examination shall be subject to all the provisions of this Article.

(b) A party desiring to examine any person designated in G. S. 1-568.4 upon written interrogatories shall deliver a copy of the order for the examination, and a copy of the interrogatories, to all other parties. Within 10 days after any party is so served, he may deliver cross interrogatories to the examining party. Within five days thereafter the ex-
aminsing party may deliver redirect interrogatories to any party who has thus served cross interrogatories. Within three days after being thus served with redirect interrogatories, such party may deliver recross interro-
gogatories to the examining party. Upon application without notice and for good cause, the judge or clerk may extend the time limits fixed herein.

(c) A copy of the order for the examination and of any other orders relating thereto together with copies of all interrogatories thus served shall be delivered by the examining party to the commissioner designated in the order who shall proceed promptly to take the testimony of the person to be examined in response to the interrogatories and to prepare, certify, and file it with the clerk, or send it by registered mail to the clerk for filing, together with the copies of all orders and interrogatories received by him.

"§ 1-568.18. Refusal to answer question; procedure to compel answer. If the person being examined refuses to answer any question propounded, the examination may be completed on other matters or it may be adjourned, as the propounder of the question may prefer. The propounder may, upon notice, as provided by G. S. 1-568.14 (b) and (c), given to the person examined and to all other parties, make a motion before the judge or clerk that the person examined be required to answer the question or questions he had refused to answer and to answer any additional questions which relate to the matter or matters as to which he had refused to testify. If the motion is granted, the judge or clerk shall fix a time and place for such further examination. No additional notice of such further examination need be given.

"§ 1-568.19. Failure to appear for examination or to answer question as ordered. If the person to be examined fails to appear at the time and place fixed in an order for his examination or in an order issued pursuant to G. S. 1-568.18, or refuses, without good cause, to answer any question required to be answered pursuant to G. S. 1-568.18, such failure to appear or refusal to answer constitutes contempt of court and is punishable as such. The judge or clerk may also make all proper orders in regard to the failure to appear, or the refusal to answer any question, including the taxing of costs incident thereto, the striking out of pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or any part thereof, or rendering a judgment by default or by default and inquiry against the disobedient party.

"§ 1-568.20. Submission of transcript of testimony to witness; changes; signing. When the testimony is transcribed, such transcript shall be submitted to the witness for examination. Any changes in form or substance which the witness desires to make shall be entered by the commissioner on the record immediately following the recorded testimony of the witness, together with a statement of the reasons given by the witness for such changes. The transcript shall then be signed by the witness. Both the submission of the transcript to the witness and the signing thereof by him may be waived by the witness or his counsel, or by the parties, and neither is necessary if the witness cannot be found or is ill or for any
other reason is unable to examine the transcript or sign it. If the transcript is not submitted to or is not signed by the witness, the commissioner shall sign it and state on the record the reason for the witness not signing it. The record may then be used as if signed, unless on motion to suppress, subject to the provisions of G. S. 1-568.22, the court holds that the reasons for the refusal to sign require rejection of the testimony in whole or in part.

“§ 1-568.21. Certification and filing of record of examination; notice. The commissioner shall certify on the record of the examination that the witness was duly sworn by him and that the record is a true record of the examination. He shall then securely seal the record in an envelope indorsed with the title of the action and marked “Deposition of (here insert name of witness)” and shall promptly file it with the clerk or send it by registered mail to the clerk for filing. No formal opening of the deposition is necessary, but, upon receipt thereof, the clerk shall open it, file it with the other papers in the action, and notify all parties that it is on file and open for inspection.

“§ 1-568.22. Motion to suppress deposition or resume examination; order.

(a) Within 10 days after the deposition is filed, any party may file a written motion to suppress the deposition for any error or irregularity not waived as provided by G. S. 1-568.23, or to resume the examination when the witness has made changes in his testimony as permitted by G. S. 1-568.20. The motion shall state the grounds upon which it is based. For good cause shown, the clerk may, without notice, make an order extending the time within which such motions may be filed.

(b) Upon the filing of a motion to suppress the deposition, the clerk shall make an order fixing a time for the same to be heard before him, and the moving party shall promptly serve a copy of the motion and a copy of the clerk’s order upon all other parties.

(c) No notice of a motion to resume an examination is necessary, and the clerk shall pass thereon. An order therefor shall be served pursuant to G. S. 1-568.13 upon the person to be examined. Notice to other parties of such order shall be given pursuant to G. S. 1-568.14. The procedure for a resumed examination shall be the same as in the case of an original examination.

“§ 1-568.23. Waiver of errors and irregularities.

(a) All errors and irregularities in the notice for taking an examination are waived unless written objection is promptly served upon the party giving the notice.

(b) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are waived by failure to make them before or during the taking of the deposition, if the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any
kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(d) Objections to the form of written interrogatories submitted under G. S. 1-568.17 are waived unless served in writing upon the party pounding them within the time allowed for serving the succeeding cross or other interrogatories and within three days after service of the last interrogatories authorized.

(e) Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed or otherwise dealt with are waived unless a motion to suppress the deposition or some part thereof is made within 10 days after the filing of the deposition.

“§ 1-568.24. Use of deposition at trial.
(a) Upon the trial of the action or at any hearing incident thereto, any party may offer in evidence the whole, but, if objection is made, not a part only, of any deposition taken pursuant to this Article, but such deposition shall not be used as evidence against any party not notified of the taking thereof as provided by G. S. 1-568.14.

(b) Subject to the provisions of subsection (c) of this Section and G. S. 1-568.23, objection may be made at the trial or hearing to the receiving in evidence of testimony of a person examined pursuant to the provision of this Article for any reason which would require the exclusion of the testimony if the witness were then present and testifying.

(c) Objections to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition unless the ground of the objection is one which might have been obviated or removed if presented at that time.

“§ 1-568.25. Effect of taking deposition and of introducing deposition; rebuttal.

(a) A party by examining a person pursuant to the provisions of this Article does not make such person his witness; but the party who introduces the deposition in evidence, or who first introduces any part thereof in evidence, does make such person his witness.

(b) If the person whose deposition, or part thereof, has been introduced in evidence, testifies at the trial or hearing, he is not subject to cross-examination or impeachment by the party whose witness he is, but such party may nevertheless show the facts to be otherwise than as testified to by such person.

“§ 1-568.26. Commissioner's fee and reporter's compensation taxed as costs. Upon the termination of the action, a reasonable fee for the commissioner, and reasonable compensation for the reporter, shall be fixed by the clerk and taxed as part of the costs.

“§ 1-568.27. Right to change of venue not affected by examination. An examination of a person pursuant to the provisions of this Article does not affect or prejudice the right of any party to a change of venue when such change is authorized by law.”

Sec. 2. G. S. 1-568 through G. S. 1-576, inclusive, and all other laws and clauses of laws in conflict with this Act, are hereby repealed, except
that they shall remain in force and apply to the completion or use of any examination commenced or taken prior to the effective date of this Act.

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 55

CHAPTER 761

AN ACT TO AMEND CHAPTER 164 OF THE GENERAL STATUTES RELATING TO THE POWERS AND DUTIES OF THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 164-13 is hereby amended by adding at the end two new subsections to be designated as subsections (d) and (e) and to read as follows:

“(d) To recommend to the General Assembly the enactment of such substantive changes in the law as the commission may deem advisable.

(e) To budget and expend any funds made available for utilizing the services of persons specially qualified to assist in the work of the commission and necessary clerical assistance, to which end funds may be allotted to the commission from the Contingency and Emergency Fund.”

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 70

CHAPTER 762

AN ACT TO AMEND G. S. 31-42, RELATING TO LAPSED DEIVES AND LEGACIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 31-42 is hereby amended by rewriting the Section to read as follows:

“§ 31.42.1. Devolution of Devise to Person Predeceasing Testator. Unless a contrary intent is indicated by the will, where a devise of any estate not terminable at or before death of the devisee is given to a devisee who predeceases the testator, such devise does not lapse but passes to such issue of the devisee as survive the testator in all cases where the devisee would have been an heir of the testator if the devisee had survived the testator and there had been no will.

“§ 31-42.2. Devolution of Legacy to Person Predeceasing Testator. Unless a contrary intent is indicated by the will, where a legacy of any interest in personal property not terminable at or before death of the legatee is given to a legatee who predeceases the testator, such legacy does not lapse but passes to such issue of the legatee as survive the testator in all cases where the legatee is issue of the testator or would have been a distributee of the testator if the legatee had survived the testator and there had been no will.
§ 31-42.3. Devolution of Lapsed, Revoked, and Void Legacies and Devises. Unless a contrary intent is indicated by the will, a legacy or devise to a person who predeceases the testator which lapses, or is revoked, or is void, or which for any reason fails to take effect, passes as follows:

(1) Under the residuary clause in the will, if there is such a clause, applicable to real property in case of such a devise, or applicable to personal property in case of such legacy, or

(2) As if the testator had died intestate with respect thereto, when there is no such applicable residuary clause."

Sec. 1 ½. This Act does not apply to pending litigation.

Sec. 2. G. S. 31-44 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 73

CHAPTER 763

AN ACT TO AMEND CHAPTER 26 OF THE GENERAL STATUTES, RELATING TO SURETYSHIP.

The General Assembly of North Carolina do enact:

Section 1. G. S. 26-7 is hereby amended by rewriting the Section to read as follows:

"G. S. 26-7. Surety, indorser, or guarantor may notify creditor to take action.

(a) After any note, bill, bond, or other obligation becomes due and payable, any surety, indorser, or guarantor thereof may give written notice to the holder or owner of the obligation requiring him to use all reasonable diligence to recover against the principal and to proceed to realize upon any securities which he holds for the obligation.

(b) The surety, indorser or guarantor who gives notice to the holder or owner of the obligation as provided by subsection (a) shall forthwith give written notice to all co-sureties, co-indorsers and co-guarantors of the fact that such notice is being given to the holder or owner of the obligation, and such co-sureties, co-indorsers and co-guarantors shall have ten days after receipt of the notice in which themselves to give written notice to the holder or owner of the obligation and to their co-sureties, co-indorsers, and co-guarantors, that they join in or adopt the notice given pursuant to subsection (a). Failure of such surety, indorser or guarantor to give the required notice to co-sureties, co-indorsers or co-guarantors, whose names and residences are known to him or can be obtained by due diligence bars such surety indorser or guarantor from any of the benefits of G. S. 26-9.

(c) The holder or owner of the obligation shall on demand disclose to any surety, indorser, or guarantor of the obligation the names and addresses of all other sureties, indorsers and guarantors which appear on the obligation or of which he has knowledge.

(d) Nothing herein contained shall apply to official bonds, or bonds given by any person acting in a fiduciary capacity."
Sec. 2. G. S. 26-8 is hereby amended by rewriting the Section to read as follows:

"G. S. 26-8. Notice; how given; prima facie evidence thereof.
(a) Any notice authorized or required to be given by G. S. 26-7 shall—
(1) Be served by the sheriff by delivering a copy thereof to the person entitled to the notice, or
(2) Be sent by the person giving notice, by registered mail, with return receipt requested, to the last known address of the person being notified.
(b) Upon serving the notice, the sheriff shall return the original thereof, with his return thereon, to the person who caused the notice to be given.
(c) The sheriff's return, when the notice is served by the sheriff, or the return receipt, when the notice is sent by registered mail, shall be prima facie evidence of the giving of the notice."

Sec. 3. G. S. 26-9 is hereby amended by rewriting the Section to read as follows:

(a) If the holder or owner of the obligation refuses or fails, within 30 days from the service or receipt of such notice, to take appropriate action pursuant thereto, the following persons shall be discharged on any such note, bond, bill or other obligation to the extent that they are prejudiced thereby:
(1) The surety, indorser or guarantor giving such notice, and
(2) All co-sureties, co-indorsers or co-guarantors joining therein or adopting such notice as provided by G. S. 26-7, and
(3) All the co-sureties, co-indorsers, or co-guarantors whose names or addresses such holder or owner of the obligation failed to disclose on demand as required by subsection (c) of G. S. 26-7.
(b) The fact that an instrument contains a provision waiving any defense of any surety, indorser or guarantor by reason of the extension of the time for payment does not prevent the operation of this Section. Any such notice to the holder or owner of the obligation as is authorized by G. S. 26-7 may be given at or subsequent to the time such obligation is due or at or subsequent to the termination of a period of extension.
(c) The failure of any co-surety, co-indorser or co-guarantor to join in or adopt a notice to the holder or owner of the obligation as authorized by subsection (b) of G. S. 26-7 does not prevent such co-surety, co-indorser or co-guarantor from giving a separate notice as authorized by subsection (a) of G. S. 26-7."

Sec. 4. This Act does not apply to pending litigation.
Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 6. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 11th day of April, 1951.
S. B. 102  

CHAPTER 764

AN ACT TO PROHIBIT PERSONS UNDER FOURTEEN YEARS OF AGE FROM OPERATING CERTAIN VEHICLES OVER THE HIGHWAYS OF THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Section 20-10 of the General Statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

“No person fourteen years of age or under, whether licensed under this Article or not, shall operate any road machine, farm tractor or motor driven implement of husbandry on any highway within this State. Provided any person may operate a road machine; farm tractor, or motor driven implement of husbandry upon a highway adjacent to or running in front of the land upon which such person lives when said person is actually engaged in farming operations.”

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 11th day of April, 1951.

S. B. 111  

CHAPTER 765

AN ACT TO AMEND SECTION 28-1 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE APPOINTMENT OF ADMINISTRATORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-1 is hereby amended by inserting immediately following line 4 of subsection 4 a new subsection, to be designated as subsection 5, and to read as follows:

“5. Where the decedent, not being domiciled in this State, was at the time of his death a party to an action pending in the county of such clerk.”

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 11th day of April, 1951.

S. B. 144  

CHAPTER 766

AN ACT TO AMEND G. S. 136-43 SO AS TO INCREASE THE AMOUNT OF HIGHWAY FUNDS WHICH MAY BE ANNUALLY EXPENDED FOR THE ERECTION OF HISTORICAL MARKERS ON THE HIGHWAYS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-43 is hereby amended by striking out in lines eight and nine of the last paragraph the words “five thousand dollars
in any one year." and inserting in lieu thereof the words and figures "ten thousand dollars ($10,000) in any one fiscal year".

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 215

CHAPTER 767

AN ACT TO AMEND CHAPTER 58 OF THE NORTH CAROLINA GENERAL STATUTES AS IT RELATES TO THE STANDARD FIRE INSURANCE POLICY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. I. Amend G. S. 58-176, as it appears in the 1949 Cumulative Supplement to the General Statutes, as follows:

(1) In paragraph (1), line 4, strike out the words "of the State of" and insert in lieu thereof the word "for".

(2) In paragraph (2), line 1, between the words "insurance" and "shall" insert the words "except contracts of automobile fire, theft, comprehensive and collision, marine and inland marine insurance".

(3) In paragraph (3), line 2, strike out the words "of the state of" and insert in lieu thereof the word "for".

(4) In paragraph (3), line 4, between the word "insurer" and the closing bracket, insert the words "and with permission for the North Carolina Fire Insurance Rating Bureau to change the manner of folding the policy and arrangement of the pages and the arrangement of the wording of page 1, page 3, and the back of the policy and relocation of the signatures, and any other relocations or rearrangement of the contents of the policy, with the approval of the commissioner".

II. Amend G. S. 58-177, as it appears in the 1949 Cumulative Supplement to the General Statutes, as follows:

(1) In line 2, between the words "policies" and "on" insert the words "except policies of automobile fire, theft, comprehensive and collision, marine and inland marine insurance".

(2) In paragraph (a), line 5, strike out the words "of the States of" and insert in lieu thereof the word "for".

(3) In paragraph (a), line 7, between the words "states" and "in" insert the words "or political jurisdiction".

(4) In paragraph (b), line 1, between the words "may" and "use", insert the words "print in its policies or".

(5) In paragraph (c), line 2, between the word "policy" and the comma, insert a comma and the words "in unused spaces".

(6) In paragraph (f), lines 18 and 19, between the words "premiums" and "for" insert a comma and the words and punctuation "description of construction, occupancy and location of property covered".

III. Strike out the four pages following page 156 in the 1949 Cumulative Supplement to the General Statutes and immediately preceding page 161, and more particularly designated as "First Page of Standard

FIRST PAGE OF STANDARD FIRE POLICY

Standard Fire Insurance Policy for North Carolina

NO.

Renewal of Number

[Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of the policy.]

Insurance is provided against only those perils and for only those coverages indicated below by a premium charge and against other perils and for other coverages only when endorsed hereon or added hereto.

<table>
<thead>
<tr>
<th>Perils(s) Insured Against</th>
<th>Coverage(s) Provided</th>
<th>Amount</th>
<th>Rate</th>
<th>Premium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire and Lightning</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Extended Coverage</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Total Premium $5

In Consideration of the Provisions and Stipulations Herein or Added Hereto AND OF the premium above specified this Company, for the term of (At Noon Standard Time) to (At Noon Standard Time) at location of property involved, to an amount not exceeding the amount(s) above specified, does insure and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating construction or repair, and without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured, against all DIRECT LOSS BY FIRE, LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER PROVIDED, to the property described hereinafter while located or contained as described in this policy, or pro rata for five days at each proper place to which any of the property shall necessarily be removed for preservation from the perils insured against in this policy, but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this Company.

This policy is made and accepted subject to the foregoing provisions and stipulations and those hereinafter stated, which are hereby made a
part of this policy, together with such other provisions, stipulations and agreements as may be added hereto, as provided in this policy.

Agency at

Countersignature Date

SECOND PAGE OF STANDARD FIRE POLICY

1 Concealment, This entire policy shall be void if, whether
2 fraud. before or after a loss, the insured has wil-
3 fully concealed or misrepresented any ma-
4 terial fact or circumstance concerning this insurance or the
5 subject thereof, or the interest of the insured therein, or in case
6 of any fraud or false swearing by the insured relating thereto.
7 Uninsurable This policy shall not cover accounts, bills,
8 and currency, deeds, evidences of debt, money or
9 excepted property. securities; nor, unless specifically named
10 hereon in writing, bullion or manuscripts.
11 Perils not This Company shall not be liable for loss by
12 included. fire or other perils insured against in this
13 policy caused, directly or indirectly, by: (a)
14 enemy attack by armed forces, including action taken by mili-
15 tary, naval or air forces in resisting an actual or an immediately
16 impending enemy attack; (b) invasion; (c) insurrection; (d)
17 rebellion; (e) revolution; (f) civil war; (g) usurped power; (h)
18 order of any civil authority except acts of destruction at the time
19 of and for the purpose of preventing the spread of fire, provided
20 that such fire did not originate from any of the perils excluded
21 by this policy; (i) neglect of the insured to use all reasonable
22 means to save and preserve the property at and after a loss, or
23 when the property is endangered by fire in neighboring prem-
24 ises; (j) nor shall this Company be liable for loss by theft.
25 Other Insurance. Other insurance may be prohibited or the
26 amount of insurance may be limited by en-
27 surement attached hereto.
28 Conditions suspending or restricting insurance. Unless other-
29 wise provided in writing added hereto this Company shall not
30 be liable for loss occurring
31 (a) while the hazard is increased by any means within the con-
32 trol or knowledge of the insured; or
33 (b) while a described building, whether intended for occupancy
34 by owner or tenant, is vacant or unoccupied beyond a period of
35 sixty consecutive days; or
36 (c) as a result of explosion or riot, unless fire ensue, and in
37 that event for loss by fire only.
38 Other perils Any other peril to be insured against or sub-
39 or subjects. ject of insurance to be covered in this policy
40 shall be by endorsement in writing hereon or
41 added hereto.
42 Added provisions. The extent of the application of insurance
43 under this policy and of the contribution to

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be made by this Company in case of loss, and any other pro-
vision or agreement not inconsistent with the provisions of this
policy, may be provided for in writing added hereto, but no pro-
vision may be waived except such as by the terms of this policy
is subject to change.

Waiver No permission affecting this insurance shall
provisions. exist, or waiver of any provision be valid,
unless granted herein or expressed in writing
added hereto. No provision, stipulation or forfeiture shall be
held to be waived by any requirement or proceeding on the part
of this Company relating to appraisal or to any examination
provided for herein.

Cancellation This policy shall be cancelled at any time
of policy. at the request of the insured, in which case
this Company shall, upon demand and sur-
render of this policy, refund the excess of paid premium above
the customary short rates for the expired time. This policy
may be cancelled at any time by this Company by giving
to the insured a five days' written notice of cancellation with
which
or without tender of the excess of paid premium above the pro-
rata premium for the expired time, which excess, if not ten-
dered, shall be refunded on demand. Notice of cancellation shall
state that said excess premium (if not tendered) will be re-

funded on demand.

Mortgagee If loss hereunder is made payable, in whole
interests and or in part, to a designated mortgagee not
obligations. named herein as the insured, such interest in
this policy may be cancelled by giving to such
mortgagee a ten days' written notice of can-
cellation.

If the insured fails to render proof of loss such mortgagee, upon
notice, shall render proof of loss in the form herein specified
within sixty (60) days thereafter and shall be subject to the pro-
visions hereof relating to appraisal and time of payment and of
bringing suit. If this Company shall claim that no liability ex-
isted as to the mortgagor or owner, it shall, to the extent of pay-
ment of loss to the mortgagee, be subrogated to all the mort-
gagee's rights of recovery, but without impairing mortgagee's
right to sue; or it may pay off the mortgage debt and require
an assignment thereof and of the mortgage. Other provisions
relating to the interests and obligations of such mortgagee may
be added hereto by agreement in writing.

Pro rata liability. This Company shall not be liable for a greater
proportion of any loss than the amount
hereby insured shall bear to the whole insurance covering the
property against the peril involved, whether collectible or not.

Requirements in case loss occurs. The insured shall give immediate written
notice to this Company of any loss, protect
the property from further damage, forthwith
separate the damaged and undamaged personal property, put
it in the best possible order, furnish a complete inventory of
the destroyed, damaged and undamaged property, showing in
detail quantities, costs, actual cash value and amount of loss
claimed; and within sixty days after the loss, unless such time
is extended in writing by this Company, the insured shall render
to this Company a proof of loss, signed and sworn to by the
insured, stating the knowledge and belief of the insured as to
the following: the time and origin of the loss, the interest of the
insured and of all others in the property, the actual cash value of
each item thereof and the amount of loss thereto, all encum-
brances thereon, all other contracts of insurance, whether valid
or not, covering any of said property, any changes in the title,
use, occupation, location, possession or exposures of said prop-
erty since the issuing of this policy, by whom and for what
purpose any building herein described and the several parts
thereof were occupied at the time of loss and whether or not it
then stood on leased ground, and shall furnish a copy of all the
descriptions and schedules in all policies and, if required, verified
plans and specifications of any building, fixtures or machinery
destroyed or damaged. The insured, as often as may be reason-
ably required, shall exhibit to any person designated by this
Company all that remains of any property herein described, and
submit to examinations under oath by any person named by this
Company, and subscribe the same; and, as often as may be
reasonably required, shall produce for examination all books of
account, bills, invoices and other vouchers, or certified copies
thereof if originals be lost, at such reasonable time and place as
may be designated by this Company or its representative, and
shall permit extracts and copies thereof to be made.

Appraisal. In case the insured and this Company shall
fail to agree as to the actual cash value or
the amount of loss, then, on the written demand of either, each
shall select a competent and disinterested appraiser and notify
the other of the appraiser selected within twenty days of such
demand. The appraisers shall first select a competent and dis-
interested umpire; and failing for fifteen days to agree upon
such umpire, then, on request of the insured or this Company,
such umpire shall be selected by a judge of a court of record in
the state in which the property covered is located. The ap-
praisers shall then appraise the loss, stating separately actual
cash value and loss to each item; and, failing to agree, shall
submit their differences, only, to the umpire. An award in writ-
ing, so itemized, of any two when filed with this Company shall
determine the amount of actual cash value and loss. Each
appraiser shall be paid by the party selecting him and the ex-
penses of appraisal and umpire shall be paid by the parties
equally.

Company's It shall be optional with this Company to
142 options. take all, or any part, of the property at the
143 agreed or appraised value, and also to re-
144 pair, rebuild or replace the property destroyed or damaged with
145 other of like kind and quality within a reasonable time, on giv-
146 ing notice of its intention so to do within thirty days after the
147 receipt of the proof of loss herein required.
148 Abandonment. There can be no abandonment to this Com-
149 pany of any property.
150 When loss The amount of loss for which this Company
151 payable. may be liable shall be payable sixty days
152 after proof of loss, as herein provided, is
153 received by this Company and ascertainment of the loss is made
154 either by agreement between the insured and this Company ex-
155 pressed in writing or by the filing with this Company of an
156 award as herein provided.
157 Suit. No suit or action on this policy for the recov-
158 ery of any claim shall be sustainable in any
159 court of law or equity unless all the requirements of this policy
160 shall have been complied with, and unless commenced within
161 twelve months next after inception of the loss.
162 Subrogation. This Company may require from the insured
163 an assignment of all right of recovery against
164 any party for loss to the extent that payment therefor is made
165 by this Company.

IN WITNESS WHEREOF, this Company has executed and attested
these presents; but this policy shall not be valid unless countersigned by
the duly authorized Agent of this Company at the agency hereinbefore
mentioned.

(INsert SIGNATURES AND TITLES OF PROPER OFFICERS)

THIRD PAGE OF STANDARD FIRE POLICY

BACK PAGE OF STANDARD FIRE POLICY

Standard Fire Insurance Policy for
North Carolina
See inside of Policy for Amount(s)
of Insurance and Peril(s) Insured
Against.

NO.
Expires
Basic Amount $ Premium $
Property
Insured's name and
( mailing address )
( )

It is important that the written
portions of all policies covering the
same property read exactly alike. If
they do not, they should be made
uniform at once.
S. B. 227  
CHAPTER 768

AN ACT TO AMEND G. S. 143-4 SO AS TO FIX A QUORUM FOR MEMBERS OF THE ADVISORY BUDGET COMMISSION IN THE TRANSACTION OF OFFICIAL BUSINESS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-4 is amended by adding a new paragraph at the end thereof to read as follows:

"In all matters where action on the part of the Advisory Budget Commission is required by this Article, three (3) members of said commission shall constitute a quorum for performing the duties or acts required by said commission."

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 11th day of April, 1951.

S. B. 228  
CHAPTER 769

AN ACT AUTHORIZING THE STATE TREASURER TO DEPOSIT IN A SPECIAL ACCOUNT ALL SURPLUSES AND OTHER ASSETS DERIVED FROM THE SPECIAL SCHOOL BUILDING FUNDS ACTS OF 1921, 1923, 1925 AND 1927.

The General Assembly of North Carolina do enact:

Section 1. The State Treasurer is authorized to set up a special account and to deposit therein or transfer thereto all surpluses derived from the Special School Building Funds Acts authorized by Chapter 147 of the Public Laws of 1921, Chapter 136 of the Public Laws of 1923, Chapter
201 of the Public Laws of 1925 and Chapter 199 of the Public Laws of 1927. Any surpluses or assets now on hand from such bond issues which have been retired; and the surpluses or assets remaining from such bond issues as they are retired from time to time, may be applied by the State Treasurer upon the principal and interest of any such bond issues remaining unpaid; and when all of the bonds are retired and fully paid, both as to principal and interest, any such surplus or assets remaining in said special account, shall be turned over to the State Literary Loan Fund.

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 the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 269

CHAPTER 770

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES SO AS TO PROVIDE A DEFINITION OF "RESIDENT" FOR MOTOR VEHICLE REGISTRATION PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-38 of the General Statutes by adding at the end thereof a new subdivision, to be designated subdivision (gg) and to read as follows:

"(gg) Resident. As to individuals, every person who is a resident of this State and the fact that such person leaves the State temporarily shall not be sufficient to terminate his residence here. Any person who leaves this State shall be presumed to continue to be a resident of this State if his family continues to reside in this State or his children continue to attend school in this State, or if his dwelling in this State is maintained by him as a place of occupancy which is not used by parties other than members of his family."

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 284

CHAPTER 771

AN ACT TO AMEND G. S. 47-19, RELATING TO REGISTRATION OF DEEDS EXECUTED PRIOR TO JANUARY 1, 1920.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-19 is hereby amended by striking out in the first sentence the words "the first day of January, one thousand eight hundred and ninety" and inserting in lieu thereof, "January 1, 1920".

Sec. 1½. This Act shall not apply to pending litigation.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 285  CHAPTER 772  
AN ACT TO AMEND G. S. 47-1 RELATING TO INSTRUMENTS WHICH MAY BE REGISTERED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-1 is hereby amended by rewriting the Section to read as follows:

“§ 47-1. Officials of state authorized to take probate. The execution of all deeds of conveyance, contracts to buy, sell or convey lands, mortgages, deeds of trust, instruments modifying or extending the terms of mortgages or deeds of trust, assignments, powers of attorney, covenants to stand seized to the use of another, leases for more than three years, releases, affidavits concerning land titles or family history, any instruments pertaining to real property, and any and all instruments and writings of whatever nature and kind which are required or allowed by law to be registered in the office of the register of deeds or which may hereafter be required or allowed by law to be so registered, may be proved or acknowledged before any one of the following officials of this State: The several Justices of the Supreme Court, the several Judges of the Superior Court, commissioners of affidavits appointed by the Governor of this State, the Clerk of the Supreme Court, the several Clerks of the Superior Court, the Deputy Clerks of the Superior Court, the several clerks of the criminal courts, notaries public, and the several justices of the peace.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 304  CHAPTER 773  
AN ACT PROVIDING FOR THE DONATION OR BEQUEATHING BY ANY PERSON OF HIS BODY OR ANY PART THEREOF FOR THE PURPOSES OF MEDICAL SCIENCE AND THE REHABILITATION OF THE MAIMED.

The General Assembly of North Carolina do enact:

Section 1. Any person who may otherwise validly make a will in this State may by will dispose of the whole or any part of his or her body to a teaching institution, university, college, State Department of Health, legally licensed hospital or any other legally licensed hospital, agency or commission operating an eye bank, bone or cartilage bank, a blood bank or any other bank of a similar nature and kind designated for the rehabilitation of the maimed.

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Sec. 2. Persons so donating or bequeathing the whole or any part of their bodies under the provisions of Section 1 of this Act may designate the donee or may expressly designate the purpose for which his or her body, or any part thereof, is to be used, but such shall not be necessary. If no donee is named by the donor in his will, then any hospital in which the donor may depart this life or any available physician or surgeon shall be considered the donee and have full authority to take the body or the part thereof so donated and thereafter to use the body or the part thereof so donated for the purposes designated by the donor, or if no such purpose has been designated, then for purposes in accordance with the intention of this Act.

Sec. 3. No particular form or words shall be necessary or required but any written statement or last will and testament or codicil shall be liberally construed to effectuate the intent and purpose of the persons wishing to donate their bodies or any part thereof for the purpose elaborated in this Act.

Sec. 4. Any provision in any last will and testament or codicil which donates the body of the testator or any part thereof as provided by this Act shall become effective immediately upon the death of the testator and the authority for any hospital, physician or surgeon to remove said body or any part thereof shall be such last will and testament or codicil.

Sec. 5. The North Carolina State Commission for the Blind is hereby authorized to help and assist in the execution and furtherance of the purposes of this Act insofar as it concerns any eye bank and may provide for the registration of the names of persons in need of having their eyesight restored.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 307

CHAPTER 774

AN ACT TO AMEND ARTICLE 3 OF SUBCHAPTER VIII OF CHAPTER 1 OF THE GENERAL STATUTES RELATING TO RECORDS TO BE KEPT BY THE CLERK OF THE SUPERIOR COURT OF THE CANCELLATION, ASSIGNMENT, TRANSFER OR RELEASE OF JUDGMENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 23 of subchapter VIII of Chapter 1 of the General Statutes is hereby amended by inserting after G. S. 1-239 and before G. S. 1-240 a new Section which shall be designated as § 1-239.1 and which shall read as follows:

“§ 1-239.1. In all cases where the governing authority of any county has caused the instruments or documents filed for record in the office of the Clerk of the Superior Court of such county to be recorded by any system involving the use of microfilm or by the use of any microphotographic system or by any system of photographic recording, it shall be
lawful for the Clerk of the Superior Court to keep a record or docket book for the purpose of entering on same payment or payments, credit or satisfaction, assignments or releases in whole or in part of any judgment which has heretofore been recorded by any photographic process above mentioned. For this purpose, the form of such docket or record book shall be substantially as follows:

"SUPERIOR COURT CANCELLATION, ASSIGNMENT, TRANSFER OR RELEASE OF JUDGMENTS, ETC.

I (We) ........................................... do hereby certify that that certain judgment docketed in Judgment Docket .........., at page ...., filed .......... day of ........................................, 19 ...., Case No. ........................................, wherein ........................................ is (are) Plaintiff(s) and ........................................ is (are) Defendant(s) has been fully satisfied, released and discharged together with all costs, and interest, ........................................

Signed in the presence of ........................................

Assistant-Deputy Clerk of the Superior Court of ........................................ County

Any entries of payment, credits or satisfaction made on such record or docket book, in substantially the form above mentioned, shall be good and valid payments, credits or satisfactions in all respects as if the same had been duly entered on the original judgment docket before the recording of same by the photographic process or system above mentioned. The Clerk of the Superior Court shall have the authority to forward certificates to the Clerk of the Superior Court of each county to whom a transcript of said judgment has been sent to the same extent and for all the purposes provided in G. S. 1-239, and all payments, credits or satisfactions entered in said docket book or record shall be valid to the same extent as if the same had been entered in the regular judgment docket in accordance with the provisions of G. S. 1-239."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 310

CHAPTER 775

AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES BY ADDING THEREIN A NEW SECTION TO PROVIDE FOR OPERATIVE PERMISSION WHEN NO RESPONSIBLE RELATIVE OR GUARDIAN CAN BE FOUND.

The General Assembly of North Carolina do enact:

Section 1. Insert in Chapter 130 of the General Statutes a new Section to read as follows:
"Section 130-243.2. Operative permission when no responsible relative or guardian can be found. Notwithstanding the provisions of Sections 130-242, 130-243 and 130-243.1, when it shall appear to the medical staff or consultants of a State hospital or State institution that a patient, inmate or prisoner of such State hospital or State institution is in need of some type of surgical operation for the preservation or restoration of health and when no responsible relative or guardian of such patient, inmate or prisoner can be located, as shown by the return of a registered letter to the last known address of the guardian or responsible relative, the medical superintendent or the director of the State institution, the Surgical consultant, and the local health officer of the county in which the hospital or institution is located shall constitute a board to pass upon the physical condition of the patient and may by unanimous agreement authorize the surgical operation deemed necessary, including the administration of an anesthetic, and the surgical consultant or qualified medical staff member may proceed with the surgical operation without further consent being necessary.

“A description of the medical and surgical condition of the patient and the type of operation performed, signed by the board referred to above, shall be made a part of the medical record of the hospital or institution, and a copy of this description shall be furnished to the surgical consultant, the local county health officer, and the clerk of court of the county from which the patient was admitted or committed.”

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 315

CHAPTER 776

AN ACT TO TRANSFER TO THE NORTH CAROLINA STATE PORTS AUTHORITY ALL THE PROPERTY AND FUNCTIONS OF THE MOREHEAD CITY PORT COMMISSION AND PROVIDING FOR THE CANCELLATION OF OUTSTANDING BONDS OF SAID COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That in accordance with the terms and provisions of a certain lease agreement made and entered into on the 15th day of November, 1949, by and between the Morehead City Port Commission, a municipal corporation created and existing under and by virtue of Chapter 75 of the Private Laws of 1933, and the North Carolina State Ports Authority, a State agency created and operating under authority of Chapter 1097 of the Session Laws of 1945 and amendments thereto, certain port facilities situate in the Town of Morehead City, Carteret County, North Carolina, consisting generally of two docks, a transit shed, railroad facilities, loading and unloading equipment, a water tank, office, and general port paraphernalia and equipment used in conjunction therewith, and the
fee simple title to all the real estate owned by the said Morehead City Port Commission, which is fully described in the said lease, shall as of April 1, 1951, be, and the same hereby is transferred and conveyed to the North Carolina State Ports Authority and said property shall there- after be and become the absolute property of the said authority, and the said authority shall own the absolute title thereto in lieu of the lease- hold interests held by it as described in said lease as to that part of said property which was leased to it. The real estate above referred to is known and described as follows:

“In the Town of Morehead City, Carteret County, North Carolina, and bounded by Newport River on the East, Bogue Sound on the South and the property of the Madix Asphalt Roofing Corporation on the West, and described by metes and bounds as follows: In Morehead Township, Morehead City, abutting the waters of Newport River and Bogue Sound: Begin- ning at a point in Newport River where the South line of the right- of-way of the A. and N. C. Railroad Company intersects the United States Harbor Line just South of Pier #1 (at the East end of Morehead City); thence running with the southern line of said right-of-way North 85 degrees West 1590 feet to an iron stake which is 100 feet South of the center line of the main line of the A. and N. C. roadway, at the Madix (now Southern Felt Co.) northeast corner; thence with the Madix (now Southern Felt Co.) East line South 10 degrees West 1000 feet to Point H6 in the United States Harbor Line; thence with the United States Harbor Line South 83 degrees East 1680 feet to a Point H7 in the U. S. Har- bor Line; thence with said harbor line North 5 degrees 45 East 1148 feet to the beginning. (Reference condemnation proceeding, Port Commission v. Henderson et al., Special Proceeding Number 611, Carteret County Su- perior Court, and United States Department of Engineer’s Map, Survey April and September, 1917, approved July 18, 1927), together with all accretions and additions thereto, whether naturally or artificially made.”

For the purpose of showing a record transfer of the properties herein referred to, the Morehead City Port Commission shall as of April 1, 1951, execute a deed and bill of sale conveying said real and personal property to the North Carolina State Ports Authority in fee simple and absolutely, said deed to be executed in the name of the said Morehead City Port Com- mission by the Chairman of the Morehead City Port Commission and the secretary thereof.

Sec. 2. From and after April 1, 1951, all the powers, authority, privi- leges, and functions of every nature whatsoever vested in or accruing to the Morehead City Port Commission by virtue of Chapter 75 of the Pri- vate Laws of North Carolina, Session of 1933, and amendments thereto, and Chapter 434, Public-Local Laws of 1939, Chapter 131, Private Laws of 1933, as amended by Chapter 128, Private Laws of 1935, and Chapter 748 Session Laws of 1947, insofar as applicable, are hereby transferred to and vested in the North Carolina State Ports Authority; but provided that the existence of the Morehead City Port Commission, as a legal entity, shall be continued, and it may perform such duties and functions as may be from time to time conferred upon it by the North Carolina State Ports Authority.
From and after April 1, 1951, all the duties, liabilities, and obligations imposed upon or incurred by the Morehead City Port Commission by statutory authority are hereby transferred to and imposed upon the North Carolina State Ports Authority; nothing herein contained shall require or authorize the North Carolina State Ports Authority to pay any claims against the Morehead City Port Commission that are not listed as unpaid in the audit of its affairs to be made as of April 1st, 1951, or of any claim as amount due by said commission which is barred by any statute of limitations.

Sec. 3. The conveyance and transfer of the real property of the Morehead City Port Commission to the North Carolina State Ports Authority shall be subject to the lease heretofore entered into by the Morehead City Port Commission and the Standard Oil Company of New Jersey for two tracts of land included in said area, but from and after the first day of April, 1951, all rentals due or to become due under said lease shall be paid to the North Carolina State Ports Authority. The said conveyance shall also be subject to any existing rights-of-way conveyed to the Atlantic & North Carolina Railroad Company and the deed of easement to Madix Asphalt Roofing Corporation dated 16 March 1948, of record in Book 117, page 313 of the Register of Deeds of Carteret County; and the lease agreement dated 17 February 1950, between the Morehead City Port Commission and Trumbull Asphalt Company of Delaware; all rentals and payments under said last mentioned lease from and after the first day of April, 1951, shall be paid to the North Carolina State Ports Authority. As of April 1, 1951, the Morehead City Port Commission shall pay over to the North Carolina State Ports Authority any surplus of money on hand which it may have which it has received from its operations for the period subsequent to 1 December 1949.

Sec. 4. As of the first day of April, 1951, the North Carolina State Ports Authority shall cause to be marked paid and satisfied in full the Morehead City Port Commission bonds in the face amount of three hundred twenty-six thousand dollars ($326,000.00) for which it had paid the sum of two hundred one thousand and eight hundred dollars ($201,800.00) and all interest coupons attached thereto or held in connection therewith which were purchased by the North Carolina State Ports Authority from the Reconstruction Finance Corporation and the Atlantic and North Carolina Railroad Company, said bonds and coupons having been acquired by the said Authority in accordance with the terms of the lease agreement dated 15 November 1949, with the Morehead City Port Commission as the consideration to be paid for the conveyance and transfer of the property heretofore and hereby made of the assets and property of the said Commission to the said Authority, the said bonds and coupons being all of the outstanding bonded indebtedness of the said Commission.

Sec. 5. The provisions of Section 7 of Chapter 75 of the Private Laws of 1933, authorizing the Board of Commissioners of Morehead City to cause to be levied a special tax under the contingencies therein set forth, is hereby repealed and no tax shall hereafter be levied under the authority of said law.
Sec. 6. All acts and things heretofore done by the Morehead City Port Commission in leasing part of its property to the State Ports Authority are hereby ratified, approved and confirmed.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 348

CHAPTER 777

AN ACT TO AMEND G. S. 35-2 RELATING TO THE APPOINTMENT, POWERS AND DUTIES OF A GUARDIAN OR TRUSTEE FOR AN INCOMPETENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 35-2 is hereby amended by striking out the seventh sentence of the third paragraph of said Section which reads as follows:

“The trustee appointed shall be subject to the laws now or which hereafter may be enacted for the control and handling of estates by guardians.”

and by inserting in lieu thereof the following:

“The trustee or guardian appointed shall be vested with all the powers of a guardian administering an estate for any person and shall be subject to all the laws governing the administration of estates of minors and incompetents.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 359

CHAPTER 778

AN ACT TO AUTHORIZE THE CONVEYANCE OR LEASE OF CERTAIN STATE-OWNED PROPERTY IN RALEIGH TO THE NORTH CAROLINA CHAPTER OF THE UNITED WAR MOTHERS OF AMERICA.

The General Assembly of North Carolina do enact:

Section 1. The Governor is hereby authorized, in his discretion, with the approval of the Council of State, to convey or lease, upon such terms as he may deem wise to the North Carolina Chapter of the United War Mothers of America the State-owned real property situated on the northwest corner of the intersection of South Street and Bloodworth Street in the City of Raleigh.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.
S. B. 365

CHAPTER 779

AN ACT TO PROVIDE FOR THE CREATION OF PARKING AUTHORITIES IN CITIES AND TO DEFINE THEIR POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act may be cited as the "Parking Authority Law."

Sec. 2. Definitions. As used or referred to in this Act, unless a different meaning clearly appears from the context:

1. The term "authority" shall mean a public body and a body corporate and politic organized in accordance with the Act for the purposes, with the powers and subject to the restrictions hereinafter set forth;

2. The term "city" shall mean the city that is, or is about to be, included in the territorial boundaries of an authority when created hereunder;

3. The term "city council" shall mean the legislative body, council, board of commissioners, or other body charged with governing the city;

4. The term "city clerk" shall mean the clerk of the city or the officer thereof charged with the duties customarily imposed on the clerk;

5. The term "commissioner" shall mean one of the members of an authority, appointed in accordance with the provisions of this Act;

6. The term "bonds" shall mean bonds authorized by this Act;

7. The term "real property" shall mean lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights of way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate;

8. The term "parking project" shall mean any area or place operated or to be operated by the authority for the parking or storing of motor and other vehicles and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles.

Sec. 3. Creation of Authority. The city council of any city may, upon its own initiative, and shall, upon petition of 25 or more residents of the city, hold a public hearing on the question whether or not it is necessary for the city to organize an authority under the provisions of this Act. Notice of the time, place and purpose of such hearing shall be given by publication in a newspaper of general circulation in the city, at least once, at least 10 days before such hearing. At such hearing, an opportunity to be heard shall be granted to all residents and taxpayers of the city and all other interested persons. If, after such hearing, the city council shall by resolution determine that it is necessary for the city to organize an authority under the provisions of this Act, the city council shall appoint,
as hereinafter provided, five commissioners to act as an authority. Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

The commissioners shall present or cause to be presented to the Secretary of State of North Carolina a written application signed by them, which shall set forth (1) a statement that the city council has, pursuant to this Act, and after a public hearing held as herein required, determined that it is necessary for the city to organize an authority under the provisions of this Act, and has appointed the signers of such application as commissioners of such an authority; (2) a statement that the commissioners desire the authority to become a public body and a body corporate and politic under this Act; (3) the name, address and term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location and the principal office of the proposed corporation. The application shall be accompanied by a copy, certified by the city clerk, of the resolution or resolutions of the city council making such determination and appointments. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by law to take and certify oaths, who shall certify upon the application that he personally knows said commissioners and knows them to be the persons appointed as stated in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or any other corporation of this State or so nearly similar as to lead to confusion and uncertainty, he shall receive and file it and shall record it in an appropriate book of record in his office.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and body corporate and politic under the name proposed in the application; and the Secretary of State shall make and issue a certificate of incorporation pursuant to this Act, under the seal of the State, and shall record the same with the application.

The boundaries of such authority shall be coterminous with those of such city.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Sec. 4. An authority shall consist of five commissioners appointed by the city council, and the city council shall designate the first chairman. No commissioner shall be a city official.

The commissioners who are first appointed shall be designated by the city council to serve for terms of one, two, three, four and five years respectively from the date of their appointment. Thereafter, the term of
office shall be five years. A commissioner shall hold office until his successor has been appointed by the city council and has qualified. Vacancies shall be filled by the city council for the unexpired term. Three commissioners shall constitute a quorum. A commissioner shall receive no compensation for his services, but he shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent or temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may, with the consent of the city council call upon the city attorney or chief law officer of the city for such legal services as it may require, or it may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper. The city council may remove any member of the authority for inefficiency, neglect of duty or misconduct in office, giving him a copy of the charges against him and an opportunity of being heard in person, or by counsel, in his defense upon not less than 10 days' notice.

Such authority and its corporate existence shall continue only for a period of five years and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities or bonds have otherwise been discharged. Upon its ceasing to exist, all its rights and properties shall pass to the city.

Sec. 5. Duty of Authority and Commissioners. The authority and its commissioners shall be under a statutory duty to comply or cause compliance strictly with all provisions of this Act and, in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

Sec. 6. Interested Commissioners or Employees. No commissioner or employee of an authority shall acquire any interest direct or indirect in any parking project or in any property included or planned to be included in any parking project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any parking project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any parking project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office.

Sec. 7. Purpose and Powers of the Authority. An authority incorporated under this Act shall constitute a public body and a body corporate and politic, exercising public powers as an agency or instrumentality of the city with which it is coterminous. The purpose of the au-
authority shall be to relieve traffic congestion of the streets and public places in the city by means of off-street parking facilities, and to that end to acquire, construct, improve, operate and maintain one or more parking projects in the city. To carry out said purpose, the authority shall have power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To acquire, hold and dispose of personal property for its corporate purposes, including the power to purchase prospective or tentative awards in connection with the condemnation of real property;
4. To acquire by purchase or condemnation, and use real property necessary or convenient. All real property acquired by the authority by condemnation shall be acquired in the manner provided by law for the condemnation of land by the city;
5. To make by-laws for the managements and regulation of its affairs, and, subject to agreements with bondholders, for the regulation of parking projects;
6. To make contracts and leases, and to execute all instruments necessary or convenient;
7. To construct such buildings, structures and facilities as may be necessary or convenient;
8. To construct, reconstruct, improve, maintain and operate parking projects;
9. To accept grants, loans or contributions from the United States, the State of North Carolina, or any agency or instrumentality of either of them, or the city, and to expend the proceeds for any purposes of the authority;
10. To fix and collect rentals, fees and other charges for the use of parking projects or any of them subject to and in accordance with such agreements with bondholders as may be made as hereinafter provided;
11. To do all things necessary or convenient to carry out the purpose of the authority and the powers expressly given to it by this Act.

Sec. 8. Conveyance of Property by the City to the Authority; Acquisition of Property by the City or by the Authority.
1. The city may convey, with or without consideration, to the authority real and personal property owned by the city for use by the authority as a parking project or projects or a part thereof. In case of real property so conveyed, the instrument of conveyance shall contain a provision for reversion of the property to the city upon the termination of the corporate existence of the authority or upon the termination of the use of the property for the corporate purpose of the authority. Such conveyance of property by the city to the authority may be made without regard to the provisions of other laws regulating sales of property by the city or requiring previous advertisement of sales of property by the city.
2. The city may acquire by purchase or condemnation real property in the name of the city for the authority or for the widening of existing roads, streets, parkways, avenues or highways or for new roads, streets, parkways, avenues or highways to any of the parking projects, or partly for such purposes and partly for other city purposes, by purchase or con-
demnation in the manner provided by law for the acquisition of real property by the city. The city may close such streets, roads, parkways, avenues, or highways as may be necessary or convenient.

3. Contracts may be entered into between the city and the authority providing for the property to be conveyed by the city to the authority, the additional property to be acquired by the city and so conveyed, the streets, roads, parkways, avenues and highways to be closed by the city, and the amounts, terms and conditions of payment to be made by the authority. Such contracts may contain covenants by the city as to the road, street, parkway, avenue and highway improvements to be made by the city, including provisions for the installation of parking meters in designated streets of the city and for the removal of such parking meters in the event that such parking meters are not found to be necessary or convenient. Any such contract may pledge all or any part of the revenues of such parking meters to the authority for a period of not to exceed the period during which bonds of the authority shall be outstanding, provided that the total amount of such revenues which may be paid pursuant to such a pledge shall not exceed the total of the principal of and interest on such bonds which become due and payable during such period. Such contracts may also contain provisions limiting or prohibiting the construction and operation by the city or any agency thereof in designated areas of public parking facilities and parking meters whether or not a fee or charge is made therefor. Any such contracts between the city and the authority may be pledged by the authority to secure its bonds and may not be modified thereafter except as provided by the terms of the contracts or by the terms of the pledge. The city council may authorize such contracts on behalf of the city and no other authorization on the part of the city for such contracts shall be necessary.

4. The authority may itself acquire real property for a parking project at the cost and expense of the authority by purchase or condemnation pursuant to the laws relating to the condemnation of land by the city.

5. In case the authority shall acquire any real property which it shall determine is no longer required for a parking project, then, if such real property was acquired at the cost and expense of the city, the authority shall have power to convey it without consideration to the city, or, if such real property was acquired at the cost and expense of the authority, then the authority shall have power to sell, lease or otherwise dispose of said real property and shall retain and have the power to use the proceeds of sale, rentals or other moneys derived from the disposition thereof for its purposes.

Sec. 9. Contracts. The authority shall let contracts in the manner provided by law for contracts of the city.

Sec. 10. Moneys of the Authority. All moneys of the authority shall be paid to the treasurer of the city as agent of the authority, who shall designate depositories and who shall not commingle such moneys with any other moneys. Such moneys shall be deposited in a separate bank account or accounts. The moneys in such accounts shall be paid out on checks of the treasurer on written requisition of the chairman of the authority or of such other person or persons as the authority may authorize to make
such requisitions. All deposits of such moneys shall be secured in the manner provided by law for securing deposits of moneys of the city. The city accountant of the city and his legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing. The authority shall cause an annual audit of its accounts to be made by a certified public accountant or firm of certified public accountants, and shall cause a copy of the report of each such audit to be filed with the city clerk, who shall present the same to the city council. The authority shall have power, notwithstanding the provisions of this Section to contract with the holders of any of its bonds as to the custody, collection, securing, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this Section. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits.

Sec. 11. Bonds of the Authority.

1. The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds for any purpose mentioned in Section 7, including the acquisition, construction, reconstruction and repair of personal and real property of all kinds deemed by the authority to be necessary or desirable to carry out such purpose, as well as to pay such expenses as may be deemed by the authority necessary or desirable to the financing thereof and placing the project or projects in operation, in the aggregate principal amount of not exceeding three million dollars ($3,000,000.00). The authority shall have power from time to time and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose herein above described. In computing the total amount of bonds of the authority which may at any time be outstanding the amount of the outstanding bonds to be refunded from the proceeds of the sale of new bonds or by exchanging for new bonds shall be excluded. Except as may otherwise be expressly provided by the authority, the bonds of every issue shall be general obligations of the authority payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues. Whether or not the bonds are of such form and character as to be negotiable instruments under the terms of the negotiable instruments law (constituting Chapter 25 of the General Statutes) the bonds shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of the negotiable instruments law, subject only to the provisions of the bonds for registration.
2. The bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding 30 years from their respective dates, bear interest at such rate or rates, not exceeding six per centum (6%) per annum payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption prior to maturity, at par value, as such resolution or resolutions may provide.

3. Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized as to

(a) Pledging all or any part of the revenues of a parking project or projects to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

(b) The rentals, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(c) The setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) Limitations on the right of the authority to restrict and regulate the use of a project;

(e) Limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or of any issue of the bonds;

(f) Limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;

(g) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto; and the manner in which such consent may be given;

(h) Limitations on the amount of moneys derived from a parking project to be expended for operating, administrative or other expenses of the authority;

(i) Vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to Section 18 hereof, and limiting or abrogating the right of the bondholders to appoint a trustee under said Section or limiting the rights, duties and powers of such trustee;

(j) Any other matters, of like or different character, which in any way affect the security or protection of the bonds.

4. It is the intention hereof that any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the
lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Statutory provisions relating to the recording or registering of instruments creating liens shall not apply to the lien of any such pledge.

5. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

6. The authority shall have power out of any funds available therefor to purchase bonds. The authority shall cancel such bonds.

7. In the discretion of the authority, the bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company in the State of North Carolina. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the construction, maintenance, operation, repair and insurance of the parking project or projects, and the custody, safeguarding and application of all moneys, and may provide that the parking project or projects shall be constructed and paid for under the supervision and approval of consulting engineers. Notwithstanding the provisions of Section 10, the authority may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the project or projects to the trustee under such indenture or other depository and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the parking project or projects. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them, and the trustee under such trust indenture shall have and possess all of the powers which are conferred by Section 18 upon a trustee appointed by bondholders.

Sec. 12. Notes of the Authority. The authority shall have power from time to time to issue notes and from time to time to issue renewal notes (herein referred to as notes) maturing not later than five years from their respective original dates in an amount not exceeding at any time fifty thousand dollars ($50,000.00), over and above the amount of bonds authorized by subdivision 1 of Section 11 of this Act, whenever the authority shall determine that payment thereof can be made in full from any moneys or revenues which the authority expects to receive from any source. Such notes may, among other things, be issued to provide funds to pay preliminary costs of surveys, plans or other matters relating to any proposed project. The authority may pledge such moneys or revenues (subject to any other pledge thereof) for the payment of the notes and may in addition secure the notes in the same manner and with the same effect as herein provided for bonds. Interest on the notes shall not exceed the rate of six per centum (6%) per annum. The authority shall have power
to make contracts for the future sale from time to time of the notes, by which the purchasers shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and the authority shall have power to pay such consideration as it shall deem proper for such commitments. In case of default on its notes, or violation of any of the obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders.

Sec. 12½. The issuance of all bonds and notes authorized pursuant to this Act shall be subject to approval by the Local Government Commission and such bonds and notes shall be sold by said commission in the same manner as bonds and notes of municipalities are approved and sold under the provisions of the Local Government Act. Such bonds and notes shall be delivered in the same manner as bonds and notes of municipalities are delivered under the provisions of the Local Government Act.

Sec. 13. Agreements of the State. The State of North Carolina does pledge to and agree with the holders of the bonds that the State will not limit or impair the rights hereby vested in the authority to acquire, construct, maintain, reconstruct and operate the project or projects, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds, or in any way impair the rights and remedies of the bondholders, until the bonds, together with interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged.

Sec. 14. State and City not Liable on Bonds. The bonds and other obligations of the authority shall not be a debt of the State of North Carolina or of the city, and neither the State nor the city shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

Sec. 15. Bonds Legal Investments for Public Officers and Fiduciaries. The bonds are hereby made securities in which all public officers and bodies of this State and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business and all other persons whatsoever, except as hereinafter provided, who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds including capital in their control or belonging to them; provided that, notwithstanding the provisions of any other general or special law to the contrary, such bonds shall not be eligible for the investment of funds, including capital, trusts, estates or guardianships under the control of individual administrators, guardians, executors, trustees and other individual fiduciaries. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this State and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this State is now or may hereafter be authorized.
Sec. 16. Exemptions from Taxation. It is hereby found, determined and declared that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the State of North Carolina, for the improvement of their health, welfare and prosperity, and for the promotion of their traffic, and is a public purpose, and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this Act, and the State of North Carolina covenants with the holders of the bonds that the authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of the project or any tolls, revenues or other income received by the authority and that the bonds of the authority and the income therefrom shall at all times be exempt from taxation, except for transfer and estate taxes.

Sec. 17. Tax Contract by the State. The State of North Carolina covenants with the purchasers and with all subsequent holders and transferees of bonds issued by the authority pursuant to this Act, in consideration of the acceptance of and payment for the bonds, that the bonds of the authority issued pursuant to this title and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds, shall at all times be free from taxation except for transfer and estate taxes.

Sec. 18. Remedies of Bondholders.

1. In the event that the authority shall default in the payment of principal of or interest on any issue of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of the bonds, the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the register of deeds of the county in which the authority is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes herein provided.

2. Such trustee may, and upon written request of the holders of twenty-five per centum (25%) in principal amount of such bonds then outstanding shall, in his or its own name

(a) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the bondholders, including the right to require the authority to collect revenues adequate to carry out any agreement as to, or pledge of, such revenues, and to require the authority to carry out any other agreements with the holders of such bonds and to perform its duties under this Act;

(b) Bring suit upon such bonds;

(c) By action or suit in equity, require the authority to account as if it were the trustee of an express trust for the holders of such bonds;
(d) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds;

(e) Declare all such bonds due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (25%) of the principal amount of such bonds then outstanding, to annul such declaration and its consequences.

3. The Superior Court of the county in which the authority is situated shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders.

4. Before declaring the principal of all such bonds due and payable, the trustee shall first give 30 days' notice in writing to the authority.

5. Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of the project the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with bondholders, shall take possession of all moneys and other property derived from or applicable to the construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with any construction thereon which the authority is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement with bondholders relating thereto and perform the public duties and carry out the agreements and obligations of the authority under the direction of the court. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements, and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such project.

6. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders in the enforcement and protection of their rights.

Sec. 19. Actions against the Authority. In every action against the authority for damages, for injuries to real or personal property, or for the destruction thereof, or for personal injuries or death, the complaint shall contain an allegation that at least 30 days have elapsed since the demand, claim or claims upon which such action is founded were presented to a member of the authority, or to its secretary, or to its chief executive officer and that the authority has neglected or refused to make an adjustment or payment thereof for 30 days after such presentment.

Sec. 20. Termination of Authority. Whenever all of the bonds issued by the authority shall have been redeemed or cancelled, the authority shall cease to exist and all rights, titles and interests and all obligations and liabilities thereof vested in or possessed by the authority shall thereupon vest in and be possessed by the city.

Sec. 21. Act not Affected if in Part Unconstitutional or Ineffective. If any Section, clause or provisions of this Act shall be unconstitutional or
be ineffective in whole or in part, to the extent that it is not unconstitut-
ional or ineffective it shall be valid and effective and no other Section,
clause or provision shall on account thereof be deemed invalid or ineffective.

Sec. 22. Inconsistent Provisions in Other Acts Superseded. Insofar as
the provisions of this Act are inconsistent with the provisions of any
other Act, general or special, the provisions of this Act shall be controll-
ing. This Act shall not repeal or modify any other Act providing a dif-
f erent method of financing parking projects in cities, the powers con-
ferred hereby being intended to be in addition to and not in substitution
for the powers conferred by other Acts.

Sec. 23. Time of Taking Effect. This Act shall be in force from and
after its ratification.

In the General Assembly read three times and ratified, this the 11th
day of April, 1951.

S. B. 379

CHAPTER 780

AN ACT TO AMEND SECTION 50-12 OF THE GENERAL STATUTES
RELATIVE TO THE RESUMPTION OF MAIDEN NAMES OF
DIVORCEES IN CASES WHERE DIVORCES ARE GRANTED IN
THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Section 50-12 of the General Statutes is hereby amended by
inserting therein a new sentence immediately preceding the last sentence
in the Section, which new sentence shall read as follows:

“The provisions of this Section shall apply only in those cases in
which the divorce decree is rendered by a court of competent jurisdiction
of this State.”

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1,
1951.

In the General Assembly read three times and ratified, this the 11th
day of April, 1951.

S. B. 380

CHAPTER 781

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES
OF NORTH CAROLINA RELATING TO THE REGULATION OF
THE BUSINESS OF INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-187 is amended by inserting in line six between
the words “terminated,” and “upon” the following: “or have been fully
reinsured, with the approval of the Commissioner, in a solvent company
licensed to do an insurance business in North Carolina approved by the
Commissioner,”.
Sec. 2. Amend Chapter 58 as it appears in the 1949 Cumulative Supplement of the General Statutes by adding a new Section to immediately follow G. S. 58-44.4 to be numbered Section 58-44.5 and to read as follows:

"Section 58-44.5. Rebates prohibited. No insurer or employee thereof, and no broker or agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the applicable filing approved by the Insurance Commissioner. No insurer or employee thereof, and no broker or agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate discount, abatement, credit, or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement or reduction of premium, or any special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents and brokers, nor as prohibiting any participating insurer from distributing to its policyholders dividends, savings or the unused or unabsorbed portion of premiums and premium deposits. As used in this Section the word 'insurance' includes suretyship and the word 'policy' includes bond."

Sec. 3. Subsection (2) of G. S. 58-150, as it appears in the 1949 Cumulative Supplement to the General Statutes is amended by inserting in line six of said subsection between the punctuation after the word "company" and the letter "a" the words "a free surplus and".

Sec. 4. Amend Chapter 58 as it appears in the 1949 Cumulative Supplement to the General Statutes by adding a new Section to immediately follow G. S. 58-155.35 to be numbered Section 58-155.36, and to read as follows:

"58-155.36. The Commissioner shall have power to appoint, under his official seal, one or more special deputies, as his agent or agents, and to employ such counsel, clerks and assistants as may by him be deemed necessary, for the purpose of efficiently conducting such liquidation or rehabilitation and may delegate to each of them such of the powers vested in him as he may deem wise and prudent. The compensation of such special deputy commissioners, counsel, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating or rehabilitating any such corporation shall be fixed by the commissioner, subject to the approval of the court, and shall, on certificate of the commissioner, be paid out of the funds or assets of such corporation."

Sec. 5. G. S. 58-177, paragraph (d), as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by striking out in line three of subsection (d) the word "thirty" and inserting in lieu thereof the word "sixty".
Sec. 6. G. S. 58-40.2, as it appears in the 1949 Cumulative Supplement to the General Statutes is amended by striking out in line eight the word “five” and inserting in lieu thereof the word “one”.

Sec. 7. G. S. 58-51.1 as it appears in the 1949 Cumulative Supplement of the General Statutes is amended by changing the period at the end thereof to a comma and adding the words “Provided: In no event may any agent or agents adjust any losses in any amount where his remuneration for the sale of insurance is in any way dependent upon the adjustment of such losses.”

Sec. 8. Subsection (f) of Section 58-79 as it appears in the 1949 Cumulative Supplement to the General Statutes is amended by striking out the period following the word “corporations” in line 11, substituting a semicolon therefor and adding the following proviso: “and provided further, except as the Commissioner shall permit, that such investment in any one corporation not engaged solely in the business of insurance shall not result in the acquisition of more than 20% of the outstanding voting stock or shares of such corporation.”

Sec. 9. G. S. 58-153 is amended as follows:

(a) Strike out in line 7, between the words “and” and “service” the word “no”.

(b) Strike out in line 9, between the words “valid” and “made” the word “unless” and insert in lieu thereof the word “if”.

(c) Insert in lines nine and ten between the comma after the word “insurance” and the word “the” the words and punctuation “by leaving a copy of such process in the office of Commissioner with a deputy duly appointed by the Commissioner for such purpose,”.

Sec. 10. G. S. 58-33 as it appears in the 1949 Cumulative Supplement to the General Statutes is amended by inserting at the end thereof the following: “There shall not appear on the face of the policy or on its filing back, anything that would indicate that it is the obligation of any other than the company or companies responsible for the payment of losses under the policy, though it will be permissible to stamp or print on the bottom of the filing back, the name or names of the department or general agency issuing the same, and the group of companies with which the company is financially affiliated. The use of any emblem, insignia, or anything other than the true and proper corporate name of such company shall be permitted only with the approval of the Commissioner.”

Sec. 11. G. S. 58-11 as it appears in the 1949 Cumulative Supplement to the General Statutes, is repealed and the following inserted in lieu thereof: “The office of the Commissioner shall be a public office and the records, reports, books and papers thereof on file therein shall be accessible to the inspection of the public, except that the records compiled as a part of an investigation for the crime of arson shall not be considered as public records and may be made available to the public only upon an order of court of competent jurisdiction. Provided that such records shall upon request be made available to the solicitor of any district if the same concerns persons or investigations in his district.
Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 398

CHAPTER 782

AN ACT TO AUTHORIZE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO ESTABLISH SPEED ZONES, AND FIX SPEED LIMITS THEREIN, ON THE PUBLIC HIGHWAYS NEAR RURAL PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. Whenever the State Highway and Public Works Commission shall determine that the proximity of a public school to a public highway, coupled with the number of pupils in ordinary regular attendance at such school, results in a situation that renders the applicable speed set out in G. S. 20-141 greater than is reasonable or safe, under the conditions found to exist with respect to any public highway near such school, said commission shall establish a speed zone on such portion of said public highway near such school as it deems necessary, and determine and declare a reasonable and safe speed limit for such speed zone, which shall be effective when appropriate signs giving notice thereof are erected at each end of said zone so as to give notice to any one entering the zone. This Section does not apply with respect to any portion of any street or highway within the corporate limits of any incorporated city or town. Operation of a motor vehicle in any such zone at a rate of speed in excess of that fixed pursuant to the powers granted in this Section is a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 402

CHAPTER 783

AN ACT TO AMEND G. S. 1-394 RELATING TO THE TIME FOR THE FEDERAL GOVERNMENT, AN AGENCY OF THE STATE GOVERNMENT, OR ANY LOCAL GOVERNMENT TO FILE ANSWER IN A CONTESTED SPECIAL PROCEEDING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-394 is hereby amended by striking out the last sentence of said Section which reads as follows:

"Provided, further, where the defendant is an agency of the State the time for filing answer or other plea shall be not less than thirty (30) days after the date of service." and inserting in lieu thereof the following:

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“Provided, further, where the defendant is an agency of the Federal Government, or an agency of the State, or a local government, or an agency of a local government, the time for filing answer or other plea shall be within thirty (30) days after the date of service of summons or after the final determination of any motion required to be made prior to the filing of an answer.”

Sec. 2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 406

CHAPTER 784

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR THE REGULATION OF RATES ON HEALTH AND ACCIDENT INSURANCE BY THE COMMISSIONER OF INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. Article 26 of Subchapter VI of Chapter 58, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by adding a new Section immediately following G. S. 58-254.6, to be designated as G. S. 58-254.7, and to read as follows:

“G. S. 58-254.7. No policy of insurance against loss or expense from the sickness, or from the bodily injury or death by accident of the insured shall be issued or delivered to any person in this State nor shall any application, rider or endorsement be used in connection therewith until a copy of the form thereof and of the classification of risks and the premium rates, or, in the case of cooperatives or assessment companies the estimated cost pertaining thereto have been filed with the Commissioner of Insurance.

“No such policy shall be issued, nor shall any application, rider or endorsement be used in connection therewith, until the expiration of 30 days after it has been so filed unless the Commissioner shall sooner give his written approval thereto.

“The Commissioner may within 30 days after the filing of any such form, disapprove such form (1) if the benefits provided therein are unreasonable in relation to the premium charged, or (2) if it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of such policy. If the Commissioner shall notify the insurer which has filed any such form that it does not comply with the provisions of this Section or Sections, it shall be unlawful thereafter for such insurer to issue such form or use it in connection with any policy. In such notice the Commissioner shall specify the reasons for his disapproval and state that a hearing will be granted within 20 days after request in writing by the insurer.
“The Commissioner may at any time, after a hearing of which not less than 20 days written notice shall have been given to the insurer, withdraw his approval of any such form on any of the grounds stated in this Section. It shall be unlawful for the insurer to issue such form or use it in connection with any policy after the effective date of such withdrawal of approval. The notice of any hearing called under this paragraph shall specify the matters to be considered at such hearing and any decision affirming disapproval or directing withdrawal of approval under this Section shall be in writing and shall specify the reasons therefor: Provided, that the provisions of this Section shall not apply to Workmen’s Compensation Insurance, accidental death or disability benefits issued supplementary to life insurance or annuity contracts, medical expense benefits under liability policies or to group accident and health insurance.”

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 11th day of April, 1951.

S. B. 411

CHAPTER 785

AN ACT RELATING TO THE ACCOUNTING FOR FINES, FORFEITURES, AND PENALTIES BY CERTAIN COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-179 is amended by striking out the word “sixty” in line five of said Section and inserting in lieu thereof the word “thirty”.

Sec. 2. G. S. 153-58 is amended by striking out the word “sixty” in line five of said Section and inserting in lieu thereof the word “thirty”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 415

CHAPTER 786

AN ACT RELATING TO THE COUNTY RECORDER’S COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the regular primary and general election held in 1954 and quadrennially thereafter, for county officers in Columbus County, there shall be elected a solicitor of the Recorder’s Court of Columbus County whose term of office shall be four years. The term of office of the solicitor elected in 1954 shall commence on the first Monday in December, 1954.
Sec. 2. The Columbus County Recorder's Court shall have the same criminal and civil jurisdiction as is provided in Article 30 of Chapter 7 of the General Statutes for general county courts, and the practice and procedure in said court shall be the same as is provided in Article 31 of Chapter 7 of the General Statutes for general county courts.

Sec. 3. Said Recorder's Court shall have concurrent jurisdiction with the Superior Court of Columbus County over all actions for divorce and annulment of marriage. The procedure with respect thereto shall be the same as in the Superior Court of Columbus County.

Sec. 4. Sections 2 and 3 of this Act shall not become effective until the first Monday in December, 1954.

Sec. 5. This Act applied only to Columbus County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 422

CHAPTER 787

AN ACT TO AMEND CHAPTER 899 OF THE SESSION LAWS OF 1949 ENTITLED "AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN DURHAM COUNTY."

The General Assembly of North Carolina do enact:

Section 1. Chapter 899 of the Session Laws of 1949 is hereby amended by rewriting Section 2 of said Chapter to read as follows:

"Sec. 2. Every person, firm, or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule of financial condition with the Clerk of Recorder's Court of Durham County, and the financial responsibility of the surety named in all bail or other bonds executed by a professional bondsman shall be approved by said Clerk. Every person, firm, or corporation licensed as a professional bondsman must keep on deposit with the Clerk of Recorder's Court of Durham County in cash, bonds, building and loan stock or first mortgages upon real estate to be approved by the clerk a sum equal to twenty-five per cent (25%) of the bail or other bonds signed by said professional bondsman still in effect. When at any time the cash, bonds, building and loan stock or first mortgages deposited with the clerk amount to less than twenty-five per cent (25%) of the bail or other bonds in effect signed by a professional bondsman, the Clerk of Recorder's Court of Durham County shall demand from such professional bondsman an additional amount to be placed on deposit in order that the deposit shall equal twenty-five per cent (25%) of the bail or other bonds in effect signed by such professional bondsman. Upon failure of the professional bondsman to make such additional deposit with the said clerk the clerk shall refuse to accept any further bonds signed by said bondsman until such time as his deposit exceeds twenty-five per cent (25%) of the bonds outstanding signed by said bondsman."

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Sec. 2. Chapter 899 of the Session Laws of 1949 is further amended by inserting therein a new Section, to be designated Section 2A, to read as follows:

"Sec. 2A. All bonds ordered by the court to be forfeited shall be paid on or before the 10th day of the month following the order of forfeiture."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 431

CHAPTER 788

AN ACT TO AUTHORIZE THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO ACCEPT A CONVEYANCE OF THE JAMES IREDELL HOME AND THE LOT ON WHICH THE SAME IS LOCATED IN EDENTON, NORTH CAROLINA, AND APPROPRIATING FIFTEEN THOUSAND DOLLARS TO PAY OFF THE MORTGAGE ON SAID PROPERTY.

WHEREAS, the home of James Iredell in the Town of Edenton is one of the most important historic structures in North Carolina; and

WHEREAS, James Iredell was one of the two Associate Justices of the United States Supreme Court from North Carolina throughout the entire history of the State and was appointed by President George Washington; and

WHEREAS, in this house also died James Wilson of Pennsylvania, another Associate Justice of the United States Supreme Court, also appointed by President Washington; and

WHEREAS, the Edenton Tea Party Chapter of the Daughters of the American Revolution have acquired title to said property for the purpose of preserving it as an historical site and now are indebted in the sum of fifteen thousand dollars ($15,000.00), in the purchase price of the same, which is secured by a mortgage thereon; and

WHEREAS, the Edenton Tea Party Chapter of the Daughters of the American Revolution has offered to convey said property to the State of North Carolina for the purpose of permanently preserving it as an important historical site upon assumption of payment of the outstanding indebtedness of said property: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Department of Conservation and Development is hereby authorized and empowered to accept conveyance of title to the property in Edenton, North Carolina, known as the James Iredell house and the lot on which the same is situated, which has been acquired by the Edenton Tea Party Chapter of the Daughters of the American Revolution, or held in trust for them, to be permanently used as a part of the property of the State to be preserved as an historical site. Upon conveyance of said property to the State of North Carolina, the Department of Conservation
and Development is authorized and empowered to pay off the outstanding purchase money mortgage against said property in the principal amount of fifteen thousand dollars ($15,000.00), and said amount is hereby appropriated from the General Fund of the State to the Department of Conservation and Development for said purpose.

Sec. 2. The Department of Conservation and Development is authorized and empowered to enter into a contract with the James Iredell Historical Association, Incorporated, a charitable corporation organized under the laws of this State for the purpose of preserving, restoring, furnishing and operating as a public museum the James Iredell house under the terms of which said contract the said Historical Association will assume all financial responsibility for the restoring, preserving, furnishing and operating the said James Iredell house and the grounds on which the same is located, in consideration of which the said lease is to be made. Such lease so to be made will be subject to the condition that all of said property shall be subject to the inspection and supervision of the Department of Conservation and Development.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 433

CHAPTER 789

AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO BUILD SIDEWALKS AND LEVY ASSESSMENTS FOR THE COST THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Board of Aldermen of the Town of Wrightsville Beach shall have full power and authority to grade, pave, and otherwise improve for travel and drainage the sidewalks of said town, and to construct and build such sidewalks as they in their discretion deem necessary.

Sec. 2. In order to more effectually carry out the authority delegated and the duty imposed by Section 1 of this Act, the said mayor and board of aldermen shall assess the entire cost of paving or otherwise improving the sidewalks of said town, exclusive of the necessary curbing for the same, on the real estate abutting on the streets and on the side of the street on which the sidewalk is so paved and improved, but if there be only one sidewalk serving a single street, then the assessment shall be made on the real estate on both sides of the street, which, in the opinion of the mayor and board of aldermen, is specially benefited thereby, though not actually abutting thereon.

Sec. 3. To equalize the assessments on real estate for the purposes described in Section 2, the mayor and board of aldermen shall assess, if there be two sidewalks serving a single street, the total cost of such im-
provements made throughout the entire length of such work and improve-
ment, and shall then prorate the cost thereof on the real estate abutting
thereon, according to the frontage on the sidewalk or portion of the side-
walk so repaired: Provided, however, if there is only one sidewalk serv-
ing a single street, then the mayor and board of aldermen shall prorate,
according to the benefit received, the cost thereof on the real estate on
both sides of said street.

Sec. 4. If there be any disagreement between the owner or owners of
property and the mayor and board of aldermen as to what property is
liable to assessment and the pro rata part of said costs to be borne by
such property, the mayor shall cause to be summoned a jury of seven
freeholders of said town, unconnected by consanguinity or affinity with
any of the persons supposed to be affected by said improvements, which jury
shall, after being sworn, proceed to view the street and section in which
said improvement has been proposed to be made, and all the property
deemed to be beneficially affected thereby as hereinbefore provided, and
shall within five days make up their report, a majority concurring therein,
in which shall be generally described each piece of property deemed by
them to be beneficially affected by said improvement, together with the
amount of the special benefit thereto arising from such improvement, and
giving also the names of the supposed owner or owners thereof. After
making up their report as herein required, said jury shall file the same
with the mayor, who shall submit it to the board of aldermen at their
next regular meeting for approval. Said board of aldermen shall, at said
meeting or at any regular meeting thereafter, not exceeding twenty days
from the date of the submission of the same, require the city clerk to
publish a notice of not less than twenty days in some newspaper published
in said city and of general circulation therein, to the effect that said jury
has made its report and prorated and assessed the costs and expense of
said improvement (which shall be described generally) against the prop-
erty specially benefited thereby, naming, where possible, the owners there-
of, or the party in whose name said property may be listed for taxation,
or in case the name of the owner cannot be ascertained, and said property
is not listed for taxation, then the name of the party occupying the same,
if any, and admonishing all persons interested therein, particularly those
named in said notice, that said report has been filed with the city clerk,
and they and each of them are required to be and appear at a regular
meeting of said board of aldermen, to be specified in said notice, and to be
held not less than ten days after the date of the expiration of said notice,
and show cause, if any should exist, why said report should not be approved
and confirmed by said board of aldermen. Any aggrieved party may appeal
from the final determination of said board of aldermen with respect to
said report, or any item therein, within ten days after the date of the
approval thereof, at the next term of the Superior Court of New Han-
over County, by serving notice of appeal upon the mayor of said town,
and specifying therein the particulars in which he considers himself ag-
grieved by such determination of said board of aldermen. On any such
appeal, the Superior Court shall have power to increase, affirm, or dimin-
ish the amount of the item appealed from, but not to adjudicate the necessity of the improvement. The amount of any special benefit or enhanced value so assessed against any premises by the board of aldermen of said town, or on appeal adjudged against the same, shall, upon such final determination of said board of aldermen with respect thereto, in case no appeal is taken therefrom, or upon final judgment in case of any such appeal, be and become a lien in favor of said city, on said property on which it has been so assessed or adjudged, as of the time of such final determination on the part of the board of aldermen, and shall be paid to the city in three equal annual installments, one, two and three years respectively, together with interest on each installment at the rate of six per cent (6%) per annum from said date. If any installment shall remain unpaid for thirty days after its maturity, all installments then unpaid shall become due, and the property and premises so assessed shall be sold for the payment of the same, and of the expenses of such sale and costs, by the tax collector of said town, under the same rules, regulations, restrictions, rights of redemption and other provisions as are prescribed for the sale of real estate for unpaid taxes.

Sec. 5. This Act shall not have the effect of repealing Article 9 of Chapter 160 of the General Statutes of North Carolina but shall be in addition and supplementary thereto.

Sec. 6. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 444

CHAPTER 790
AN ACT TO AMEND SECTION 153-152 GENERAL STATUTES, RELATING TO THE COUNTY POOR IN THE VARIOUS COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 65 of the Public Laws of the 1935 Session of the General Assembly be amended to apply to Brunswick County.

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

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

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 464

CHAPTER 791
AN ACT TO REGULATE THE JUNE TERM OF RICHMOND SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. That that portion of Section 7-70 of the General Statutes relating to Richmond County be, and the same hereby is, amended by striking therefrom that part reading "fifteenth Monday after the first Monday
in March to continue for one week” and substituting therefor “fifteenth Monday after the first Monday in March to continue for two weeks.”

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 11th day of April, 1951.

S. B. 468  
CHAPTER 792  
AN ACT AUTHORIZING THE LEVYING OF CERTAIN SPECIAL TAXES IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Chatham County is hereby authorized to levy, impose and collect special ad valorem taxes required for the special and necessary purposes, and subject to the several limitations hereinafter set forth, such taxes to be in addition to any taxes authorized by any other special or general Act and in addition to the constitutional limit of taxes levied for general county purposes, it being the purpose of the General Assembly hereby to give its approval for the levy of such special taxes for such necessary purposes.

Sec. 2. The special taxes authorized by this Act shall be levied for and applied to the following purposes, and shall not in any instance exceed the rates specified for those purposes, namely:

County Health—not in excess of $.09 on the $100 valuation
County Dependents—not in excess of $.09 on the $100 valuation
Fire Prevention and Protection—not in excess of $.03 on the $100 valuation
Outside Poor—not in excess of $.08 on the $100 valuation
County Welfare—not in excess of $.08 on the $100 valuation
Aid to Blind—not in excess of $.02 on the $100 valuation
Old Age Assistance—not in excess of $.08 on the $100 valuation
Aid to Dependent Children—not in excess of $.04 on the $100 valuation
County Farm and Home Demonstration Agents—not in excess of $.08 on the $100 valuation

Sec. 3. This Act shall apply only to Chatham County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 470  
CHAPTER 793  
AN ACT TO AMEND CHAPTER 1021 OF THE SESSION LAWS OF 1949, RELATING TO THE ESTABLISHMENT OF THE CHARLES B. AYCOCK MEMORIAL COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1021 of the Session Laws of 1949 is stricken out and the following is substituted in lieu thereof:

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"Sec. 4. Property authorized to be received by the commission under Section 2 of this Act may be made direct to the State of North Carolina for the purposes of this Act, and when such property has been acquired, or the State has binding contracts for the conveyance of the same, the five thousand dollars ($5,000.00) herein appropriated, and all other funds which are now or may hereafter be made available for the purposes of this Act, may be administered by the Division of Parks of the Department of Conservation and Development."

Sec. 2. Section 5 of Chapter 1021 of the Session Laws of 1949 is stricken out and the following is substituted in lieu thereof:

"Sec. 5. When the property is so acquired, and has been fully restored, the Charles B. Aycock Memorial Commission shall be dissolved. The members of said commission shall serve without compensation and shall not be entitled to subsistence and transportation."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 472

CHAPTER 794

AN ACT TO REQUIRE POLICE OFFICERS INVESTIGATING ACCIDENTS TO FILE REPORTS OF THEIR INVESTIGATION WITH THE DEPARTMENT OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Section 20-166 of the General Statutes is hereby amended by adding at the end of subsection (d) thereof the following:

"Whenever any police officer of any city, town or county shall investigate an accident, a report showing the results of his investigation shall be made to the department by the investigating officer on forms to be supplied by the department under the provisions of subsection (f) of this Section. Such reports shall be filed with the department on the fifth day of the next succeeding month after the investigation is made."

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.
CHAPTER 795

AN ACT TO PRESCRIBE CERTAIN FEES FOR THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Granville County shall collect for his own office and account for to the general county fund of said county the following fees for the following services rendered or acts done by him, namely:

Certificate, twenty-five cents (25c).

Copying any record or paper on file, one dollar ($1.00) for the first three hundred words or fraction thereof and twenty cents (20c) for each additional hundred words or major fraction thereof, but where the copy is prepared for him in reasonably accurate and usable form, said clerk shall charge one-half of the above copying fees. If a certified copy of a record is required, said clerk shall also collect twenty-five cents (25c) for his certificate and twenty-five cents (25c) for affixing the seal of the Superior Court, provided that he shall charge only fifty cents (50c) for a certified copy of letters of administration, letters testamentary or letters issued to any other fiduciary, including the certificate and seal.

Docketing liens, twenty-five cents (25c), plus one dollar ($1.00) for the first three hundred words or fraction thereof and twenty cents (20c) for each additional one hundred words or major fraction thereof in the notice.

Jury, polling, one dollar ($1.00).

Minutes, entries in or copying any paper therein, one dollar ($1.00) for the first three hundred words or fraction thereof and twenty cents (20c) for each additional hundred words or major fraction thereof, provided that in a civil or criminal case which is continued from term to term, entries of not more than one hundred words up to the final order in a case shall be twenty-five cents (25c), but entries of more than one hundred words and the final entry or order shall be at the first rate above.

Notice, twenty-five cents (25c) for each original notice and ten cents (10c) for each copy of said notice.

Order for the registration of a statutory short form of chattel mortgage or crop lien, or chattel mortgage and crop lien combined, which has been acknowledged or proved before a judge, justice of the peace, notary public or other officer, fifteen cents (15c), including passing upon one certificate of probate, and fifteen cents (15c) for each additional certificate upon which the clerk has to pass.

Probate or acknowledgment of a statutory short form of chattel mortgage or crop lien or chattel mortgage and crop lien combined, including all, except married women, who acknowledge, or as to whom proof is taken, at one time, with the certificate thereof and order for registration, fifteen cents (15c) and twenty-five cents (25c) for the private examination of each married woman examined.
Recording papers or proceedings not otherwise specifically provided for, one dollar for the first three hundred words or fraction thereof, and twenty cents (20c) for each additional hundred words or major fraction thereof.

Recording a will, including the probate, one dollar ($1.00) for the first three hundred words or fraction thereof, and twenty cents (20c) for each additional hundred words or major fraction thereof, and in calculating the fee for recording a certified or authenticated copy of a will from another county, state or country, the words in the order admitting the will to record in this county as well as the words in the will itself and the probate, certificate and authentication shall be counted.

Transcript or copy of any matter or record or papers on file, one dollar ($1.00) for the first three hundred words or fraction thereof, and twenty cents (20c) for each additional hundred words or major fraction thereof.

Sec. 2. The Clerk of the Superior Court of Granville County shall charge and collect for the register of deeds of said county and account for to the general county fund of said county the following fees, namely:

Registering a statutory short form of chattel mortgage or crop lien or combined chattel mortgage and crop lien, thirty-five cents (35c).

Registering any chattel mortgage, crop lien or combined chattel mortgage and crop lien executed to the United States Government or Department of Agriculture, the United States Farm Home Administration, a production credit association, or other association or organization chartered and organized under the laws of the United States for the purpose of making loans to farmers to enable them to purchase livestock, fertilizer or seed or to produce crops, seventy-five cents (75c).

Registering any deed, deed of trust, mortgage, chattel mortgage other than a statutory short form of chattel mortgage or one of the kind mentioned in the preceding paragraph, title-retention contract or other writing which is or may be authorized to be registered by a register of deeds, one dollar ($1.00) for the first three hundred words or fraction thereof and twenty cents (20c) for each additional hundred words or major fraction thereof in the instrument, certificates and order for registration, but no fee shall be charged or collected for any record or report to be made by the register of deeds for the supervisor of taxes or other tax official as to an instrument transferring or conveying any real estate or interest therein.

Registering a plat or map by attaching same permanently in a book of plats as authorized by Section 47-30 of the General Statutes of North Carolina, fifty cents (50c) for each one-fourth of a page or part of one-fourth of a page in said book of plats covered by said map or plat and the certificate of probate and order for registration.

Registering a plat or map by transcribing a correct copy thereof upon the record book or in a book of plats as allowed by Section 47-30 of the General Statutes, the same fees as above plus the actual expense of employing a competent draftsman to make a correct copy of said plat or map in the record or plat book.
Sec. 3. All laws and clauses of laws in conflict herewith, so far as they relate to Granville County, are hereby repealed as to said county; but this Act is supplemental to other laws which prescribe fees for the Clerk of the Superior Court and Register of Deeds of Granville County and is to change said laws only to such extent as it prescribes different fees from those prescribed by said laws.

Sec. 4. This Act shall be in force on and after the first day of July, 1951. In the General Assembly read three times and ratified this the 11th day of April, 1951.

S. B. 482 CHAPTER 796
AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, shall insert in the Machinery Act of 1939, being Chapter 310 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939, 1941, 1943, 1945, 1947, 1949 and 1951, and shall print in codified form 2,500 copies of said Act as amended and supplemented, which copies shall be delivered to the State Board of Assessment for distribution. This compilation and codification, when certified by the Secretary of State and the Attorney General to be a true and accurate codification of the Machinery Act of 1939 and all amendments thereto, shall be an official codification or statement of the Machinery Act of 1939 as amended through the 1951 Session of the General Assembly.

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 11th day of April, 1951.

S. B. 483 CHAPTER 797
AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES OF NORTH CAROLINA, THE SAME BEING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 135 of the the General Statutes of North Carolina, as amended, is hereby further amended by adding thereto a new Section, to be designated as § 135-19, and which shall read as follows:

"§ 135-19. Transfer of credits from the North Carolina Local Governmental Employees' Retirement System. (1) Any person who is a member of the teachers' and State employees' retirement system of North Carolina on July 1, 1951, and who was previously a member of the North Carolina
governmental employees' retirement system, hereafter in this Section referred to as the local system, shall be entitled to transfer to this retirement system his credits for membership and prior service in the local system as of the date of termination of membership in the local system, notwithstanding that his membership in the local system may have been terminated prior to July 1, 1951: Provided, such member shall deposit in this retirement system prior to January 1, 1952, the full amount of any accumulated contributions standing to his credit in, or previously withdrawn from, the local system and shall apply to the board of trustees of this retirement system for a transfer of credit from the local system. Any person who becomes a member of this retirement system after July 1, 1951, shall be entitled to transfer to this retirement system his credits for membership and prior service in the local system as of the date of termination of membership in the local system: Provided, such person, prior to or at the date of his withdrawal from the local system shall notify the board of trustees of the local system of his intention to enter this retirement system, and shall request a refund of the total amount of the accumulated contributions standing to his credit in the annuity savings fund of the local system, and shall deposit such contributions so refunded from the local system in this retirement system within six months from the date of such refund, with request to the board of trustees of this system for transfer of his credits from the local system.

(2) The accumulated contributions withdrawn from the local system and deposited in this retirement system shall be credited to such member's account in the annuity savings fund of this retirement system and shall be deemed, for the purpose of computing any benefits subsequently payable from the annuity savings fund, to be regular contributions made on the date of such deposit.

(3) Upon the deposit in this retirement system of the accumulated contributions previously withdrawn from the local system the board of trustees of this retirement system shall request the board of trustees of the local system to certify to the period of membership service credit and the regular accumulated contributions attributable thereto and to the period of prior service credit, if any, and the contributions with interest allowable as a basis for prior service benefits in the local system, as of the date of termination of membership in the local system. Credit shall be allowed in this system for the service so certified in determining the member's credited service and, upon his retirement he shall be entitled, in addition to the regular benefits allowable on account of his participation in this retirement system, to the pension which shall be the actuarial equivalent at age 60 or at retirement, if prior thereto, of the amount of the credit with interest thereon representing contributions attributable to his service credits in the local system.

(4) Anything to the contrary herein notwithstanding, if a member transferring his credits to this retirement system as herein provided retires on a retirement allowance in this retirement system within five years after the date of such deposit, the benefits payable with respect to the service credits so transferred from the local system to this retirement
system shall not be greater than those which would have been payable
with respect to such service had he remained in the local system.

(5) The board of trustees of the retirement system shall effect such
rules as it may deem necessary to prevent any duplication of service, inter-
est or other credits which might otherwise occur."

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 11th
day of April, 1951.

S. B. 490

CHAPTER 798

AN ACT AUTHORIZING THE STATE BOARD OF ASSESSMENT
TO MAIL TO THE SEVERAL COUNTIES OF THE STATE CERT-
AIN INFORMATION PERTINENT TO TAX VALUATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-276 is hereby amended by adding at the end of
the first paragraph of subsection (6) the following:

"Provided, that the State Board of Assessment may, upon written ap-
plication of any county tax supervisor or person performing the function
of county tax supervisor and approval by the chairman of the board of
county commissioners, mail to such county tax supervisor an abstract of
information contained in any of such reports relevant to the discovery
or assessment of any taxable property of any taxpayers of the county
listed in such application."

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

Sec. 3. This Act shall take effect from and after July 1, 1951.
In the General Assembly read three times and ratified, this the 11th
day of April, 1951.

S. B. 495

CHAPTER 799

AN ACT TO PROVIDE FOR THE CONTROL OF CERTAIN CONTA-
GIOUS OR INFECTIOUS ANIMAL AND POULTRY DISEASES.

The General Assembly of North Carolina do enact:

Section 1. The subject matter of Part 2 of Article 34 of Chapter 106
of the General Statutes, appearing immediately after G. S. 106-307.6, and
immediately before G. S. 106-308, is hereby rewritten so that the same
shall hereafter read as follows: "Part 2. Foot and Mouth Disease; Rin-
derpest; Fowl Pest; Newcastle Disease."

Sec. 2. G. S. 106-308 is hereby rewritten so that the same shall here-
after read as follows:

"§ 106-308. Appropriation to combat animal and fowl diseases. If the
foot and mouth disease, rinderpest (cattle plague), fowl pest, or newcastle
disease (Asiatic or European types), or any other type of foreign infec-
tious disease which may become a menace to livestock and poultry and so
declared to be by the Secretary of Agriculture of the United States, Chief of the United States Bureau of Animal Industry and the Commissioner of Agriculture of North Carolina, seem likely to appear in this State and an emergency as to such disease or diseases is declared by the Secretary of Agriculture of the United States, or his authorized agents, and the North Carolina Department of Agriculture has no funds available to immediately meet the situation in cooperation with the United States Department of Agriculture, the Director of the Budget, upon approval of the Governor and Council of State, shall set aside, appropriate and make available out of the Contingency and Emergency Fund such sum as the Governor and Council of State shall deem proper and necessary, and the Budget Bureau shall place said funds in an account to be known as the Animal and Fowl Disease Appropriation and make same available to the North Carolina Department of Agriculture, to be used by the North Carolina Department of Agriculture in the work of preventing or eradicating the above diseases, or any of them. Funds from the above appropriation shall be paid only for work in this connection upon warrants approved by the Commissioner of Agriculture. The provisions of Part 4 of Article 34 of Chapter 106 of the General Statutes relating to the compensation for killing diseased animals shall be applicable to animals infected with or exposed to the diseases named and described in this Section, as well as to the destruction of materials contaminated by or exposed to the diseases described in this Section, as well as the necessary cost of the disinfection of materials. In no event shall any of the above appropriation be spent for the purposes set forth in this Section unless the funds appropriated by this State are matched in an equal amount by the Federal Government or one of its agencies to be spent for the same purposes.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 500

CHAPTER 800

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES SO AS TO PERMIT EMPLOYEES OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS TO PURCHASE GROUP LIFE INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-210, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by adding a new subsection immediately following subsection (5), to be designated as subsection (6), to read as follows:

“(6). Notwithstanding the provisions of this Section, or any other provisions of law to the contrary, a policy may be issued to the employees of the State or any other political subdivision where the entire amount of premium therefor is paid by such employees.”

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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 11th day of April, 1951.

S. B. 510  CHAPTER 801


The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the City of Winston-Salem and the area outside of the corporate limits of the City of Winston-Salem within one mile of said corporate limits and the area within the boundaries of the Forsyth County Farm and the Forsyth County Home and Hospital in Forsyth County shall be a Bird and Wild Life Sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds or wild life within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 511  CHAPTER 802

AN ACT TO AMEND THE STATE PROPERTY FIRE INSURANCE FUND ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-191 is hereby amended by adding at the end of said Section the following:

"The Commissioner of Insurance, with the approval of the Council of State, is authorized and empowered to adopt and promulgate all such rules and regulations as may be necessary to carry out the purpose and intent of the provisions of this Article and all such rules and regulations as may be adopted in accordance herewith shall be binding upon all the depart-
ments, bureaus, agencies and institutions of the State. The Commissioner of Insurance, with the approval of the Governor and Council of State, is authorized and empowered to purchase from insurers admitted to do business in North Carolina such insurance or reinsurance as may be necessary to protect the State Property Fire Insurance Fund against loss on any one building and contents in excess of not less than $50,000. The premiums on such coverage shall be paid from the State Property Fire Insurance Fund hereinbefore provided."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 512

CHAPTER 803

AN ACT TO AMEND G. S. 7-90 RELATING TO THE COMPENSATION OF THE OFFICIAL COURT REPORTER OF THE SECOND JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-90, as amended, is hereby further amended by rewriting the fifth paragraph of said Section to read as follows:

"The resident judge shall likewise fix the compensation to be received by such reporter and such reporter pro tem: Provided, however, such compensation shall not exceed sixteen dollars per day and actual expenses upon a weekly basis."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 521

CHAPTER 804

AN ACT RELATING TO THE RECORDER'S SALARY, TIMES OF HOLDING COURT AND UNCLAIMED WITNESS FEES WITH RESPECT TO THE RECORDER'S COURT OF THE TOWN OF ZEBULON AND LITTLE RIVER TOWNSHIP IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 219 of the Public-Local Laws of the Extra Session of 1920 is hereby amended by striking out in the last line of Section 1 the words "salary not to exceed twenty dollars per day" and inserting in lieu thereof the words "salary not to exceed forty dollars ($40.00) per day".

Sec. 2. Section 4 of Chapter 409 of the Public-Local Laws of 1915, as amended by Chapter 219 of the Public-Local Laws of the Extra Session of 1920 is hereby amended by rewriting said Section to read as follows:
“Sec. 4. The court shall hold sessions not less than once nor more than four times per month, as fixed by the Board of Town Commissioners of Zebulon, in its discretion, at such place in said town as may be designated by said board.”

Sec. 3. All witness fees in any case finally disposed of in the Recorder's Court of the Town of Zebulon and Little River Township which shall remain unclaimed for a period of 60 days from the date of final judgment shall be paid into the general fund of the Town of Zebulon.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 524

CHAPTER 805

AN ACT TO AMEND THE HOSPITAL DISTRICTS LAW TO PROVIDE FOR THE EXCLUSION OF TERRITORY FROM A HOSPITAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-126.32, as the same appears in the Cumulative Supplement of 1949, is hereby amended by adding at the end of said Section the following:

“Before any petition has been filed requesting authorization to issue bonds or levy any tax as provided by this Article, the North Carolina Medical Care Commission is authorized and empowered to change or alter the boundary lines of any hospital district heretofore created for the purpose of excluding territory from such hospital district. The procedure for excluding territory from any hospital district shall be the same procedure provided in this Article for the creation of a hospital district and as set forth in this Section, as well as § 131-126.31 of this Article. The petition shall show the boundaries of the territory to be excluded from such hospital district, and the North Carolina Medical Care Commission, after hearing, may grant such petition and enter an order excluding such territory from any hospital district heretofore created, and such order shall define the boundaries of the territory excluded.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.
S. B. 528  

CHAPTER 806

AN ACT RELATING TO COSTS IN THE FARMVILLE MAYOR'S COURT.

The General Assembly of North Carolina do enact:

Section 1. The following amounts are hereby authorized to be assessed in the Farmville Mayor's Court:

- Issuing Warrant: $0.60
- Issuing subpoena: $0.25
- Affidavit: $0.25
- Commitment: $0.60
- Preparing bill of cost: $0.25
- Bond: $0.60
- Capias: $1.75
- Continuance: $0.30
- Docketing warrant: $0.25
- Docketing judgment: $0.25
- Indexing judgment: $0.25
- Trial and judgment: $2.00
- Witness fees: $0.50
- Appeal: $0.25
- Seal of office: $0.25
- Recognizing witness: $0.50
- Executing warrant: $1.50
- Imprisonment: $1.00
- Serving subpoena: $0.50
- Meals: $0.50
- Clerk fee: $0.75
- Peace officer: $1.00
- State tax: $2.00
- State Highway Patrol fee: $1.25
- Transporting prisoner: $1.00

Sec. 2. This Act does not prohibit the assessment of items of costs not listed above, but otherwise authorized by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 529  

CHAPTER 807

AN ACT TO VALIDATE A CERTAIN REAL ESTATE CONVEYANCE HERETOFORE MADE BY THE TOWN OF ROCKWELL, IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The action of the Mayor and the Governing Body of the Town of Rockwell, in Rowan County, on the 10th day of June, 1950, in
conveying certain real estate to C. A. Bost, J. Spencer Bost and Hugh W. Bost is hereby, in all respects, confirmed, ratified and validated. The property conveyed in said deed is described as follows:

Beginning at an iron pipe in the South margin of South Main Street, Bost's corner; thence with the South margin of South Main Street, North 47 deg West 4.5 feet to an iron pipe, a new corner; thence a new line, South 43 deg West 73.6 feet to an iron pipe, a new corner; thence with Bost's line, South 49 deg 30 min East 4.5 feet to a stake, Bost's corner; thence with Bost's line, North 43 deg East 73.4 feet to the beginning, and being a part of the property conveyed by Rockwell Council No. 170 J O U A M to the Town of Rockwell, deed dated October 5th, 1940.

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 11th day of April, 1951.

S. B. 530

CHAPTER 808

AN ACT TO AMEND G. S. 7-70, RELATING TO TERMS OF COURT IN DUPLIN AND ONSLOW COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-70 is hereby amended by rewriting the two paragraphs relating to and under the heading "Duplin", as the same appears on page 83 of the 1949 Supplement to the General Statutes, to read as follows:

"Duplin—Eighth Monday before the first Monday in March, to continue for two weeks for the trial of civil cases only; fifth Monday before the first Monday in March, to continue for one week for the trial of criminal cases; first Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; fifth Monday after the first Monday in March, to continue for two weeks, the first week of which shall be for the trial of criminal cases, or civil cases, or both, and the second week for the trial of civil cases exclusively; first Monday before the first Monday in September, to continue for two weeks, the first week of which shall be for the trial of criminal cases, or civil cases, or both, and the second week for the trial of civil cases exclusively; fifth Monday after the first Monday in September, to continue for two weeks, the first week of which shall be for the trial of criminal cases, or civil cases, or both, and the second week for the trial of civil cases exclusively; thirteenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only.

At all criminal terms of the Superior Court in the County of Duplin, uncontested divorce cases may be tried and the court may hear and determine all motions in civil matters, not requiring a jury trial and make any order, judgment or decree respecting the confirmation of judicial sales.
Sec. 2. G. S. 7-70 is hereby further amended by striking out the words “fifth Monday” in line nine of the first paragraph relating to and under the heading “Onslow” on page 467 of Volume I of the General Statutes and inserting in lieu thereof the words “fourth Monday”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 532

CHAPTER 809

AN ACT TO AMEND G. S. 153-10, RELATING TO AUTHORITY OF BOARDS OF COUNTY COMMISSIONERS TO INTERDICT CERTAIN SHOWS, SO AS TO EXEMPT HARNETT COUNTY FROM THE PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by adding to the end thereof the following:

“In Harnett County, the board of county commissioners shall have no authority to direct the sheriff or tax collector of said county to refuse to issue licenses to any of the amusement enterprises named in the first paragraph of this Section when the same or any of them are operated, exhibited, or carried on in connection with any agricultural fair which has been approved by the Commissioner of Agriculture.”

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 11th day of April, 1951.

S. B. 536

CHAPTER 810

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE COUNTY ACCOUNTANT OF FRANKLIN COUNTY BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The County Accountant of Franklin County shall be appointed by the Board of County Commissioners of Franklin County for a term of two years. The term of office of the first county accountant appointed pursuant to this act shall commence on the first Monday in April, 1953. The incumbent county accountant shall serve until the first Monday in April, 1953, and this Act shall be applicable only with respect to county accountants serving from and after the first Monday in April, 1953.
Sec. 2. Chapter 556 of the Public-Local Laws of 1937 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 538

CHAPTER 811

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO ENLARGE THE CORPORATE BOUNDARIES THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 212 of the Session Laws of North Carolina of 1947 is hereby rewritten to read as follows:

Beginning at the mouth of Hendricks Creek, on Tar River, thence up said creek to the southern line of the right of way of the East Carolina Railway; thence with the southern line of the said right of way South 85 deg. 34 min. West one hundred (100) feet, South 76 deg. 25 min. West two hundred eight and nine-tenths (208.9) feet, South 66 deg. 10 min. West one thousand five hundred twenty-two (1,522) feet, South 68 deg. 18 min. West two hundred fifty-three (253) feet, South 72 deg. 38 min. West one hundred eighty-eight and five-tenths (188.5) feet to the Old Sparta Road; thence with the East side of said road or street North 18 deg. 06 min. West eight hundred fifty-four and one-tenth (854.1) feet to the North side of Elm Street (Pitt Street extended), thence with the North side of this street South 66 deg. 55 min. West one thousand four hundred eighty-seven and nine-tenths (1,487.9) feet to a hedgerow; thence with said hedgerow North 24 deg. 43 min. East five hundred (500) feet to the South side of St. James Street; thence crossing said street North 24 deg. 43 min. East two hundred sixty-one and two-tenths (261.2) feet to a stake on the East side of Old Sparta Road; thence with said road North 14 deg. 23 min. East one hundred (100) feet, North 1 deg. 35 min. West one hundred eighty-eight and six-tenths (188.6) feet, North 13 deg. 33 min. West four hundred eighty-two (482.2) feet to the South side of Wilson Street extended; thence with the South side of said street North 63 deg. 08 min. East three hundred seventy-seven and fourtenth (377.4) feet; thence North 65 deg. 06 min. East four hundred thirty-seven (437) feet to a point on the South side of Wilson Street; thence crossing Wilson Street with and along the property line of Hilma Park North 20 deg. 15 min. West three hundred forty-two (342) feet to a stake; thence North 63 deg. 30 min. East one hundred forty-three (143) feet to a stake; thence North 14 deg. 45 min. East eighty-one (81) feet to a stake; thence North 63 deg. 45 min. East one hundred thirty (130) feet to a stake; thence North 1 deg. 00 min. West eight hundred fifteen (815) feet to a stake on Hendricks Creek; thence up said creek to a ditch, the southern line of the property of Runnymede Mills, Incorporated; thence up said ditch to a stake; thence North 42 deg. 30 min. West six hundred thirty-four and eight-tenths (634.8) feet along the line of Runnymede Mills, Incorporated, to the line of the Speight land; thence North 12 deg.
29 min. East three hundred forty-eight (348) feet to a stake on the South side of Sunset Avenue; thence with the Speight line North 78 deg. 00 min. West nine hundred and forty-eight (948) feet to a stake in the Anderson Line; thence with the Speight-Anderson line North 34 deg. 00 min. East five hundred twenty-eight and two-tenths (528.2) feet to an iron stake; thence still with the Speight-Anderson line North 3 deg. 30 min. East two hundred sixty-two and five-tenths (262.5) feet to a stake set in concrete on the southern side of a county road leading to Tarboro; thence crossing said road North 3 deg. 30 min. East thirty (30) feet to the right of way line of the Atlantic Coast Line Railroad; thence along said right of way line South 79 deg. 21 min. East one hundred ninety-two (192) feet to a point just southwest of the guano factory of the F. S. Royster Guano Company; thence crossing the Atlantic Coast Line Railroad North 11 deg. 20 min. East nine hundred ninety-nine and four-tenths (999.4) feet to the northern line of said Guano Company; thence along this line and the line of the Southern Cotton Oil Company South 51 deg. 50 min. East two hundred sixty-eight (268) feet, South 53 deg. 35 min. East three hundred forty-six and seven-tenths (346.7) feet to the C. J. Austin land; thence with the Austin line and the line of the Southern Cotton Oil Company South 42 deg. 11 min. East one hundred seventy-three and seven-tenths (173.7) feet, South 50 deg. 57 min. East four hundred ninety-seven and two-tenths (497.2) feet, South 47 deg. 45 min. East five hundred twenty-eight and two-tenths (528.2) feet to the right of way line of the Atlantic Coast Line Railroad; thence along and with the northern line of said right of way to the line of the late Mrs. W. H. MacNair; thence along this line and the line of the Pinehurst Land Company, now C. H. Henderson's property, North 40 deg. 41 min. West two hundred ninety and seven-tenths (290.7) feet; thence North 7 deg. 41 min. East one thousand one hundred fifty-six and one-tenth (1,156.1) feet to a stake; thence along and with the line of C. H. Henderson North 66 deg. 15 min. East one thousand three hundred ninety-one and three-tenths (1,391.3) feet to the Tarboro-Leggetts Highway; thence down the West side of said highway South 20 deg. 55 min. East one thousand one hundred eleven and nine-tenths (1,111.9) feet to a point on West side of highway and the South side of Daniel Street; thence crossing said highway and with the line of C. H. Henderson North 70 deg. 15 min. East seven hundred eighty-seven and one-tenth (787.1) feet to a stake; thence still with the said Henderson line South 23 deg. 55 min. East one thousand ten (1,010) feet to the northern line of the right of way of the Atlantic Coast Line Railroad; thence with the said right of way North 51 deg. 42 min. East one hundred and forty-four (144) feet to a stake; thence crossing said Railroad South 37 deg. 58 min. East four hundred nine and four-tenths (409.4) feet to a hedgerow; thence South 33 deg. 15 min. East three hundred fifty-four and five tenths (354.5) feet to a stake on the North side of small ditch at the northwest corner of the baseball park; thence down said ditch North 62 deg. 09 min. East five hundred twenty-one and five-tenths (521.5) feet; thence South 17 deg. 28 min. East six hundred forty-seven and one-tenth (647.1) feet, North 79 deg. 02 min. East two hundred and fifty-nine (259) feet, North
84 deg. 32 min. East four hundred fifty-four and five-tenths (454.5) feet, South 15 deg. 24 min. East three hundred fifteen (315) feet to Philips Street; thence up North side of said street North 67 deg. 48 min. East five hundred and twenty-five (525) feet to a stake in a hedgerow; thence with said hedgerow South 3 deg. 45 min. East four hundred ninety-seven and five-tenths (497.5) feet to a stake; thence North 67 deg. 27 min. East two hundred eighteen and six-tenths (218.6) feet, South 23 deg. 05 min. East three hundred twenty-eight and four-tenths (328.4) feet; thence crossing field North 63 deg. 52 min. East nine hundred ninety-three and six-tenths (993.6) feet to a stake in the field; thence South 24 deg. 05 min. East one hundred ninety-two (192) feet to an iron stake in concrete on the North side of Edmondson Avenue; thence with the North side of Edmondson Avenue extended North 67 deg. 30 min. East eight hundred (800) feet to an iron stake; thence crossing said avenue and with the new line of W. G. Clark's Lloyd Farm South 25 deg. 00 min. East six hundred thirty (630) feet to a stake on the North side of a canal; thence along the North side of the canal South 27 deg. 00 min. West fifty-seven and seven-tenths (57.7) feet to an iron stake; thence South 10 deg. 00 min. East fifty-one (51) feet to an iron stake on the South side of Wilson Avenue extended; thence with the South side of said avenue South 67 deg. 30 min. West seven hundred forty-six (746) feet to the West side of Laurence Street; thence South 24 deg. 05 min. East four hundred ninety-five and nine-tenths (495.9) feet to a stake in a hedgerow, dividing line between school property and Panola Farm; thence along said hedgerow South 68 deg. 13 min. West eight hundred one and five-tenths (801.5) feet to Oakland Street; thence with East side of said street South 23 deg. 19 min. East five hundred eighteen and four-tenths (518.4) feet to St. James Street; thence along the South side of said street South 66 deg. 47 min. West seven hundred eighty-five and nine-tenths (785.9) feet to a hedgerow and ditch; thence down said hedgerow and ditch South 32 deg. 55 min. West seven hundred fifteen and one-tenth (715.1) feet. South 34 deg. 32 min. West five hundred thirty-six and four tenths (536.4) feet to a stake on the West bank of the canal running through the Panola Farm; thence South 17 deg. 50 min. East one thousand seventy-nine and six-tenths (1,079.6) feet to a sycamore on Tar River; thence down the various courses and distances of said river to the point of beginning.

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 11th day of April, 1951.
AN ACT TO PROVIDE A SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT, BY THE REGISTER OF DEEDS AND BY THE SHERIFF IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the fees of the office of the Clerk of the Superior Court of Chatham County shall be the following, for the services designated herein, namely:

Adoptions, complete, ten dollars ($10.00).
Affidavits, including jurat and certificates, seventy-five cents (75c).
Appeal from justice of the peace, or from any court inferior to Superior Court, two dollars ($2.00), plus State process tax.
Appeal from clerk to judge, two dollars ($2.00).
Appeal to Superior Court, two dollars ($2.00).
Attachment, order in, one dollar ($1.00).
Auditing account of receiver, executor, administrator, guardian, or other trustee required to render accounts, twenty-five cents (25c) per $100.00 up to $1,000.00, fifteen cents (15c) per $100.00 up to $11,000.00, one-tenth of one per cent (1/10 of 1%) over $11,000.00, minimum fee two dollars ($2.00), maximum twenty-five dollars ($25.00).
Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, fifty cents (50c) per $100.00 up to $1,000.00, fifteen cents (15c) per $100.00 on all above $1,000.00. Minimum fee three dollars ($3.00), maximum thirty dollars ($30.00).
Auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final account of executors.

Bill of costs, preparing same, one dollar ($1.00).
Bond on undertaking, including justification, one dollar ($1.00).
Capias, each defendant, two dollars ($2.00).
Caveat to will, entering and docketing same for trial, three dollars ($3.00).
Commissions, issuing, one dollar ($1.00).
Confirmation, one dollar ($1.00).
Continuances, criminal and civil, fifty cents (50c).
Docketing ex parte proceedings, two dollars ($2.00).
Docketing indictments, one dollar ($1.00).
Docketing liens, two dollars ($2.00).
Docketing judgments, one dollar ($1.00).
Docketing justice of peace transcripts, seventy-five cents (75c).
Docketing summons, fifty cents (50c).
Execution and return thereon, one dollar and fifty cents ($1.50).
Filing all papers, fifty cents (50c) each case.
Filing and recording report of sales by commissioners and trustees, two dollars ($2.00).
Guardian, appointment of including bond and justification, three dollars ($3.00).
Impaneling jury, twenty-five cents (25c).
Indictment, each defendant, two dollars ($2.00).
Injunction, order for, two dollars ($2.00).
Judgment, final, in term time, each defendant, two dollars ($2.00).
Judgment, final, before the clerk, two dollars ($2.00).
Judgment by confession, all services, three dollars ($3.00).
Judgment for widow's years support and docketing, two dollars ($2.00).
Letters of administration, including bond and justification, three dollars ($3.00).
Motions, entry and record of, one dollar ($1.00).
Notice, fifty cents (50c) and for each additional name over one, twenty-five cents (25c).
Orders for time to file pleadings, fifty cents (50c).
Order by judge or clerk, one dollar ($1.00).
Order of arrest, each defendant, two dollars ($2.00).
Partnership, filing and indexing, two dollars ($2.00).
Petitions, filing and indexing, one dollar ($1.00).
Probate of deed, deed of trust, mortgage deed or crop lien, twenty-five cents (25c).
Probate of chattel mortgage, twenty-five cents (25c).
Probate of will in common form, two dollars and fifty cents ($2.50), and appointing and qualifying executors, two dollars and fifty cents ($2.50).
Recording and copying papers, per copy sheet, thirty cents (30c).
Registering trained nurses, doctors and dentists, including certificates, one dollar ($1.00).
Recording certificates of incorporation of corporations, five dollars ($5.00).
Recording certificates of dissolution, one dollar ($1.00).
Seal of office, when necessary, twenty-five cents (25c).
Subpoena, each name, twenty-five cents (25c).
Summons in civil actions or special proceedings, including all the names therein, two dollars ($2.00), and for every copy thereof, fifty cents (50c).
Transcript of judgment with seal, one dollar and fifty cents ($1.50).
Sec. 2. That the fees of the office of the Register of Deeds of Chatham County shall be the following, for the services designated herein, namely:
Registering statutory short form chattel mortgage, fifty cents (50c).
Registering chattel mortgage with crop lien, seventy-five cents (75c).
Registering crop lien (short form), seventy-five cents (75c).
Registering crop lien (long form), one dollar ($1.00).
Registering warranty deed (regular form), one dollar and fifty cents ($1.50).
Registering mortgage deed (regular form), two dollars and twenty-five cents ($2.25).
Registering deed of trust (regular form), two dollars and twenty-five cents ($2.25).
Registering deed of trust (long form), four dollars ($4.00).
Registering contract (short form), one dollar ($1.00).
Registering irregular instruments, one dollar ($1.00), for first three hundred words and, fifteen cents (15c), for each additional hundred words.

Sec. 3. That the fees of the Sheriff of Chatham County shall be the following, for the services designated herein, namely:

Arrest on warrant or capias, two dollars ($2.00); provided however that when the county is required to pay for such services the fee to be paid to the sheriff for each arrest shall be one dollar ($1.00); provided further that when conviction is not had the county shall not pay in excess of fifty per cent (50%) of the fees for which the county would otherwise be liable.

Serving subpoena, seventy-five cents (75c); provided that when the county is required to pay for serving subpoenas the fee to be paid to the sheriff for each subpoena served shall be fifty cents (50c); provided further that when conviction is not had the county shall not pay in excess of fifty per cent (50%) of the fees for which the county would otherwise be liable.

Serving execution, two dollars ($2.00).
Serving civil summons, two dollars ($2.00).
Two and one-half per cent (2½%) commission on all monies collected under execution.

Sec. 4. For any service performed by the Clerk of Superior Court, or by the Register of Deeds, or by the Sheriff, of Chatham County, not herein specifically enumerated, the said officers shall receive such fees and allowances as are provided by the General Statutes of North Carolina.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 555

CHAPTER 813

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF ROCKINGHAM COUNTY TO CONvey CERTAIN PROPERTY NO LONGER NEEDED FOR SCHOOL PURPOSES TO THE MOUNT HERMAN BAPTIST CHURCH NEAR RUFFIN IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Rockingham County is hereby authorized to convey, without complying with the provisions of G. S. 115-86, to the Mount Herman Baptist Church near Ruffin, in Rockingham County, approximately one-fourth (1/4) of an acre of land situated on the South side of the Ruffin Colored School property in Ruffin, North Carolina, which is no longer needed for school purposes.

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 11th day of April, 1951.
S. B. 558  
CHAPTER 814  
AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES FIXING THE TERMS OF THE SUPERIOR COURT FOR PENDER COUNTY IN THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes, fixing the terms of the Superior Court for Pender County in the Eighth Judicial District, is hereby rewritten to read as follows:

"Pender—Eighth Monday before the first Monday in March, a term of one week for the trial of civil and criminal cases; third Monday after the first Monday in March, a term of two weeks for the trial of civil cases only; eighth Monday after the first Monday in March, a term of one week for the trial of civil and criminal cases; third Monday after the first Monday in September, a term of one week for the trial of civil and criminal cases; seventh Monday after the first Monday in September, a term of two weeks for the trial of civil cases only."

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 June 30, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 560  
CHAPTER 815  
AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES FIXING THE TERMS OF THE SUPERIOR COURT FOR COLUMBUS COUNTY IN THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes, fixing the terms of the Superior Court for Columbus County in the Eighth Judicial District, is hereby rewritten to read as follows:

"Columbus—Eighth Monday before the first Monday in March, a term of two weeks for the trial of civil cases only; fifth Monday before the first Monday in March, a term of two weeks for the trial of criminal cases only; second Monday before the first Monday in March, a term of two weeks for the trial of civil cases only; ninth Monday after the first Monday in March, a term of one week for the trial of criminal cases only; fifteenth Monday after the first Monday in March, a term of one week for the trial of civil and criminal cases; first Monday in September, a term of two weeks for the trial of criminal cases only; third Monday after the first Monday in September, a term of two weeks for the trial of civil cases only; fifth Monday after the first Monday in September, a term of one week for the trial of criminal cases only; eighth Monday after the first Monday in September, a term of two weeks for the trial of civil cases only;"
eleventh Monday after the first Monday in September, a term of two weeks for the trial of criminal cases only."

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 June 30, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 571

CHAPTER 816

AN ACT TO FIX THE SALARIES OF THE JUDGE AND THE SOLICITOR OF THE RECORDER’S COURT OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Judge of the Recorder's Court of Harnett County shall receive as full compensation for his services the sum of thirty-six hundred dollars ($3600.00) per annum, payable in twelve equal monthly installments out of the general fund of said county.

Sec. 2. The Solicitor of the Recorder's Court of Harnett County shall receive as full compensation for his services the sum of twenty-eight hundred dollars ($2800.00) per annum, payable in twelve equal monthly installments out of the general fund of said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 572

CHAPTER 817

AN ACT TO FIX THE SALARIES OF THE JUDGE AND THE SOLICITOR OF THE DUNN RECORDER’S COURT IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Judge of the Dunn Recorder's Court in Harnett County shall receive as full compensation for his services the sum of three thousand dollars ($3,000.00) per annum, payable in 12 equal monthly installments by the Town of Dunn from funds available to it for the maintenance of said court.

Sec. 2. The Solicitor of the Dunn Recorder's Court shall receive as full compensation for his services the sum of two thousand four hundred dollars ($2,400.00) per annum, payable in 12 equal monthly installments out of the funds available to the Town of Dunn for the maintenance of said court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

S. B. 573  CHAPTER 818

AN ACT TO AMEND CHAPTER 1095 OF THE SESSION LAWS OF 1947 RELATING TO JURY TRIALS IN THE MAYOR’S COURT OF THE TOWN OF FRANKLINTON.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 162 of the Private Laws of 1929 as amended by Section 1 of Chapter 1095 of the Session Laws of 1947 is hereby amended by striking out the second paragraph of said Section 5 as the same appears on page 1652 of the Session Laws of 1947, and inserting in lieu thereof the following:

“When a person, charged with an offense not within the jurisdiction of a justice of the peace, makes demand for a jury trial in the Franklinton Mayor’s Court, the case shall be transferred to the Franklin County Recorder’s Court. In such case, the accused shall be required to execute a new bond for his appearance at the next ensuing term of the Franklin County Recorder’s Court which bond shall be fixed by said mayor.”

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

Sec. 3. This Act shall become effective May 1, 1951.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 299  CHAPTER 819

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO PROVIDE THAT THE TERM “FRANCHISE HAULER” WHEREVER IT APPEARS IN SAID CHAPTER BE CHANGED TO “COMMON CARRIER OF PROPERTY”, AND TO FURTHER PROVIDE THAT THE WORDS “FRANCHISE BUS CARRIER” WHERE THE SAME APPEAR IN SAID CHAPTER BE CHANGED TO “COMMON CARRIER OF PASSENGERS”, AND TO DELETE REFERENCES TO SECTIONS 62-103 TO 62-121 WHEREVER THEY APPEAR IN SAID CHAPTER AND TO INSERT IN LIEU THEREOF SECTIONS 62-121.5 THROUGH 62-121.79.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 20 of the General Statutes by striking the words “franchise hauler” wherever they appear in said Chapter and inserting in lieu thereof the words “common carrier of property”. Further amend said Chapter 20 of the General Statutes by striking out the words “franchise bus carrier” wherever they appear in said Chapter and inserting in lieu thereof the words “common carrier of passengers”. Further
amend said Chapter 20 of the General Statutes by striking out the words "contract hauler" wherever they appear in said Chapter and inserting in lieu thereof the words "contract carrier."

Sec. 2. Amend Chapter 20 of the General Statutes by striking out the words and figures "§§ 62-103 to 62-121" wherever they appear in said Chapter and by inserting in lieu thereof the words and figures "§§ 62-121.5 through 62-121.79".

Amend Section 20-87 of the General Statutes (1949 Cumulative Supplement) by striking out of the third paragraph of subdivision (c) of said Section the words and figures "subsection (k) of § 62-103" and by inserting in lieu thereof the following: "§§ 62-121.5 through 62-121.79".

Sec. 2 1/2. Amend Section 20-89 of the General Statutes by rewriting the second paragraph thereof to read as follows:

"When vehicles are leased from other operators who are licensed in this State as contract carriers, for hire passenger or common carriers of property any amounts paid to such operators under said lease may be deducted by the lessees from gross revenue on which tax is based in the event a copy of the lease and adequate records and receipts are maintained so as to clearly reflect such payments. Any revenue earned by a common carrier of property under a lease or rental shall be included in the gross revenue upon which said tax is based but revenue earned by a common carrier of passengers from coach rentals shall not be included in gross revenue on which tax is based.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 369

CHAPTER 820

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF RURAL FIRE PROTECTION DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Upon the petition by a majority of the qualified voters living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as ".................................

(here insert name)

Fire District", the board of county commissioners of the county shall call an election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding ten cents (10c) on the one hundred dollars ($100.00) valuation of property, for the purpose of providing fire protection in said district.

Sec. 2. For the election so called as provided in Section 1 hereof, the board of commissioners of the county shall provide one or more polling places in said district, shall provide for a registrar or registrars and judges
of election at said voting places, shall provide for the registration of all qualified voters living in said district, shall cause to be prepared the necessary ballots for voting at said election, shall fix the time and places for holding the same, and shall conduct said election in every other respect according to the provisions of the laws governing general elections so far as they may be applicable. The cost of holding the election shall be paid by the county.

Sec. 3. At said election those voters who are in favor of levying a tax in said district for fire protection therein shall vote a ballot on which shall be written or printed, "In favor of tax for fire protection in _____________________ Fire Protection District". Those who are against levying said tax shall vote a ballot on which shall be written or printed the words, "Against tax for fire protection in _____________________ Fire Protection District".

Sec. 4. If a majority of the qualified voters voting at said election vote in favor of levying and collecting a tax in said district, then the board of county commissioners is authorized and directed to levy and collect a tax in said district in such amount as it may deem necessary, not exceeding ten cents (10c) on the one hundred dollars ($100.00) valuation of property in said district from year to year, and shall keep the same as a separate and special fund, to be used only for furnishing fire protection within said district, as provided in Section 5.

Sec. 5. Upon the levy of such tax, the board of county commissioners shall, to the extent of the taxes collected hereunder, provide fire protection for the district—

(1) By contracting with any incorporated city or town, with any incorporated nonprofit volunteer or community fire department, or with the Department of Conservation and Development to furnish fire protection or,

(2) By furnishing fire protection itself if the county maintains an organized fire department, or

(3) By establishing a fire department within the district, or

(4) By utilizing any two or more of the above listed methods of furnishing fire protection.

Sec. 6. Municipal corporations are hereby empowered to make contracts to carry out the purposes of this Act.

Sec. 7. In the event the board of county commissioners elects to furnish fire protection by establishing a fire department within the district, the board of commissioners shall appoint three qualified voters of the district who shall constitute the _____________________ Fire Protection Commission. Members of the fire district commission shall serve for a term of two years. The fire district commission shall establish, administer and operate the fire department of the district subject to the approval of its actions by the board of county commissioners.

Sec. 8. Any county, municipal corporation or fire protection district performing any of the services authorized by this Act shall be subject to
the same authority and immunities as a county would enjoy in the operation of a county fire department within the county, or a municipal corporation would enjoy in the operation of a fire department within its corporate limits.

No liability shall be incurred by any municipal corporation on account of the absence from the city or town of any or all of its fire-fighting equipment or of members of its fire department by reason of performing services authorized by this Act.

Members of any county, municipal or fire protection district fire department shall have all of the immunities, privileges and rights, including coverage by workmen's compensation insurance, when performing any of the functions authorized by this Act, as members of a county fire department would have in performing their duties in and for a county, or as members of a municipal fire department would have in performing their duties for and within the corporate limits of the municipal corporation.

Sec. 9. All laws and clauses of laws, except Public-Local and Private Laws, in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 436

CHAPTER 821

AN ACT TO AMEND CHAPTER 86 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF BARBERING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 86-15 (as it appears in the 1949 Supplement) is amended by striking out that portion of line four (4) between the two commas and reading "shall be five dollars ($5.00)" and inserting in lieu thereof the following: "shall be fifteen dollars ($15.00)" and said Section is further amended by striking out the words and figures "shall be five dollars ($5.00) for the first year" between the commas appearing in lines twenty-seven (27) and twenty-eight (28) and inserting in lieu thereof the following: "Any person or persons, firm or corporation, before establishing or opening a barber shop that has not heretofore been established by the person or persons, shall make application to the State Board of Barber Examiners, on forms to be furnished by said board, for a permit to operate a barber shop, as provided by Section 1, Chapter 86, General Statutes, and no shop shall open for business until inspected and approved by the State Board of Barber Examiners, its agents or assistants to determine whether or not said shop meets sanitary requirements, as provided by Chapter 86-17, of the General Statutes, the fee to be paid for inspection of barber shop, as provided above, shall be ten dollars ($10.00)."

Sec. 2. G. S. 86-22 is amended by adding at the end thereof, the figure 12, the violation of Section 86-15 as appearing in the 1949 Supplement.

Sec. 3. G. S. 86-11.1 (as it appears in the 1949 Supplement) is repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 666

CHAPTER 822

AN ACT TO AMEND CHAPTER 105, ARTICLE 24, SECTION 345 OF THE GENERAL STATUTES OF NORTH CAROLINA TO FIX THE DISCOUNT ALLOWABLE FOR PREPAYMENT OF TAXES LEVIED BY UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 as amended is hereby further amended by adding the following subsection at the end thereof:

“(9) However, subsections one (1) and six (6) shall not apply to taxes levied by Union County and should any taxpayer of Union County make payment of his taxes in the months of July through October following the levy thereof he shall be entitled to the following discounts: If paid during the month of July a deduction of two per cent (2%); if paid during the month of August a deduction of one and one-half per cent (1½%); if paid during the month of September, a deduction of one per cent (1%); if paid during the month of October, a deduction of one-half of one per cent (½%).”

Sec. 2. This Act shall apply to Union County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 681

CHAPTER 823

AN ACT TO AMEND SECTION 20-166 OF THE GENERAL STATUTES RELATING TO ACCIDENT REPORT.

The General Assembly of North Carolina do enact:

Section 1. Section 20-166, paragraph (e) of the General Statutes is hereby amended by adding after the word “times” in the tenth line of the third paragraph thereof the following: “; and provided, further, that a certified copy of any such report shall be furnished to any member of the general public who shall request the same upon receipt of a fee of one dollar.”

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 11th day of April, 1951.
H. B. 727  
CHAPTER 824

AN ACT TO AMEND G. S. 160-453 AND RELATING TO THE APPLICATION OF ARTICLE THIRTY-SIX TO CITIES OR TOWNS FOR WHICH A METHOD OF CHANGING THE CORPORATE LIMITS HAS BEEN PROVIDED BY PUBLIC, LOCAL OR PRIVATE ACTS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-453 is hereby amended by repealing the first sentence thereof, beginning with the word, "This" and ending with the word "Acts" and by substituting in lieu thereof the following sentence:

"The powers granted by this Article shall be supplemental and additional to powers conferred by any other law, and shall not be regarded as in derogation of any powers now existing."

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 11th day of April, 1951.

H. B. 825  
CHAPTER 825

AN ACT TO VALIDATE CORPORATE CONVEYANCES CONTAINING ERROR IN THE ACKNOWLEDGMENT OR PROBATE, EXECUTED AND FILED FOR REGISTRATION PRIOR TO JUNE 15, 1947.

The General Assembly of North Carolina do enact:

Section 1. Chapter 47 of the General Statutes is amended by adding a new Section immediately following G. S. 47-97, to be designated as G. S. 47-97.1, and to read as follows:

"G. S. 47-97.1. In all cases where the deed of a corporation executed and filed for registration prior to the fifteenth day of June, 1947, is properly executed and properly recorded and there is error in the acknowledgment or probate of said corporation's deed as to the name or names of the officer or officers named therein and error as to the title or titles of the officer or officers named therein, said deed shall be construed to be a deed of the same force and effect as if said probate or acknowledgment were in every way proper."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.
H. B. 847  CHAPTER 826

AN ACT TO TRANSFER CERTAIN DELINQUENT TAXES OF CARTERET COUNTY TO DEBT SERVICE FUND.

WHEREAS, Carteret County is, and for several years past has been, heavily indebted, evidenced principally by outstanding interest-bearing bonds; and

WHEREAS, under a refinance plan formerly adopted, approved and now in operation in said county, the debt service fund is required to be maintained within certain minimum requirements; and

WHEREAS, it has been found and determined as a fact that the general financial condition of the county is now such as to permit and justify the making of provision for an increase of the aforesaid debt service fund: Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. That all outstanding taxes, real, personal and poll, heretofore levied by the Commissioners of Carteret County for the taxable years 1944, 1945 and 1946, which shall not have been paid prior to April 1st, 1951, thereafter shall be dedicated to the cause and purpose of the debt service fund of Carteret County; and the county accountant or auditor shall account for, or cause to be accounted for, all tax collections that after April 1st, 1951, shall or may be made or had on any and all delinquent taxes for the said years in question, 1944 to 1946, both inclusive, whether the same may be evidenced by outstanding certificates, judgments or other record liens of any kind, and shall make due and proper application of the same to the aforesaid debt service fund, and when and after such allocation of funds shall have been made, the same thereafter shall remain appropriated for and dedicated wholly and exclusively to such debt service fund.

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 11th day of April, 1951.

H. B. 829  CHAPTER 827

AN ACT TO ENABLE FARMERS ENGAGED IN THE PRODUCTION OF ANY AND ALL AGRICULTURAL COMMODITIES, INCLUDING LIVESTOCK, LIVESTOCK PRODUCTS, POULTRY AND TURKEYS, TO ACT JOINTLY WITH THEMSELVES AND OTHERS IN PROMOTING RESEARCH IN ANY AND ALL PHASES OF AGRICULTURE AND IN DISSEMINATING SUCH FINDINGS AS TO ACCRUE THE GREATEST POSSIBLE BENEFIT TO ALL OF NORTH CAROLINA.

WHEREAS, the farmers of North Carolina are able to produce a wide variety of agricultural products including cotton, tobacco, peanuts, soybeans, potatoes, fruits, vegetables, berries, fruits of all kinds, livestock,
livestock products, poultry and turkeys having actual or potential markets throughout the United States and other parts of the world; and

WHEREAS, North Carolina is made up of a State of small farms, having more farms than any State in the Union except Texas, and a system of agriculture that lends itself to farm tenancy and much row crop farming; and

WHEREAS, notwithstanding the fact that North Carolina ranks third among the States in value of cash crops, and twenty-ninth in value of livestock and livestock products, we have more than seventy-five per cent (75%) of our cash farm income coming from cotton, tobacco, and peanuts, being produced on less than twenty-five per cent (25%) of our crop land, and rank thirteenth among the States in total cash farm income and thirty-eighth in cash farm income per capita, indicating the tremendous influence that our cash crops exert upon the economy and the agricultural future of our State; and

WHEREAS, in order to keep and to strengthen our present position in the production and marketing of these valuable cash crops, an extensive research and educational program must be continued at an accelerated pace; and

WHEREAS, we recognize the need for materially increasing our present farm income through better use of the other seventy-five per cent (75%) of our crop land through tremendously more development in pasture, feed, poultry, and livestock production to help balance our system of agriculture while at the same time not allowing ourselves to lose any of our gains in cash crop income; and

WHEREAS, our position and our progress in all agricultural enterprises must be backed up with adequate programs of research in all fields of agriculture; and recognizing that the already many accomplishments through research activity has brought us an enviable position, particularly in the production of tobacco; and in order to maintain our position in these fields, we must greatly expand our research activity in the broadening fields of agriculture; and

WHEREAS, it is of vital importance that the findings of agricultural research be disseminated throughout all of North Carolina making available to the farmers the benefits of research findings in a comprehensible and usable form; and

WHEREAS, the past several General Assemblies of North Carolina have recognized the value of agricultural research and have provided partial financial support therefor; and

WHEREAS, the agricultural leadership in North Carolina recognizes that with the help that has been given there is and shall probably continue to be a lack of sufficient funds to meet the ever-increasing demands of the people for more factual information on all phases of the State's agriculture; and

WHEREAS, it is in the public interest and likewise highly desirable from the standpoint of the economy of the State that agricultural research be accelerated to protect and strengthen our position in the production of all agricultural and livestock products; and
WHEREAS, it is desirable and in the public interest that farmers engaged in the production of any and all of these agricultural commodities should be permitted and authorized by law to conduct a referendum among themselves for the purpose of ascertaining the will of such producers with respect to levying an assessment on themselves in order to make available additional funds in line with the purposes herein set forth; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. It is declared to be in the public interest that North Carolina farmers producing agricultural products of all kinds, including cotton, tobacco, peanuts, soybeans, potatoes, vegetables, berries, fruits, livestock, livestock products, poultry and turkeys, and any other agricultural products having domestic and/or foreign markets, be permitted to act jointly in cooperation with each other in encouraging an expanding program of agricultural research and the dissemination of agricultural research findings.

Sec. 2. It is further declared to be in the public interest and highly advantageous to the economic development of the State that farmers, producers, and growers of agricultural commodities using commercial feed and/or fertilizers or their ingredients be permitted by referendum held among themselves to levy upon themselves an assessment of five cents (5c) per ton on mixed fertilizers, commercial feed, and their ingredients (except lime and land plaster) to provide funds through the Agricultural Foundation to supplement the established program of agricultural research and dissemination of research facts.

Sec. 3. The State Board of Agriculture, upon a petition being filed with it so requesting and signed by the governing boards of the North Carolina Farm Bureau Federation, the North Carolina State Grange, and the North Carolina Agricultural Foundation, Inc., shall examine such petition and upon finding that it complies with the provisions of this Act shall authorize the holding of a referendum as hereinafter set out, and the governing boards of the North Carolina Farm Bureau Federation, the North Carolina State Grange, and the North Carolina Agricultural Foundation, Inc., shall thereupon be fully authorized and empowered to hold and conduct on the part of the producers and growers of the commodities herein mentioned a referendum on the question of whether or not such growers and producers shall levy upon themselves an assessment under and subject to and for the purposes stated in this Act.

Sec. 4. The governing boards of the North Carolina Farm Bureau Federation, the North Carolina State Grange, and the North Carolina Agricultural Foundation, Inc., shall arrange for and manage any referendum conducted under the provisions of this Act but shall, sixty days before the date upon which it is to be held, fix, determine, and publicly announce in each county the date, hours, and polling places in that county for voting in such referendum, the amount and basis proposed to be collected, the means by which such assessment shall be collected as authorized by the growers and producers, and the general purposes for which said funds so collected shall be applied.

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Sec. 5. That if in such referendum more than one-third of the farmers and producers eligible to participate therein and voting therein shall vote in the negative and against the levying or collection of such assessment, then in such event no assessment shall be levied or collected, but if two-thirds or more of such farmers and producers voting therein shall vote in the affirmative and in favor of the levying or collection of such assessment, then such assessment shall be collected in the manner hereinafter provided.

Sec. 6. The three organizations herein designated to hold such referendum shall fix the date, area, hours, voting places, rules and regulations with respect to the holding of such referendum and cause the same to be published in the press of the State at least sixty days before holding such referendum and shall certify such information to the State Commissioner of Agriculture and to each of the farm organizations of the State. Such notice, so published and furnished to the several agencies, shall contain, in addition to the other information herein required, a statement of the amount of annual assessment proposed to be levied, and the purposes for which such assessment shall be applied.

Sec. 7. The governing boards of the North Carolina Farm Bureau Federation, the North Carolina State Grange, and the North Carolina Agricultural Foundation, Inc., shall prepare and distribute in advance of such referendum all necessary ballots and shall under rules and regulations, adopted and promulgated by the organizations holding such referendum, arrange for the necessary poll holders and shall, within ten days after the date of such referendum, canvass and publicly declare the results thereof.

Sec. 8. In the event two-thirds or more of the eligible farmers and producers participating in said referendum vote in favor of such assessment, then said assessment shall be collected for a period of three (3) years under rules, regulations, and methods as provided for in this Act. The assessments shall be added to the wholesale purchase price of each ton of fertilizer, commercial feed, and/or their ingredients (except lime and land plaster) by the manufacturer of said fertilizer and feed. The assessment so collected shall be paid by the manufacturer into the hands of the North Carolina Commissioner of Agriculture on the same tonnage and at the same time and in the same manner as prescribed for the reporting of the inspection tax on commercial feeds and fertilizers as prescribed by G. S. 106-50.6 and G. S. 106-99, 1949 Cumulative Supplement to the General Statutes. The Commissioner shall then remit said five cents (5c) per ton for the total tonnage as reported by all manufacturers of commercial feeds, fertilizers, and their ingredients to the Treasurer of the North Carolina Agricultural Foundation, Inc., who shall disburse such funds for the purposes herein enumerated and not inconsistent with provisions contained in the Charter and By-Laws of the North Carolina Agricultural Foundation, Inc. Signed copies of the receipts for such remittances made by the Commissioner to the Treasurer of the North Carolina Agricultural Foundation, Inc., shall be furnished the Commissioner of Agriculture, the North Carolina Farm Bureau Federation, and the North Carolina State Grange. The Treasurer of the North Carolina Agricultural Foundation, Inc., shall make an annual report at each annual
meeting of the Foundation directors of total receipts and disbursements for
the year and shall file a copy of said report with the Commissioner of Agra-
culture and shall make available a copy of said report for publication.

It shall be the duty of the Commissioner of Agriculture to audit and
check the remittances of five cents (5c) per ton by the manufacturer to
the Commissioner in the same manner and at the same time as audits
and checks are made of remittances of the inspection tax on commercial
feeds and fertilizers.

Sec. 9. In the event such a referendum is carried in the affirmative
and the assessment is levied and collected as herein provided and under
the regulations to be promulgated by the duly certified agencies conduct-
ing the same, any farmer upon whom and against whom any such assess-
ment shall have been added and collected under the provisions of this Act,
if dissatisfied with the said assessment, shall have the right to demand
of and receive from the Treasurer of said North Carolina Agricultural
Foundation, Inc., a refund of such amount so collected from such farmer
or producer provided such demand for refund is made in writing within
thirty days from the date of which said assessment is collected from such
farmer or producer.

Sec. 10. If the assessment is defeated in the referendum, the govern-
ing boards of the North Carolina Farm Bureau Federation, the North
Carolina State Grange, and the North Carolina Agricultural Foundation,
Inc., shall have full power and authority to call another referendum for
the purposes herein set out in the next succeeding year on the question
of the annual assessment for three years. In the event the assessment
carried in a referendum by two-thirds or more of the eligible farmers
participating therein, such assessment shall be levied annually for the
three years set forth in the call for such referendum and a new refer-
endum may be called and conducted during the third year of such period
on the question of whether or not such assessment shall be continued
for the next ensuing three years.

Sec. 11. If in such referendum called under the provisions of this Act
more than one-third of the farmers and producers in the State of North
Carolina, eligible to participate and voting therein, shall vote in the nega-
tive and against the levying or collection of such assessment, then in
such an event no assessment shall be levied or collected.

Sec. 12. If in such referendum called under the provisions of this Act
two-thirds or more of the farmers or producers in the State of North
Carolina, eligible to participate and voting therein, shall vote in the af-
firmative and in favor of the levying and collection of such assessment
proposed in such referendum on the commodities covered thereby, then
such assessment shall be collected in the manner prescribed herein (de-
termined and announced by the agencies conducting such referendum).

Sec. 13. All laws and clauses of laws in conflict with this Act are
hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its
ratification.

In the General Assembly read three times and ratified, this the 11th
day of April, 1951.

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H. B. 868  CHAPTER 828

AN ACT RELATING TO THE SALARIES OF CERTAIN OFFICIALS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Burke County shall receive a salary of forty-two hundred dollars ($4,200.00) per year which shall include all services rendered to the county as Clerk of the Superior Court and judge of the juvenile court. The Assistant Clerk of the Superior Court shall receive a salary of thirty-four hundred dollars ($3,400.00) per year for all services rendered by him in any capacity or respect as Assistant Clerk of the Superior Court.

Sec. 2. The Board of County Commissioners of Burke County shall, upon recommendation of the register of deeds, pay the deputy register of deeds a salary not in excess of two hundred dollars ($200.00) per month. The salary fixed by the board of county commissioners shall be in full payment of any and all services rendered by the Deputy Register of Deeds of Burke County. The Sheriff of Burke County shall, with the approval of the county commissioners of said county in addition to his salary, receive the sum of one hundred dollars ($100.00) per month for car and travel expense within the county. The board of county commissioners may, in their discretion upon recommendation of the sheriff, allow the chief deputy sheriff for car and travel expense within the county a sum not in excess of one hundred dollars ($100.00) per month.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 877  CHAPTER 829

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all acts and things done by the Board of County Commissioners of Bertie County or done by direction of said board of county commissioners in listing property for taxes and in levying taxes for the years 1949 and 1950 are hereby in all respects ratified and validated.

Sec. 2. That the advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County relating to the advertisements and sales of lands for failure to pay taxes to Bertie County due for the years 1948 and 1949 are hereby in all respects ratified and validated.

Sec. 3. This Act shall not affect pending litigation.
Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 889  CHAPTER 830

AN ACT RELATING TO SALARIED DEPUTY SHERIFFS AND JAILER'S FEES IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The chief deputy sheriff of McDowell County shall be paid a salary to be fixed by the Board of County Commissioners of McDowell County in an amount not in excess of twenty-four hundred dollars ($2,400.00) per year, payable in equal monthly installments, in addition to all fees provided by law, and said chief deputy sheriff shall also be paid a car allowance not to exceed fifty dollars ($50.00) per month for the use of his automobile in the necessary performance of his duties, which said allowance shall be fixed by said board.

Sec. 2. In addition to any other salaried deputy sheriffs or clerical assistant to the sheriff provided for by law in McDowell County, there shall be an office deputy sheriff who shall be paid a salary, not to exceed eighteen hundred dollars ($1,800.00) per year, to be fixed by the board of county commissioners and to be payable in monthly installments.

Sec. 3. G. S. 153-180 is hereby amended by adding a new paragraph at the end thereof:

"In McDowell County the Board of County Commissioners is hereby authorized, in its discretion, to fix the jailer's fees in said county in such amount as it may see fit, not to exceed $1.20 per day for each prisoner."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 963  CHAPTER 831

AN ACT EMPOWERING AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY TO TRANSFER $40,000 SURPLUS FUNDS CARRIED IN THE DEBT SERVICE FUND, TO THE CAPITAL OUTLAY FUND.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Perquimans County is hereby empowered and authorized to transfer $40,000 surplus funds carried in the Debt Service Fund, to the Capital Outlay Fund.
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 11th day of April, 1951.

H. B. 988

CHAPTER 832

AN ACT TO EXTEND THE TIME FOR THE PAYMENT OF STREET ASSESSMENTS IN THE TOWN OF ELKIN.

The General Assembly of North Carolina do enact:

Section 1. The time for the payment of all assessments heretofore levied by the Commissioners of the Town of Elkin against abutting property owners for and on account of paving, grading or otherwise improving any of the public streets and sidewalks in the Town of Elkin, is hereby extended as to be payable in such installments and in such amounts as the governing authority of the said town shall consider reasonable and proper, beginning on July 1st, 1951. The amount of said installments shall draw interest from July 1st, 1951, at the rate of six per centum (6%) per annum: Provided, that if any property owner or other person legally liable therefor shall fail to pay any of said installments or interest as the same becomes due, as provided for in this Act, the Board of Commissioners of said Town of Elkin may, at its option, declare the whole of said assessments and interest accrued thereon immediately due and payable, and may proceed to enforce collection of said assessments by the sale of the real estate against which said assessments have been levied in the same manner and under the same laws as real estate is sold for unpaid city taxes. The whole assessments may be paid at any time by the payment of principal and all interest accrued to that date.

Sec. 2. It shall be the duty of the Board of Commissioners of the Town of Elkin, as soon as practicable after the ratification of this Act and before the first day of July, 1951, to cause to be compiled the amounts and accrued interest on all uncollected assessments heretofore levied against property owners on account of paving, grading or otherwise improving any of the public streets or sidewalks of the Town of Elkin, said uncollected assessments and interest to be computed to the first day of July, 1951; and thereafter the total amount of said assessments and interest accrued thereon shall be paid by the property owners against which said assessments have been made in such installments and amounts as the governing authority of said town shall deem proper, beginning July 1st, 1951; and thereafter said assessments and interest as so computed shall draw interest at the rate of six per centum (6%) per annum.

Sec. 3. As soon as said assessments have been computed, as herein provided, the City Clerk shall prepare an assessment roll and record the same in a well bound book styled "Special Assessment Book," which shall be ruled so as to conveniently show:

1. Name of such property.
2. Number of lot or part of lot as shown on the tax sheets.
3. The frontage of such lot.
4. Amount that has been assessed against said lot.
5. Amount of such installment and the date on which the installments shall become due.

Such book shall be indexed according to the names of the owners of the property, and entries of all payments or partial payments shall be immediately entered upon said book when made, and said book shall be open to public inspection.

Sec. 4. The amount of said assessments shall continue as heretofore to be a lien against the property so assessed, and this Act shall not be construed as in any manner impairing the validity of the lien aforesaid.

Sec. 5. All provisions of the Charter of the Town of Elkin and general laws of the State applicable to said assessments or the enforcement thereof shall remain in full force and effect, except to the extent as the same may be modified by this Act.

Sec. 6. Nothing contained in this Act shall be construed to effect any assessments heretofore paid, or where payment has been provided for by securities, assignments or otherwise.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 998

CHAPTER 833

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HYDE COUNTY TO TRANSFER, UPON APPLICATION BY THE COUNTY BOARD OF EDUCATION, FUNDS FROM THE SCHOOL DEBT SERVICE FUND TO THE CAPITAL OUTLAY FUND FOR SCHOOLS.

WHEREAS, there is no principal or interest now outstanding against the School Debt Service Fund of Hyde County; and

WHEREAS, there will remain some balance in said school debt service fund at the end of the 1950-51 fiscal year; and

WHEREAS, there will remain some uncollected levies for the school debt service fund on June 30, 1951; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hyde County is hereby authorized, upon application by the Board of Education of Hyde County, to transfer any balance in the school debt service fund on June 30, 1951, to the capital outlay fund for schools.

Sec. 2. All collections made after June 30, 1951, for the school debt service fund shall be credited to the capital outlay fund for schools until there may be a proper charge or obligation against the debt service fund.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.
H. B. 1014  
CHAPTER 834
AN ACT REGULATING THE PREPAYMENT OF TAXES IN GUILFORD COUNTY AND DISCOUNTS ON SUCH PREPAYMENT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 381 of the Session Laws of 1949 is hereby repealed.

Sec. 2. In Guilford County and the City of High Point the date for beginning of the prepayment of taxes shall not be later than the first Tuesday after the first Monday in July.

Sec. 3. The exact date for beginning the prepayment of taxes in Guilford County and the City of High Point and the exact rate of discount allowed for such prepayment shall be fixed by a joint meeting of the governing bodies of Guilford County and the City of High Point to be held between June 1 and June 15 of each year, upon five days' notice in writing to the Chairman of the Board of County Commissioners and the Mayor of the City of High Point, and in this meeting each governing body shall have one vote. It shall be the duty of the County Manager of Guilford County and the City Manager of the City of High Point to fix the date of said meeting and give the notices thereof.

Sec. 4. Discounts for prepayment of taxes shall be as follows:

If paid in July, not less than 1% nor more than 2% of the tax; if paid in August, not less than 1/2 of 1%, nor more than 1 1/2% of the tax; if paid in September not less than 1/2 of 1% nor more than 1% of the tax; if paid in October, 1/2 of 1%.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. B. 1082  
CHAPTER 835
AN ACT RELATING TO THE REASSESSMENT AND REVALUATION OF INDUSTRIAL PROPERTY IN MADISON COUNTY AND PROVIDING THAT THE ASSESSED VALUATION OF SUCH PROPERTY SHALL NOT BE INCREASED FOR A PERIOD OF TEN (10) YEARS FOLLOWING ITS ACQUISITION.

The General Assembly of North Carolina do enact:

Section 1. In order to foster and encourage the establishment and location of new industrial processing or manufacturing plants in Madison County, the valuation assessed for tax purposes upon any parcel or tract of real estate in Madison County at the time of its purchase for the purpose of erecting thereon manufacturing or processing plants shall not be increased for a period of ten (10) years from the date such real estate is purchased.
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 11th day of April, 1951.

H. B. 1112  CHAPTER 836

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINGS MOUNTAIN RELATING TO THE ELECTION OF THE MAYOR AND COMMISSIONERS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 684 of the Session Laws of 1947 is hereby amended by adding the following at the end of said section 1:

"In the event no candidate for commissioner from a particular ward receives a majority of the votes cast by the entire city for commissioner from such ward, the candidate from said ward receiving the second highest number of votes for commissioner from said ward may demand that a second election, or runoff election, be held. Such demand must be in writing and must be filed with the city clerk within five days after the election. If such demand is made, an election shall be held on the second Tuesday after the municipal election and the names of the two candidates from such ward receiving the highest number of votes shall be placed on the ballot. The candidate receiving a majority of votes at said runoff election shall be declared elected. The same election officials shall officiate at said runoff election. If no demand is made pursuant to this Section for a runoff election, the candidate from such ward receiving the highest number of votes shall be declared elected from such ward."

Sec. 2. Section 2 of Chapter 684 of the Session Laws of 1947 is hereby amended by adding the following at the end of said Section 2:

"In the event no candidate for mayor receives a majority of the votes cast for mayor, the candidate receiving the second highest number of votes for mayor may demand that a second election, or runoff election, be held. Such demand must be in writing and must be filed with the city clerk within five days after the election. If such demand is made, an election shall be held on the second Tuesday after the municipal election and the names of the two candidates for mayor receiving the highest number of votes shall be placed on the ballot. The candidate receiving a majority of votes at said runoff election shall be declared elected. The same election officials shall officiate at said runoff election. If no demand is made pursuant to this Section for a runoff election, the candidate receiving the highest number of votes shall be declared elected mayor.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1951.
S. B. 62

CHAPTER 837

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES, RELATING TO CIVIL PROCEDURE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-31 is hereby amended by striking out the Section title "Action on open account" and inserting in lieu thereof the words, "Action upon a mutual, open and current account".

Sec. 2. (a) G. S. 1-48 is hereby transferred and renumbered to be paragraph 6 of G. S. 1-54 and is hereby amended to read as follows:

"6. For a deficiency judgment on any debt, promissory note, bond or other evidence of indebtedness after the foreclosure of a mortgage or deed of trust on real estate securing such debt, promissory note, bond or other evidence of indebtedness, which period of limitation above prescribed commences with the date of the delivery of the deed pursuant to the foreclosure sale: Provided, however, that if an action on the debt, note, bond or other evidence of indebtedness secured would be earlier barred by the expiration of the remainder of any other period of limitation prescribed by this subchapter, that limitation shall govern."

(b) G. S. 1-54 is hereby amended by adding the words "or proceeding" immediately following the word "action" in the first line.

(c) G. S. 1-54 is hereby amended by rewriting paragraph 5 to read as follows:

"5. For a widow's year's allowance."

Sec. 3. (a) Chapter 1 of the General Statutes is hereby amended by inserting immediately following G. S. 1-55 and immediately preceding G. S. 1-56 the words, "Art. 5A. Limitations, Actions Not Otherwise Limited.", so as to place G. S. 1-56 in Article 5A.

(b) G. S. 1-56 is hereby amended to read as follows:

"G. S. 1-56. All Other Actions, Ten Years. An action for relief not otherwise limited by this subchapter may not be commenced more than ten years after the cause of action has accrued."

Sec. 4. G. S. 1-76 is hereby amended by rewriting the last line of the Section to read as follows:

"4. Recovery of personal property when the recovery of the property itself is the sole or primary relief demanded."

Sec. 5. G. S. 1-79 is hereby amended by writing the Section to read as follows:

"§ 1-79. Domestic Corporations. For the purpose of suing and being sued the principal office of a domestic corporation, as shown by its certificate of incorporation pursuant to G. S. 55-2, is its residence."

Sec. 6. G. S. 1-181 is hereby amended by rewriting the Section to read as follows:

"§ 1-181. Requests for Special Instructions. (a) Requests for special instructions to the jury must be—

(1) In writing,

(2) Entitled in the cause, and

(3) Signed by counsel submitting them.
(b) Such requests for special instructions must be submitted to the trial judge before the judge's charge to the jury is begun. However, the judge may, in his discretion, consider such requests regardless of the time they are made.

(c) Written requests for special instructions shall, after their submission to the judge, be filed as a part of the record of the cause."

Sec. 7. (a) G. S. 1-288 is hereby amended by rewriting the second sentence to read as follows: "The party desiring to appeal from the judgment shall, during the term at which the judgment was rendered or within ten days from the expiration by law of the term, make affidavit that he is unable by reason of his poverty to give the security required by law, and that he is advised by a practicing attorney that there is error in matter of law in the decision of the Superior Court in said action."

(b) G. S. 1-288 is hereby further amended by rewriting the fourth sentence to read as follows: "The request for appeal shall be passed upon and granted or denied by the clerk within ten days from the expiration by law of said term of court."

Sec. 8. G. S. 1-440.45 is hereby amended by rewriting subsection (c) to read as follows:

"(c) Upon judgment in his favor in the principal action, the defendant may thereafter, by motion in the cause, recover on any bond taken for his benefit therein, or he may maintain an independent action thereon."

Sec. 9. G. S. 1-440.46 is hereby amended by striking out "(d)" at the beginning of the first line of subsection (d) and inserting in lieu thereof "(e)", and by adding the following subsection to be designated as subsection (d):

"(d) Upon judgment in his favor in the principal action, the plaintiff is entitled to judgment on any bond taken for his benefit therein."

Sec. 10. G. S. 1-581 is hereby amended by striking out the words "to show cause," in lines four and five, and inserting in lieu thereof the words "made without notice."

Sec. 11. This Act does not apply to pending litigation.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 104

CHAPTER 838

AN ACT TO AMEND CERTAIN SECTIONS OF SUBCHAPTER V OF CHAPTER 105 OF THE GENERAL STATUTES RELATING TO THE COLLECTION OF THE GASOLINE AND SPECIAL MOTOR FUELS GALLONAGE TAX.

The General Assembly of North Carolina do enact:

Section 1. Subchapter V of Chapter 105 of the General Statutes is hereby amended as follows:

(a) By amending Section 105-435 of the General Statutes by:
(1) Changing the semicolon in line 29 of subsection (b) following the word "section" to a period and by striking out the remainder of the sentence following said semicolon reading as follows:

"Provided, however, no bond shall be required."

(2) Adding a new subsection to be designated subsection (f) to read as follows:

"Every dealer or distributor selling the motor fuels taxed under this Section for use in operating motor vehicles over the highways of this State shall, before entering into such business, or on the effective date of this Act, post with the Commissioner of Revenue a bond executed by some surety corporation authorized to do business in this State in the amount of five hundred dollars ($500.00), and every user of special fuels for highway purposes shall, before being issued a permit to operate a vehicle or operate vehicles over the highways of the State in which fuels taxed under this Section are used, post with the Commissioner of Revenue a surety bond executed by some surety corporation authorized to do business in this State in accordance with the following schedule: Where the user of such fuels operates not over three motor vehicles over the highways of this State, a bond of two hundred fifty dollars ($250.00); where the user operates not less than four nor more than six such vehicles, a bond of five hundred dollars ($500.00); where the user operates not less than seven nor more than twelve such vehicles, a bond of one thousand dollars ($1,000.00); where the user operates not less than thirteen nor more than eighteen such vehicles, a bond of one thousand five hundred dollars ($1,500.00); where such user operates in excess of eighteen such vehicles, a bond of two thousand dollars ($2,000.00). Provided that a licensed distributor who has already furnished a bond under the provisions of Section 105-433 of the General Statutes shall not be required to furnish any additional bond by reason of this subsection. Bonds posted pursuant to the provisions of this subsection shall be made payable to the State of North Carolina and shall be conditioned upon the prompt payment of all taxes levied or assessed by virtue of this Section.

"Any person, firm or corporation required by this Section to furnish bond and who fails to do so shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment or by fine and imprisonment, in the discretion of the court."

(b) By amending Section 105-435 of the General Statutes by inserting a new subsection to read as follows:

"All motor vehicle dealers engaged in the business of selling or offering for sale motor vehicles designed for highway use and which are designed for the use of motor fuels other than gasoline shall, on or before the fifteenth day of each month, report to the Commissioner of Revenue upon such forms as may be prescribed all sales of such motor vehicles, which reports shall show the names and addresses of all purchasers of such vehicles, the type of such motor fuels for which such vehicles are designed, and such other information as may be required by the Commissioner. Similar reports shall be made by any garage, automotive service station, motor vehicle dealer or other person, firm or corporation who or which shall convert a motor vehicle designed for highway use, or the motor thereof,
which was designed for the use of gasoline, to a motor vehicle, or motor, designed for the use of any motor fuel other than gasoline.”

(c) By amending Section 105-435 of the General Statutes by inserting a new subsection to read as follows:

“Every person, firm or corporation engaged in the business of selling special fuels which are designed or suited to the purpose of propelling motor vehicles over the highways of the State and who delivers such fuels into any fuel supply tank connecting with the engine of any motor vehicle, shall keep and for a period of not less than two years, or until inspected and audited by a representative of the Department of Revenue, preserve adequate records showing all purchases and sales of such fuels in such manner that the taxable or non-taxable sales can be determined, which records shall be subject to inspection by the Commissioner or his agents at all reasonable times. In the absence of such records or proof of the character of the sale of such fuels, all of such sales shall be deemed to be taxable sales and the tax thereon shall be paid to the Commissioner of Revenue by such dealer. The Commissioner of Revenue is authorized and empowered to promulgate reasonable rules and regulations for the administration and enforcement of the provisions of this Article.”

(d) By amending Section 105-435 of the General Statutes by adding a new subsection to read as follows:

“It shall be the duty of motor carriers of property to report and pay to the Commissioner of Revenue the tax imposed by this Section upon all special motor fuels used upon the highways of this State by vehicles leased by such carriers, whether such vehicles are leased for a definite term or for particular trips. Nothing herein contained shall prevent such carriers from deducting the amount of such taxes from the rentals or lease hire due the owners of such vehicles or from entering into any other arrange-

ment with such owners as the parties may be advised.”

(e) By amending Section 105-435 of the General Statutes by adding a new subsection to read as follows:

“In the event any special motor fuels which are not commonly sold or measured by the gallon shall be used in any motor vehicles on the highways of this State, the Commissioner of Revenue is authorized and emp-

owered, under such regulations as he may promulgate, to assess, levy and collect a tax upon such special fuels in accordance with and measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline, and the determination by the Commissioner of the power potential equivalent of such special motor fuels shall be prima facie cor-

rect. By ‘power potential equivalent’ is meant that quantity of such special fuels, however measured, which contains the approximate number of British thermal units contained in one gallon of regular grade gasoline, and upon each such quantity of such special fuels used upon the highways of this State a tax in the amount of seven cents (7c) shall be assessed and collected.”

(f) By amending Section 105-437 of the General Statutes by adding a new sentence at the beginning of said Section to read as follows:

“If any distributor shall fail or neglect to pay the full amount of the tax levied by this Article when same shall be due, any deficiency shall
bear interest at the rate of one-half per cent (½%) per month or fraction thereof from the date same is due to be paid until paid.”

(g) By amending Section 105-444 of the General Statutes by striking out the second sentence therein and substituting in lieu thereof the following language:

“[If] any person, firm or corporation who or which adds the amount of the tax levied in this Article to the customary market price for gasoline and/or special fuels and collects the same, shall fail to remit the gasoline and/or special fuels tax to the Commissioner of Revenue as provided herein, such failure shall be a misdemeanor, and any individual, partner or officer or agent of any association, partnership or corporation who shall fail to remit the tax so collected as herein provided when it is his duty to do so shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.”

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 533

CHAPTER 839
AN ACT RELATING TO CERTAIN FEES OF THE POLICE OFFICERS OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, the fees of the police officers of the Town of North Wilkesboro with respect to making an arrest, serving a subpoena or executing a capias shall be as follows:

- Arrest, each ..............................................$2.00
- Subpoena, each ........................................... .75
- Capias, each ............................................... 2.00

Sec. 2. All of the aforesaid fees, when collected, shall be paid into the General Fund of the Town of North Wilkesboro.

Sec. 3. All law and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 534

CHAPTER 840
AN ACT TO REPEAL SECTION 26¾ AND TO AMEND SECTION 29 OF CHAPTER 144 OF THE PRIVATE LAWS OF 1913 RELATIVE TO THE DUTIES OF THE TREASURER OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Section 1. That Section 26¾ of Chapter 144 of the Private Laws of 1913 be and the same is hereby repealed.
Sec. 2. That Section 29 of Chapter 144 of the Private Laws of 1913 be amended by striking out the words in parenthesis as follows: "except the special taxes levied for the sinking fund to pay interest on bonds, which taxes shall be paid to the sinking fund commissioner by the tax collector as hereinbefore provided" and inserting in lieu thereof the following: "including any special taxes levied for the sinking fund to pay principal and interest on bonds, which taxes so collected shall be kept separate and distinct from all other funds of the town as hereinbefore provided."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 535

CHAPTER 841

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NORTH WILKESBORO, PRIVATE LAWS OF 1913, CHAPTER 144 AND ALL AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. That Section 36½ of Chapter 144 of the Private Laws of 1913 is amended by striking out all of said Section and inserting in lieu thereof the following:

"Section 36½. The mayor shall act in the capacity of judge of the special court constituted under the provisions of this Act as set out in Section 8 through Section 15, inclusive.

Sec. 2. From and after the 1st day of June, 1951, all fees collected by the court, as now or may hereafter be provided by law, shall in lieu of being paid to the officers or officials of said court be paid into the general funds of the Town of North Wilkesboro.

Sec. 3. The salary of the mayor as judge of said court shall be $1,800.00 per year, and the salary of the solicitor of said court shall be $1,500.00 per year, which salaries shall be paid from the general funds of said town on the first day of each calendar month.

Sec. 4. From and after the 1st day of June, 1951, the Board of Town Commissioners of the Town of North Wilkesboro shall fix the salary of the clerk of said court.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
S. B. 540

CHAPTER 842

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO LEVY SPECIAL TAXES FOR FOREST FIRE CONTROL AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Duplin County are hereby authorized and empowered to annually levy and collect special taxes for the following purposes at the following rates:

For the purpose of providing forest fire control and/or rural fire protection not in excess of two cents (2c) on each one hundred dollars ($100.00) of property valuation; and for the purpose of the maintenance of a radio for the sheriff’s department not exceeding one-half of one cent (½c) on each one hundred dollars ($100.00) of property valuation. The said taxes, if levied by the said board of commissioners, shall be for the said necessary purposes and shall be in addition to the constitutional limit of fifteen cents (15c) on each one hundred dollars ($100.00) valuation for general fund purposes and with the special approval of the General Assembly which is hereby given.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 568

CHAPTER 843

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY TO ORDER A REVALUATION OF PROPERTY FOR AD VALOREM TAX PURPOSES IN SAID COUNTY IN THE YEAR 1952 AND TO LEVY A SPECIAL TAX TO PAY THE EXPENSES THEREOF.

WHEREAS, there has not been a general revaluation of real property for ad valorem tax purposes in Richmond County for a number of years; and

WHEREAS, there is a present need for a revaluation and reassessment of real property and personal property to be had in said county in order to equalize tax valuations throughout the county and thus bring about greater uniformity and equality in taxation; and

WHEREAS, the cost of such revaluation is greater than can be borne from the current general fund revenues of said county and is not such an annually recurring expense as can be provided for by the general fund: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Richmond County is hereby authorized to order a revaluation and reassessment of all taxable property in Richmond County, both real and personal, as of January 1, 1952, such revaluation and reassessment to be carried through under and in accordance with the provisions of Subchapter II of Chapter 105 of the General Statutes.
Sec. 2. The Board of Commissioners of Richmond County is hereby authorized to order the employment of such expert and experienced revaluation and reassessment service or services as it shall deem necessary to carry out the revaluation and reassessment provided for in this Act.

Sec. 3. The expense of carrying through the revaluation and reassessment of property in Richmond County authorized in Section 1 of this Act is hereby declared to be a necessary expense and a special purpose, and the Board of Commissioners of Richmond County is hereby authorized, in its discretion, in order to raise funds to defray such expense, to levy for the fiscal years 1951-52 and 1952-53 a special tax at a rate not to exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation. The Board of Commissioners of Richmond County is further authorized to apply any surplus funds of the county toward the expenses of such revaluation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 380

CHAPTER 844

AN ACT TO AMEND CHAPTER 93 OF THE GENERAL STATUTES OF NORTH CAROLINA, ENTITLED "PUBLIC ACCOUNTANTS" SO AS TO CLARIFY THE RIGHT OF PERSONS WHO ARE NOT CERTIFIED PUBLIC ACCOUNTANTS TO ENGAGE IN THE PUBLIC PRACTICE OF ACCOUNTING; TO CREATE THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO PRESCRIBE THE EDUCATIONAL AND OTHER QUALIFICATIONS OF PERSONS APPLYING FOR EXAMINATION FOR CERTIFICATES AS CERTIFIED PUBLIC ACCOUNTANTS; TO PROVIDE FOR THE EXAMINATION AND ISSUANCE OF CERTIFICATES TO PERSONS WHO QUALIFY AS CERTIFIED PUBLIC ACCOUNTANTS; AND TO PROHIBIT THE UNAUTHORIZED USE OF THE TITLES "CERTIFIED PUBLIC ACCOUNTANT" OR "PUBLIC ACCOUNTANT" OR ANY MISLEADING TITLE OR DESIGNATION BY PERSONS NOT CERTIFIED BY THE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS.

The General Assembly of North Carolina do enact:

Section 1. That General Statutes 93-1 be repealed and the following substituted in lieu thereof:

93-1. Definitions. As used in this Chapter certain terms are defined as follows:

(1) Public Practice of Accountancy. A person is engaged in the public practice of accountancy who holds himself out to the public as an accountant and in consideration of compensation received or to be received offers to perform or does perform, for other persons, services which in-
volve the auditing or verification of financial transactions, books, accounts, or records, or the preparation, verification or certification of financial, accounting and related statements intended for publication or renders professional services or assistance in or about any and all matters of principle or detail relating to accounting procedure and systems, or the recording, presentation or certification and the interpretation of such service through statements and reports.

(2) A Certified Public Accountant is a person engaged in the public practice of accountancy who holds a certificate as a certified public accountant issued to him under the provisions of this Chapter.

(3) A Public Accountant is a person engaged in the public practice of accountancy who is registered as a public accountant under the provisions of this Chapter.

(4) An Accountant is a person engaged in the public practice of accountancy who is neither a certified public accountant nor a public accountant as defined in this Chapter.

(5) Board means the Board of Certified Public Accountant Examiners as provided in this Chapter.

(6) Nothing in this Act shall be construed as authorizing certified public accountants, public accountants or accountants to engage in the practice of law, and such person shall not engage in the practice of law unless duly licensed so to do.

Sec. 2. That General Statutes 93-6 be repealed and the following substituted in lieu thereof:

93-6. Practice as Accountants Permitted—Use of Misleading Titles Prohibited. It shall be unlawful for any person to engage in the public practice of accountancy in this State who is not a holder of a certificate as a certified public accountant issued by the board, or is not registered as a public accountant under the provisions of this Chapter, unless such person uses the term "Accountant" and only the term "Accountant" in connection with his name on all reports, letters of transmittal, or advice, and on all stationery and documents used in connection with his services as an accountant, and refrains from the use in any manner of any other title or designation in such practice.

Sec. 3. That General Statutes 93-8 be repealed and the following substituted in lieu thereof:

93-8. Public Practice of Accounting by Corporations Prohibited. On and after July 1, 1951, it shall be unlawful for any corporation to engage in the public practice of accountancy in this State.

Sec. 4. That the first paragraph of General Statutes 93-12, ending with the words "as follows" be repealed and the following substituted in lieu thereof:

93-12. Board of Certified Public Accountant Examiners. The name of the State Board of Accountancy is hereby changed to State Board of Certified Public Accountant Examiners and said name State Board of Certified Public Accountant Examiners is hereby substituted for the name State Board of Accountancy wherever the latter name appears or is used in Chapter 93 of the General Statutes. Said board is created as an agency of the State of North Carolina and shall consist of four persons to be
appointed by the Governor, all of whom shall be holders of valid and un-revoked certificates as certified public accountants issued under the provisions of this Chapter. Members of the board shall hold office for the term of three years and until their successors are appointed. Appointments to the board shall be made under the provisions of this Act as and when the terms of the members of the present State Board of Accountancy expire; provided, that all future appointments to said board shall be made for a term of three years expiring on the 30th day of June. The powers and duties of the board shall be as follows:

Sec. 5. That subsection (2), General Statutes 93-12 be repealed and the following substituted in lieu thereof:

93-12(2) To employ legal counsel, clerical and technical assistance and to fix the compensation therefor, and to incur such other expenses as may be deemed necessary in the performance of its duties and the enforcement of the provisions of this Chapter. Upon request the Attorney General of North Carolina will advise the board with respect to the performance of its duties and will assign a member of his staff, or approve the employment of counsel, to represent the board in any hearing or litigation arising under this Chapter. The board may, in the exercise of its discretion, cooperate with similar boards of other states, territories and the District of Columbia in activities designed to bring about uniformity in standards of admission to the public practice of accountancy by certified public accountants, and may employ a uniform system of preparation of examinations to be given to candidates for certificates as certified public accountants, including the services and facilities of the American Institute of Accountants, or of any other persons or organizations of recognized skill in the field of accountancy, in the preparation of examinations and assistance in establishing and maintaining a uniform system of grading of examination papers, provided however, that all examinations given by said board shall be adopted and approved by the board and that the grade or grades given to all persons taking said examinations shall be determined and approved by the board.

Sec. 6. That subsection (5) General Statutes 93-12 be repealed and the following substituted in lieu thereof:

93-12 (5). To issue certificates of qualification admitting to practice as certified public accountants, each applicant who, having the qualifications herein specified, shall have passed examinations to the satisfaction of the board, in “Theory of Account”, “Practical Accounting”, “Auditing”, “Commercial Law”, and other related subjects.

From and after the ratification of this Act and until July 1, 1955, any person shall be eligible to take the examinations given by the board who, is a citizen of the United States, or has declared his intention of becoming such citizen, and has resided for at least one year within the State of North Carolina, is twenty-one years of age or over and of good moral character, submits evidence satisfactory to the board that he is a graduate of an accredited high school, or possesses an equivalent education and shall have had at least two years’ experience next preceding the date of his application on the field staff of a certified public accountant or public accountant, one year of which experience shall have been as a senior or
accountant in charge, and shall receive the endorsement of three certified public accountants as to his eligibility; or who, in lieu of the two years' experience or its equivalent, above mentioned, shall have had one year's experience after graduating from a recognized school of accountancy, or has served two years or more as field agent under an Internal Revenue Agent in Charge or Special Agent in Charge of the Bureau of Internal Revenue, or has been engaged in the public practice of accountancy in the State of North Carolina continuously for at least three years prior to his application. The requirement of one year's residence in the State of North Carolina shall not apply to any person who, prior to the date of this Act, shall have passed an examination on one or more subjects theretofore given by the board.

After July 1, 1955, all applicants for examination for certificates as certified public accountants, in addition to meeting the foregoing requirements as to age, good moral character, citizenship, and residence within this State, shall have a two years' college education, or its equivalent, and shall have completed a course of study in accountancy in a college or a school of accountancy or of business administration approved by the board. Such applicant, in addition to passing satisfactorily the examinations given by the board, shall have had at least two years' experience next preceding the date of his application on the field staff of a certified public accountant or public accountant or on the field staff of an accounting firm of which at least one member is a certified public accountant or public accountant, one year of which experience shall have been as a senior or accountant in charge or shall have served two or more years as field agent under an Internal Revenue Agent in Charge or Special Agent in Charge of the Bureau of Internal Revenue, and shall have the endorsement of three certified public accountants as to his eligibility. Provided, however, that any person, who on July 1, 1955, shall have passed an examination on some of the subjects required by the board, or, who prior to said date qualified of record with the board to sit for said examinations, shall be permitted to take the examinations given by the board at any time prior to July 1, 1958. The board may permit persons otherwise eligible to take its examinations and withhold certificates until such persons shall have had the required experience.

Sec. 7. That subsection (6), General Statutes 93-12 be amended by striking out all of said subsection following the colon after the word "chapter" in line fifteen and substituting the following in lieu thereof:

Provided, however, that such applicant has been a bona fide resident of this State for not less than one year or, if a nonresident, he has maintained or has been a member of a firm that has maintained for not less than one year a bona fide office within this State for the public practice of accounting and, provided further, that the state or political subdivision of the United States upon whose certificate the reciprocal action is based grants the same privileges to holders of certificates as certified public accountants issued pursuant to the provisions of this Chapter. The board, by general rule, may grant temporary permits to applicants under this subsection pending their qualification for reciprocal certificates.

Sec. 8. That subsection (9), General Statutes 93-12 be repealed and the following substituted in lieu thereof:
93-12 (9). Adoption of Rules of Professional Conduct—Disciplinary Action. The board shall have the power to adopt rules of professional ethics and conduct to be observed by certified public accountants and public accountants engaged in the public practice of accountancy in this State. The rules so adopted shall be publicized and a certified copy filed in the office of the Secretary of State of North Carolina within sixty (60) days after adoption. The board shall have the power to revoke, either permanently or for a specified period, any certificate issued under the provisions of this Chapter to a certified public accountant or public accountant or to censure the holder of any such certificate for any one or combination of the following causes:

(a) Conviction of a felony under the laws of the United States or of any state of the United States.

(b) Conviction of any crime, an essential element of which is dishonesty, deceit or fraud.

(c) Fraud or deceit in obtaining a certificate as a certified public accountant.

(d) Dishonesty, fraud or gross negligence in the public practice of accountancy.

(e) Violation of any rule of professional ethics and professional conduct adopted by the board.

Before any disciplinary action is taken, it shall be the duty of the board to mail written notice to the holder of such certificate at his last known address not less than twenty days before any hearing thereon, stating the cause of such contemplated action and appointing a time and place for hearing by the board, provided, that the board shall not be required to give such notice before revoking a certificate for failure to pay the renewal fee required by this Chapter. Not less than five days prior to any hearing on notice given under this subsection, it shall be the duty of the board to designate a certified public accountant, who has had not less than five years' experience in the active practice of public accountancy in North Carolina, to serve as chairman of the board at such hearing and in all deliberations of the board in connection therewith. The chairman so elected shall not vote except in case of a tie vote. The decision of the board shall be in writing and shall set out specifically the facts found and the decision thereon and copy thereof served upon the accused person. The accused shall have the right to be represented by counsel and to produce evidence in his own behalf. The board shall have the authority to issue subpoenas for the attendance of persons as witnesses at all such hearings. Within twenty (20) days after service of the decision of the board, the accused shall have the right to appeal to the Superior Court of the county in which the accused maintains his principal office and place of business. It shall be the duty of the accused to file a notice of his appeal and a statement of his exceptions to the decision of the board with the Clerk of the Superior Court of the county to which said appeal is directed and serve copies of the same upon the chairman of the board. On appeal, the accused shall have the right of trial by jury of the issues of fact arising upon the notice served upon him, as hereinbefore directed, and the charges therein on which the board has found the accused guilty. Any applicant to take the
examinations given by the board shall be entitled to appeal from the de-cision of the board upon his eligibility to take the examination in the same manner as herein provided for on appeal from a decision of the board revoking a certificate.

Sec. 9. That subsection (12), General Statutes 93-12 be repealed and the following substituted in lieu thereof:

93-12 (12). To submit annually on or before the first day of May to the Commissioner of Revenue the names of all persons who have qualified under this Chapter as certified public accountants or public accountants. Privilege license issued under G. S. Section 105-41 shall designate whether such license is issued to a certified public accountant, a public accountant, or an accountant.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in effect from and after its ratification.
In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 401

CHAPTER 845

AN ACT TO PROHIBIT THE OPERATION OF ANY MOVING PIC-TURE SHOW OR THEATRE IN FORSYTH COUNTY DURING CERTAIN HOURS ON SUNDAY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to operate a moving picture show or theatre where movies are publicly shown for compensation, either indoors or outdoors, at any place in Forsyth County, outside of the corporate limits of a city or town in said county, on Sunday, except between the hours of 12:30 P. M. and 6:00 P. M., or between the hours of 9:00 P. M. and midnight. Violation of this Act is punishable by fine not exceeding fifty dollars ($50.00) or imprisonment in the discretion of the court.

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 659

CHAPTER 846

AN ACT TO AMEND SENATE BILL NUMBER FIFTY OF THE REGU-LAR SESSION OF ONE THOUSAND NINE HUNDRED AND FIFTY-ONE AND SECTION 130-47 OF THE GENERAL STATUTES RELAT-ING TO BONDS OF SANITARY DISTRICTS AND VALIDATING AC-TION HERETOFORE TAKEN IN RELATION TO THE FORMATION AND CREATION OF SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. That Senate Bill number 50 of the Regular Session of 1951, ratified on the first day of February 1951, shall be and the same is hereby
amended by striking out that part of said bill as printed which begins with the words "Either before or" in line 50 on page 3 and ends with the period in line 64 on page 4 and inserting in lieu thereof the following:

"Either before or after the adoption of the plan as aforesaid, the sanitary district board may pass a resolution or resolutions (hereinafter sometimes referred to as "bond resolution" or "bond resolutions") authorizing the issuance of bonds of the sanitary district, but bonds for two or more unrelated purposes shall not be authorized by the same bond resolution; provided, however, that bonds for two or more improvements or properties mentioned together in any one or more of the clauses of this Section may be treated as being but for one purpose and may be authorized by the same bond resolution. The negotiable bonds of a sanitary district may be issued for any one or more of the following purposes, which purposes may include land, rights in land or other rights necessary for the establishment thereof:

(a) Acquisition, construction, reconstruction, enlargement of, additions or extensions to a water system or systems, a water purification or treatment plant or plants, a sanitary sewer system or systems, or a sewage treatment plant or plants, including interest on the bonds during construction and for one year after completion of construction if deemed advisable by the sanitary district board."

Sec. 2. That Section 130-47 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by striking out the first four sentences beginning with the words "The sanitary district board" in line 1 and ending with the word "signature" in line 16 of said Section and inserting in lieu thereof the following:

"The sanitary district board shall, subject to the provisions of this Article, and under competent legal and financial advice prescribe by resolution the form of the bonds, including any interest coupons to be attached thereto, and shall fix the date, the maturities, the denomination or denominations, and the place or places of payment of principal and interest which may be at any bank or trust company within or without the State of North Carolina. The bonds shall not be sold at less than par and accrued interest nor bear interest at a rate or rates in excess of six per centum (6%) per annum. The bonds shall be signed by the chairman and secretary of the sanitary district board, and the seal of the board shall be impressed thereon, and any coupons attached thereto shall bear a facsimile of the signature of the secretary of said board in office at the date of the bonds or at the date of delivery thereof. The delivery of bonds so executed shall be valid, notwithstanding any change in officers or in the seal of the board occurring after the signing and sealing of the bonds. Bonds issued under this Article shall be payable to bearer unless they are registered as hereinafter provided, and each coupon appertaining to a bond shall be payable to the bearer of the coupon. A sanitary district may keep in the office of the secretary of the sanitary district board, or in the office of a bank or trust company appointed by said board as bond registrar or transfer agent, a register or registers for the registration and transfer of its bonds, in which it may register any bond at the time of its issue or, at the request
of the holder, thereafter. After such registration, the principal and interest of the bond shall be payable to the person in whose name it is registered except in the case of a coupon bond registered as to principal only, in which case the principal shall be payable to such person, unless the bond shall be discharged from registration by being registered as payable to bearer. After registration a bond may be transferred on such register by the registered owner in person or by attorney, upon presentation to the bond registrar, accompanied by delivery of a written instrument of transfer in a form approved by the bond registrar, executed by the registered owner. Upon the registration or transfer of a bond as aforesaid, the bond registrar shall note such registration or transfer on the back of the bond. A sanitary district may, by recital in its bonds, agree to register the bonds as to principal only, or agree to register them either as to principal only or as to both principal and interest at the option of the bondholder. Upon the registration of a coupon bond as to both principal and interest the bond registrar shall also cut off and cancel the coupons, and endorse upon the back of such bond a statement that such coupons have been cancelled.

Sec. 3. That all the acts and procedure in anywise had and taken in relation to the formation and creation of any sanitary district in the State and in the appointment or election of members of any district board be and the same are in all respects ratified, approved, confirmed and validated, and any members so appointed or elected shall have all the powers and may perform all of the duties required or permitted of them to be performed by Article 6 of Chapter 130 of the General Statutes until their successors are elected and qualified; provided, however, that any vacancy in any sanitary district board may be filled as provided in Section 160-38 of the General Statutes, being a part of said Article 6.

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.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 670

CHAPTER 847

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS TO EXTEND THE TIME FOR QUADRENNIAL ASSESSMENTS FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That General Statutes 105-278, as amended by Chapter 109 of the Session Laws of 1949 be, and the same hereby is, further amended by adding at the end of said Section the following: "Provided, further, that the boards of commissioners of the various counties of the State may, in their discretion, defer or postpone revaluation and reassessment of real property for the years 1951 and 1952. Whenever revaluation is had, same may be by horizontal increase or reduction or by actual appraisal thereof, or both."
Sec. 2. That all laws and clauses of laws in conflict with the provisions of 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 12th day of April, 1951.

H. B. 716

CHAPTER 848

AN ACT TO AMEND CHAPTER 170 PUBLIC-LOCAL LAWS OF 1937 RELATING TO SPECIAL TAX FOR THE SUPPORT AND MAINTENANCE OF THE POOR, AND THE COUNTY WELFARE DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 170 Public-Local Laws 1937 be and it is hereby amended by striking out the word “twelve” at the end of the fourth line of said Section and substituting the word “fifteen” therefor.

Sec. 2. That Section 2 of Chapter 170 Public-Local Laws 1937 be and it is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 782

CHAPTER 849

AN ACT TO AMEND THE ELECTION LAWS OF NORTH CAROLINA SO THAT FIVE PER CENT INSTEAD OF TWENTY-FIVE PER CENT OF EXCESS BALLOTS OVER THE TOTAL REGISTRATION BE REQUIRED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-157 is amended by striking out the words “twenty-five” in line four of said Section and inserting in lieu thereof the word “five”.

Sec. 2. G. S. 163-157 is further amended by striking out the words “twenty-five” in line seven of said Section and inserting in lieu thereof the word “five”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 783

CHAPTER 850

AN ACT TO PROVIDE FOR THE MODIFICATION, RESTORATION AND DISPOSITION OF CERTAIN SPECIALLY CONSTRUCTED HIGH SPEED VEHICLES WHEN CONFISCATED FOR THE ILLEGAL TRANSPORTATION OF INTOXICATING LIQUOR.

The General Assembly of North Carolina do enact:

Section 1. Section 18-6 of the General Statutes of North Carolina (1949 Cumulative Supplement) is hereby amended by adding the following paragraph at the end thereof:

"When any vehicle confiscated under the provisions of this Section is found to be specially equipped or modified from its original manufactured condition so as to increase its speed, the court shall, prior to sale, order that the special equipment or modification be removed and destroyed and the vehicle restored to its original manufactured condition. However, if the court should find that such equipment and modifications are so extensive that it would be impractical to restore said vehicle to its original manufactured condition, then the court may order that the vehicle be turned over to such governmental agency or public official within the territorial jurisdiction of the court as the court shall see fit, to be used in the performance of official duties only, and not for resale, transfer, or disposition other than as junk: Provided, that nothing herein contained shall affect the rights of lien holders and other claimants to said vehicles as set out in this Section."

Sec. 2. This Act shall apply to all vehicles now in the custody of the law under the provisions of Section 18-6 of the General Statutes which have not been finally disposed of.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 850

CHAPTER 851

AN ACT TO CHANGE THE VOTING WARDS OF THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 24, Private Laws of North Carolina of 1927 (An Act To Amend Chapter 39 of the Private Laws of 1895, with Reference To the Voting Wards in the Town of Edenton), by striking out the word or name "Church," appearing in the second line of the fourth paragraph of Section One thereof, and in lieu thereof inserting the word or name "Carteret;" and by striking out the word or name "Church" appearing in the third line of the sixth paragraph of Section One thereof, and in lieu thereof inserting the word or name "Carteret."
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 upon its ratification.
In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 878  
CHAPTER 852
AN ACT TO AMEND GENERAL STATUTES 51-1 RELATING TO THE PERFORMANCE OF MARRIAGE CEREMONIES BY THE REGISTER OF DEEDS OF BERTIE COUNTY.
The General Assembly of North Carolina do enact:
Section 1. Section 51-1 of the General Statutes of North Carolina, as now codified in Volume 2A, is hereby amended by adding at the end of said Section the following:
The last sentence of this Section which prohibits a justice of the peace who holds the office of register of deeds from performing any marriage ceremony shall not apply to Bertie County.
Section 2. A justice of the peace who holds the office of register of deeds of Bertie County, shall, while holding said office, have full power and authority to perform marriage ceremonies.
Sec. 3. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.
Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 881  
CHAPTER 853
AN ACT AUTHORIZING THE POLICE OFFICERS OF THE TOWN OF AULANDER TO TRANSPORT PRISONERS TO THE COMMON JAIL OF BERTIE COUNTY.
The General Assembly of North Carolina do enact:
Section 1. The Mayor and the Chief of Police and other police officers of the Town of Aulander, or either of them, are hereby authorized and empowered, in their discretion, in lieu of using the municipal jail of the Town of Aulander, to transport or provide for the transportation of persons arrested within the police jurisdiction of the Town of Aulander from said town to the common jail of Bertie County at the Bertie County Farm at Windsor, either when such persons are held in custody awaiting trial or for failure to give bond or when they have been sentenced to jail by the mayor's court or other court of competent jurisdiction.
Sec. 2. The Board of Commissioners and the Jailer of Bertie County are hereby authorized and empowered to permit the use of the common jail of Bertie County for the safe keeping or confinement of persons arrested within the police jurisdiction of the Town of Aulander on the order of the Mayor and Chief of Police and other police officers of the Town of Aulander, or either of them, upon such terms and conditions as may be agreed upon by and between the Board of Commissioners of the Town of Aulander and the Board of Commissioners of Bertie County.

Sec. 3. The Mayor's Court of the Town of Aulander or other court of competent jurisdiction which may render final judgment against any person upon conviction of violating the ordinances of the Town of Aulander or of violating the laws of North Carolina within the police jurisdiction of said town shall impose as costs of the case the turnkey fees or lodging fees imposed by Bertie County upon the Town of Aulander for use of the common jail of Bertie County for the safekeeping or confinement of said prisoner and an allowance of not to exceed five (5) cents per mile round trip for the transportation of said prisoner from the Town of Aulander to the common jail of Bertie County and return.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 884

CHAPTER 854

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TOWN OF MARSHVILLE IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The territory within the corporate limits of the Town of Marshville in Union County is hereby declared to be a bird sanctuary.

Sec. 2. It shall be unlawful for any person to kill, trap or otherwise take any birds within the above-described area except English Sparrows, Great Horned Owls, Cooper's Hawks, Sharp-shinned Hawks, Crows, and Starlings. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 887

CHAPTER 855

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY TO APPROPRIATE AND EXPEND FUNDS FOR CLERK HIRE FOR THE OFFICE OF CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cherokee County is hereby authorized, in its discretion, to appropriate and pay over to the Clerk of the Superior Court of Cherokee County such sum as it deems proper, not to exceed nine hundred dollars ($900.00) per annum to be used by said Clerk of the Superior Court for clerical assistance in his office.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 915

CHAPTER 856

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Rowan County is authorized, in its discretion, to postpone until the year 1952, 1953, or 1954 the quadrennial revaluation and reassessment of real property as required by G. S. 105-278.

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 12th day of April, 1951.

H. B. 924

CHAPTER 857

AN ACT RELATING TO THE RECORDER'S COURT FOR WHITEOAK, BUCKHORN, CEDAR FORK AND LEESVILLE TOWNSHIPS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Recorder's Court for Whiteoak, Buckhorn, Cedar Fork and Leesville Townships shall hold a session twice per month upon days to be fixed by the Board of Commissioners of the Town of Apex, North Carolina, at such place in the Town of Apex as may be designated by the board of commissioners of said town, and upon such additional days as the board of commissioners may authorize. Provided, however, that whenever the commissioners of said town shall find that the business to come before said court will not require more than one session per month, then said commissioners may direct that only one monthly session be held.
In case the recorder or prosecuting attorney of said court is prevented temporarily from discharging his duties the Board of Commissioners of the Town of Apex may appoint a substitute recorder or prosecuting attorney for the sessions of the court which the regular recorder or prosecuting attorney is prevented from attending. Such substitute recorder or prosecuting attorney shall have all the jurisdiction, power and authority of the regular recorder or prosecuting attorney of said court. He shall subscribe to the same oath and receive the same compensation as the regular recorder or prosecuting attorney while serving under the appointment of said board of commissioners. In case of a vacancy in the office of recorder or prosecuting attorney of said court, the Board of Commissioners of the Town of Apex shall fill such vacancy by appointment, which appointee shall serve at the discretion of said board of commissioners or until his successor is appointed or elected and qualified. The recorder and prosecuting attorney of said court, for loss of all fees and other compensations, shall each be paid a salary by the Town of Apex monthly, of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each day in which said court is engaged in the trial of cases, the same to be determined by the Board of Commissioners of the Town of Apex. Provided, that in no event shall the salary of the prosecuting attorney exceed that of the recorder.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 942

CHAPTER 858

AN ACT TO AMEND CHAPTER 581 OF THE SESSION LAWS OF 1947, RELATING TO CIVIL PROCEDURE IN THE RECORDER'S COURT OF WENDELL.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 581 of the Session Laws of 1947, which amends Chapter 558 of the Public Laws of 1939 by adding a new Section 4½ thereto, is hereby amended by striking out the period following the word "courts" which appears at the end of the second sentence of said Section, and inserting a comma in lieu thereof and adding the following:

"except that all cases on appeal to the Superior Court shall be heard de novo."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 943  
CHAPTER 859  
AN ACT TO FIX THE SALARIES OF THE COUNTY COMMISSIONERS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. They shall receive the sum of ten dollars ($10.00) per day while performing their duties as county commissioners, and mileage as allowed by law. Provided that said commissioners shall not be paid for more than two days in any one month except March and July and in the said months of March and July as many days as they deem necessary.

Sec. 2. The County Accountant of Mitchell County is required to collect all delinquent taxes and turn same over to the county treasurer. He shall receive a commission of 5% on all delinquent taxes collected.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act is to be retroactive and shall be in full force and effect from March 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 947  
CHAPTER 860  
AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF SOUTHPORT, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Southport, in Brunswick County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 950

CHAPTER 861

AN ACT TO INCREASE THE SALARIES OF THE DEPUTY CLERK OF THE SUPERIOR COURT, THE CLERICAL ASSISTANT TO THE REGISTER OF DEEDS, AND THE FIRST DEPUTY SHERIFF OF MADISON COUNTY; TO AUTHORIZE THE EMPLOYMENT OF AN ADDITIONAL SALARIED DEPUTY SHERIFF AND TO FIX HIS SALARY; AND TO FIX AN ALLOWANCE FOR AUTOMOBILE EXPENSE OF THE SHERIFF OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 484 of the Session Laws of 1949 is hereby amended by striking out of lines 3, 7 and 11 of Section 1 of said Act the words and figures "nine hundred dollars ($900.00)" and by inserting in lieu thereof in each of said lines the words and figures "fifteen hundred dollars ($1,500.00)."

Sec. 2. The Sheriff of Madison County is hereby authorized and empowered to appoint an additional salaried deputy sheriff, who shall receive an annual salary of nine hundred dollars ($900.00), to be paid out of the general fund of the county in twelve (12) equal monthly installments.

Sec. 3. The Sheriff of Madison County is hereby allowed the sum of one hundred dollars ($100.00) per month for automobile expense, which sum shall be paid to the sheriff monthly from the general fund of the county.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 957

CHAPTER 862

AN ACT AUTHORIZING THE CITY-COUNTY TAX COLLECTOR OF NEW HANOVER COUNTY TO COLLECT DELINQUENT TAXES FOR THE TOWN OF CAROLINA BEACH.

The General Assembly of North Carolina do enact:

Section 1. The City-County Tax Collector of New Hanover County, in addition to all other duties imposed by law, is hereby constituted ex officio collector of delinquent taxes for the Town of Carolina Beach, to be charged with all the obligations and vested with all the powers incident to the office of collector of delinquent taxes.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 969  

CHAPTER 863

AN ACT RELATING TO THE OPERATION OF MOTOR COURTS, MOTOR HOTELS, TOURIST HOMES AND TOURIST CAMPS IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to operate any motor court, motor hotel, tourist home or tourist camp in Stanly County without complying with all general State laws and all rules and regulations of the State Board of Health and the county health authorities relating to such establishments.

Sec. 2. Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and subject to fine or imprisonment, or both, in the discretion of the court.

Sec. 3. All special, private or public-local laws prohibiting the operation of motor courts, motor hotels, tourist homes or tourist camps in Stanly County, together with all other laws or clauses of laws in conflict with this Act, are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 985  

CHAPTER 864

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF ROWLAND TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF ROWLAND IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The authority of police officers of the Town of Rowland in Robeson County to make arrests, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include all territory within one mile of the corporate limits of the Town of Rowland.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 989  

CHAPTER 865

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITY OF THE TOWN OF ELKIN TO LEASE CERTAIN TOWN PROPERTY TO THE JONATHAN HUNT CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

The General Assembly of North Carolina do enact:

Section 1. The governing authority of the Town of Elkin is hereby authorized and empowered, in its discretion, to lease to the Jonathan Hunt Chapter of the Daughters of the American Revolution, upon such terms,
conditions and for such length of time as, in its discretion, the said governing authority may deem proper, the following described property of the Town of Elkin: “Bounded on the North by N. C. Highway No. 268, on the South by West Spring Street and on the West by the lot now owned by Vander Cave; said land being triangular in shape and being one-half acre more or less.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 991

CHAPTER 866

AN ACT TO AMEND CHAPTER 165 OF THE PUBLIC LAWS OF 1941 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO FEES OF JUSTICES OF THE PEACE IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 3,923 of the Consolidated Statutes be and the same is hereby amended by adding at the end of said Section the following:

“Justices of the Peace in Wake County shall receive the following fees and none other:

Justice of the Peace Bill of Cost in Civil Actions
Issuing summons and entering judgment where the action is not contested ................................................. $1.25
Additional defendants, each ................................................. .50
Plaintiffs undertaking ................................................. .50
Defendants undertaking ................................................. .50
Order for removal ................................................. .50
Issuing subpoena each witness ................................................. .25
Judgment contested each where there is or is not a jury trial ................................................. 2.00
Transcript of judgment each ................................................. .25
Writing judgments ................................................. .50
Issuing execution of judgment ................................................. .50
Return notice on appeal ................................................. 1.00
Jury trial and entering judgment ................................................. 2.00
Issuing subpoena or order for each juror ................................................. .25
Issuing claim and delivery proceedings each ................................................. 2.00
Issuing attachment proceedings and order to seize property, each ................................................. 2.50
Signing garnishee notice for taxes for each person ................................................. .25
Probate of deed chattel mortgage, or deed of trust for each signer thereof ................................................. .25
Hearing petition for widow’s year’s allowance, issuing notice to commissioners allotting the same making returns ................................................. 2.00
Filing and docketing laborer’s lien ................................................. .75

Justice of the Peace Bill of Cost in Criminal Actions
Affidavit each ................................................. .50

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Warrant each ................................................................. 1.00
Issuing subpoena each witness ......................................... .25
Commitment each .......................................................... .50
Recognizance each .......................................................... .25
Judgment not contested each .................................................. 1.00
Judgment contested each where there is no jury trial ..................... 2.00
Writing judgments .......................................................... .50
Order for removal .......................................................... .50
Taking bond for each defendant ............................................ .50
Capias and order ........................................................... 1.00
Jury trial and entering judgment ........................................... 2.00
Issuing subpoena or order for each juror .................................. .25
Sci Fa each ................................................................. 1.00

Sec. 2. That all laws and clauses of laws in conflict with the provisions of 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 12th day of April, 1951.

H. B. 1000     CHAPTER 867

AN ACT TO AMEND SECTION 153-180 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEES OF JAILER FOR WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 153-180 of the General Statutes of North Carolina is hereby amended by changing the period at the end thereof to a colon and by adding thereafter the following:

"provided that in Wake County the board of county commissioners may fix jailer's fees at such amount as they may deem proper and reasonable, not to exceed $1.50 per day."

Sec. 2. This Act shall be in full force and effect from and after the first day of July, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1087     CHAPTER 868

AN ACT TO AMEND SECTION 161-10 AND 161-10.1 OF THE GENERAL STATUTES FIXING THE FEES OF THE REGISTER OF DEEDS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Register of Deeds of Gaston County shall be entitled to receive fees in lieu of those allowed in Section 161-10 and Section 161-10.1 of the General Statutes of North Carolina, as follows:

For recording, indexing, and cross-indexing short form of chattel mortgage, sixty cents (60c); for recording, indexing and cross-indexing
printed form of crop lien and chattel mortgage, commonly known as short form, seventy-five cents (75c); for recording, indexing, and cross-indexing short form of car or furniture contracts with short description, seventy-five (75c); for recording, indexing, and cross-indexing lien bonds-chattel mortgages, one dollar and twenty-five cents ($1.25); for recording, indexing, and cross-indexing Federal Housing Administration Seed Loans, one dollar and twenty-five cents ($1.25); for recording, indexing, and cross-indexing short form easements and/or rights of way, one dollar and twenty-five cents ($1.25); for recording all regular deeds of trust and/or mortgage deeds two dollars ($2.00), where description does not exceed five hundred words on printed forms; for recording any deed or other writings authorized to be registered, one dollar and seventy-five cents ($1.75) for the first three hundred words, and twenty-five cents (25c) for each additional one hundred words or fraction thereof; for indexing and cross-indexing deeds and deeds of trust or mortgages, ten cents (10c) for each additional name over two names, constituting grantors and grantees; for recording any deed, deed of trust, mortgage, or other writing authorized to be registered, twenty-five cents (25c) for each certificate of probate or acknowledgment in excess of one; for recording, indexing, and photostating maps, five dollars ($5.00); for issuing marriage licenses, four dollars ($4.00).

Sec. 2. That all other fees provided for in General Statutes Sections 161-10 and 161-10.1 shall remain in full force and effect.

Sec. 3. That this Act shall apply only to Gaston County.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1022

CHAPTER 869

AN ACT TO FIX THE SALARIES OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after July 1, 1951, the members of the Board of County Commissioners of Nash County, other than the chairman, shall receive a salary of five hundred dollars ($500.00) each per annum, and the chairman shall receive a salary of seven hundred dollars ($700.00) per annum. In addition to these salaries, each member, including the chairman, shall receive ten dollars ($10.00) for each special meeting called, held, and attended, not to exceed twelve special meetings in any calendar year. Each member of the board, including the chairman, shall be allowed mileage to and from the places of meeting or otherwise discharging their official duties not to exceed six cents (6c) per mile. All of said salaries shall be paid monthly out of general county funds.

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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 July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1026  
CHAPTER 870
AN ACT AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE TAX ABSTRACTS AND DUPLICATE RECEIPTS IN THE OFFICE OF THE AUDITOR AND THE TAX COLLECTOR OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Auditor of Wake County, upon written order of the Board of Commissioners of Wake County, is hereby authorized to destroy the following obsolete records of his office:

(a) All original tax abstracts from all townships for the tax years 1919 through 1936.

(b) All auditor's copies of paid tax receipts for all tax periods as much as three years prior to the date of this present years tax settlement.

Sec. 2. The Tax Collector of Wake County, upon written order of the Board of Commissioners of Wake County, is hereby authorized to destroy the following obsolete tax receipts, namely:

All cashier's copies of paid tax receipts for all periods as much as three years prior to the date of this current years tax settlement.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1031  
CHAPTER 871
AN ACT AUTHORIZING THE GOVERNING BODY OF THE TOWN OF BOONE IN WATAUGA COUNTY TO APPLY PROCEEDS OF PARKING METERS TO THE SUPPORT OF A RECREATION PROGRAM.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the Town of Boone in Watauga County is hereby authorized to appropriate, in its discretion, and to apply to the support and development of a municipal recreation program such portion of the funds derived from parking meters as in its judgment may best serve the public interest.

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 upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

849
H. B. 1052

CHAPTER 872

AN ACT TO PERMIT AND ALLOW THE CLERK OF THE TOWN OF FUQUAY SPRINGS TO PAY ALL PAST AND FUTURE ACCUMULATED UNPAID WITNESS FEES INTO THE GENERAL FUND OF THE TOWN OF FUQUAY SPRINGS AFTER SAID WITNESS FEES HAVE REMAINED UNPAID AND UNCALLED FOR FOR A PERIOD OF SIXTY DAYS.

The General Assembly of North Carolina do enact:

Section 1. That by this Act the Clerk of the Town of Fuquay Springs is hereby permitted and allowed to pay all past and future accumulated unclaimed witness fees derived from the trial of cases in the Recorder's Court for Middle Creek, Panther Branch, Holly Springs and Swift Creek Townships at Fuquay Springs into the general fund of said town, after said witness fees have remained unclaimed and uncalled for for a period of sixty (60) days. The town clerk is to make a report of said accumulated unclaimed witness fees to the Board of Commissioners of the Town of Fuquay Springs every sixty (60) days.

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 12th day of April, 1951.

H. B. 1058

CHAPTER 873

AN ACT TO AUTHORIZE THE PAYMENT OF COMPENSATION TO THE SHERIFF OF STOKES COUNTY FOR HIS SERVICES AS COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Stokes County is authorized, in its discretion, to pay to the sheriff of said county a sum not to exceed six hundred dollars ($600.00) per annum as compensation for performing the duties of county treasurer, and this sum shall be in addition to any salary and expenses now paid to said sheriff for the performance of his other duties.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 1062  

CHAPTER 874

AN ACT TO REPEAL CHAPTER 548 OF THE PUBLIC LAWS OF NORTH CAROLINA, REGULAR SESSION, 1943, RELATING TO THE APPOINTMENT OF ASSISTANT CLERKS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 548 of the Session Laws of North Carolina of 1943 is hereby repealed.

Sec. 2. The Clerk of Superior Court of Mecklenburg County may appoint assistant clerks as provided in G. S. 2-10, as amended by the General Assembly of 1951.

Sec. 3. This Act shall apply to Mecklenburg County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1063  

CHAPTER 875

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO SUPPLEMENT SERVICE RETIREMENT BENEFITS FROM THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM, OR THE NORTH CAROLINA LAW ENFORCEMENT OFFICERS' RETIREMENT SYSTEM, OR BOTH.

The General Assembly of North Carolina do enact:

Section 1. That the City of Kinston, in the County of Lenoir, shall have the right and power and is hereby authorized to provide, by general ordinance duly and regularly adopted by its city council, that whenever an employee of the City of Kinston, by reason of age or permanent disability, shall retire and is entitled to receive and does receive service retirement benefits from the North Carolina Local Government Employee's Retirement System, or the North Carolina Law Enforcement Officers' Retirement System, or both, the City of Kinston shall supplement such benefits, out of funds appropriated or to be appropriated by the city council for that purpose. Such ordinance shall fix the minimum length of service of an employee to be entitled to any supplemental benefit and may provide for increased benefits depending upon the length of service of such employee; but the monthly supplement when added to the combined monthly retirement benefits received from both retirement systems above mentioned shall not exceed fifty per cent (50%) of the monthly salary or wages of such employee at the time of his retirement.

Sec. 2. That the City Council of the City of Kinston is authorized to appropriate out of the general revenue of the city an amount or amounts sufficient to pay the city's part of the retirement pay of its employees as herein provided.

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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 12th day of April, 1951.

H. B. 1064

CHAPTER 876

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE CITY OF KINSTON AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF KINSTON FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of promoting the orderly growth, expansion and development of the City of Kinston and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City of Kinston and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the City Council of the City of Kinston is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the said city council to regulate and control the laying out, location and width of streets, to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the City of Kinston, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the City of Kinston as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the City Council of the City of Kinston is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the City of Kinston and vested in its city council by the Charter of the City of Kinston, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter I of Chapter 160 of the General Statutes, and/or by any other statute applicable to the City of Kinston, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the City of Kinston.

Sec. 2. That at the time the City Council of the City of Kinston authorizes the Planning Board of the City of Kinston to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one mile in all directions, said city council shall appoint
four (4) residents of the territory beyond the corporate limits of the City of Kinston and within one mile thereof to serve as members of the City of Kinston's Planning Board in addition to the regularly appointed members. The additional members of the planning board so appointed who are residents of the territory beyond the corporate limits shall have equal rights and privileges with the other members of the City of Kinston's Planning Board only in matters pertaining to the zoning of the territory surrounding and beyond the corporate limits of the City of Kinston within a distance of one mile in all directions thereof, and the term of office of the members who are residents of the territory beyond the corporate limits shall terminate at the time a zoning ordinance for the territory beyond the corporate limits of the City of Kinston is enacted by the City Council of the City of Kinston.

Sec. 3. The city council is further authorized in order to enforce properly the provisions of any planning or any zoning ordinances that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure, that a permit be obtained therefor from the Building Inspector of the City of Kinston. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the City Council of the City of Kinston for the area whereon the structure is to be situate. No fee shall be charged for such permit.

Sec. 4. That the provisions of this Act shall apply only to the City of Kinston and to the territory within the corporate limits of the City of Kinston and that territory beyond and surrounding the corporate limits of the City of Kinston for a distance of one mile beyond the same in all directions.

Sec. 5. The City Council of the City of Kinston shall enact no ordinance or ordinances under the provisions of this Act without first holding a public hearing.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1067

CHAPTER 877

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY TO FIX THE SALARIES OF CERTAIN OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. Effective July 1, 1951, the Board of County Commissioners of Harnett County is authorized, in its discretion, to increase the salaries of the various elective and appointive officials of Harnett County in an amount not in excess of twenty per cent (20%) of the salaries now being paid to such officials or employees.
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1073

CHAPTER 878

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS OF HENDERSON COUNTY TO APPROPRIATE AND MAKE AVAILABLE TO THE BOARD OF EDUCATION OF HENDERSON COUNTY A SUM SUFFICIENT TO PROVIDE FOR INSTRUCTION IN COMMERCIAL COURSES IN THE HIGH SCHOOLS OF SAID COUNTY HAVING LESS THAN FIVE STATE-ALLOTTED TEACHERS.

WHEREAS, it is now the approved custom and practice to provide instructions in commercial courses in the high schools of the State to the end that these valuable courses may be made available to the young people of the State and of Henderson County and to the end that these young people may have an opportunity to equip themselves with a course of learning or instruction that may prove extremely valuable to them in later years and upon which they may be compelled to depend to earn their livelihood; and

WHEREAS, the State, as a general policy, does not provide such courses in high schools with less than five State-allotted teachers: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Henderson County is hereby authorized, empowered and directed to constitute and establish a commercial course in conformity with State standards for such courses in every high school in Henderson County which has less than five State-allotted teachers and to provide the necessary equipment for said courses of instruction. These courses to begin not later than the beginning of the 1951 fall school term. The said board of education shall provide competent teachers for instruction in said commercial course, and said teachers shall be paid on State salary scales and shall have the same status as teachers of other locally supplemented districts or units. The Board of Education of Henderson County may require, when feasible and practical, that one of said teachers of said commercial course shall serve two schools and if any one of said teachers is required to serve two schools, said teacher shall be allowed and paid necessary mileage expense for travel between said schools.

Sec. 2. The Board of County Commissioners of Henderson County is hereby authorized, empowered and directed to make available to the Board of Education of Henderson County as a necessary part of the constitutional six months school term a sum of money sufficient to employ the instructional personnel and pay the expenses and provide the equipment set out in Section 1 hereof, but not however in excess of an amount
equivalent to a tax levy of two cents (2c) on the one hundred dollar ($100.00) valuation of taxable property in Henderson County, said sum to be made available from any financial sources of the county other than tax sources if possible and from tax sources if the same is not otherwise available and to be appropriated and paid over to the Board of Education of Henderson County for the uses and purposes herein after set forth.

Sec. 3. If said board of county commissioners cannot make said sum available without the levy of a tax, then said board of county commissioners is hereby authorized, empowered and directed to levy an ad valorem tax not in excess of two cents (2c) on the one hundred dollar ($100.00) valuation of taxable property in Henderson County and to appropriate, pay over and make said sum available to the Board of Education of Henderson County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1084  CHAPTER 879

AN ACT TO REQUIRE BONDING COMPANIES AND PROFESSIONAL BONDSMEN TO MAKE A DEPOSIT OF FUNDS WITH THE CLERK OF THE SUPERIOR COURT OF JACKSON COUNTY TO GUARANTEE THE PERFORMANCE OF THEIR OBLIGATIONS.

The General Assembly of North Carolina do enact:

Section 1. All bonding companies or professional bondsmen who are engaged in the business of executing bail bonds or becoming sureties on the bonds or recognizances for the appearance of defendants in criminal actions or for the performance of any obligations required by the court on the part of the defendants in criminal actions before doing any business in Jackson County and before becoming surety upon any bonds or recognizances or assuming any obligations in any form whatsoever upon bail bonds requiring the appearance of defendants in criminal actions or requiring defendants in criminal actions to perform any obligations, shall deposit with the Clerk of the Superior Court of Jackson County the sum of one thousand dollars ($1,000.00). The deposit of said sum of one thousand dollars ($1,000.00) with the Clerk of the Superior Court of Jackson County shall constitute a condition precedent to the doing of any business in said county by said bonding companies or professional bondsmen and no bond, recognition or obligation executed by said bonding company or companies or professional bondsmen shall be valid nor shall it be lawful for any charge to be made or compensation to be paid for any such bond or recognition until said deposit of one thousand dollars ($1,000.00) is made with the Clerk of the Superior Court of Jackson County. A professional bondsmen or bonding company as used in this Act shall mean but shall not be limited to any person, corporation, or association who shall execute an appearance bond in consideration of the payment of a premium.
Sec. 2. The Clerk of the Superior Court of Jackson County shall keep said deposit in a special account showing the name of the person, firm or corporation who made the deposit, and the said funds shall be safeguarded and protected as any other funds paid into the office of the Clerk of the Superior Court by virtue of said office. The said sum of one thousand dollars ($1,000.00) so deposited with the Clerk of the Superior Court of Jackson County shall be liable for any obligations on the part of said bonding companies or professional bondsmen and upon execution being issued against said bonding companies or professional bondsmen and the same being returned unsatisfied, it shall be the duty of the Clerk of the Superior Court to apply said sum of one thousand dollars ($1,000.00) in payment of any judgment of record against said bonding companies or professional bondsmen to the extent of the payment of the principal, interest and costs thereon, and such application, when properly shown and receipted upon the judgment docket, shall constitute a discharge of liability on the part of said clerk for the handling of said funds. Said bonding companies or professional bondsmen shall, in addition to depositing the sum of one thousand dollars ($1,000.00) with the Clerk of the Superior Court of Jackson County, maintain on deposit with said clerk the sum of one thousand dollars ($1,000.00).

Sec. 3. Any bonding company or professional bondsmen making said deposit and wishing to withdraw same may do so by ceasing to do business in Jackson County and upon satisfying the Clerk of the Superior Court that all of its obligations by reason of bail bonds or recognizances outstanding against said bonding company or professional bondsmen in Jackson County have been discharged and satisfied.

Sec. 4. This Act shall not apply to insurance companies or bonding companies which are licensed by the North Carolina Insurance Commissioner to do business in the State of North Carolina.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1096 CHAPTER 880

AN ACT TO REGULATE THE COLLECTION OF PROCEEDS FROM PARKING METER VIOLATIONS IN THE CITY OF WILMINGTON. The General Assembly of North Carolina do enact:

Section 1. All funds collected and received as a result of and from overtime parking violations in the parking meter zones and parking meter areas in the City of Wilmington shall be accounted for and turned over monthly to the Treasurer of the Police Pension Fund of the City of Wilmington and said funds as received shall be placed in and become a part of the Police Pension Fund of said city.

Sec. 2. All laws or 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 adoption.
In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1098  
CHAPTER 881  
AN ACT TO AMEND SECTION 143-129 AND SECTION 143-131, GENERAL STATUTES, RELATING TO PURCHASE PROCEDURE FOR THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:
Section 1. Amend Section 143-129 of the General Statutes, Volume 3, so as to change the words and figures “One Thousand Dollars ($1,000.00)” in line five thereof to “Two thousand Dollars ($2,000.00)”.
Sec. 2. Amend Section 143-131 of the General Statutes, Volume 3, so as to change the words and figures “One Thousand Dollars ($1,000.00)” in line six thereof to “Two Thousand Dollars ($2,000.00)”.
Sec. 3. This Act shall apply only to the City of Wilmington in New Hanover County.
Sec. 4. All laws or clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.
Sec. 5. This Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1106  
CHAPTER 882  
AN ACT TO APPOINT DEPUTY SHERIFFS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:
Section 1. C. H. McMillan and Lloyd Tatum are hereby appointed deputy sheriffs for Currituck County who shall serve for a term of four years from and after the 2nd of April, 1951, and until their successors are appointed and qualified. The said deputy sheriffs appointed by this Act shall receive as compensation for their services the sum of twenty-five dollars ($25.00) per month and all fees now fixed by law as arrest fees and service of process in said county. The said deputy sheriffs are herewith clothed with all the powers of arrest and shall be charged with the same duties with respect to law enforcement in said county as are now required of the sheriff of said county.
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 12th day of April, 1951.
H. B. 1109  

CHAPTER 883

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, the Board of County Commissioners of Currituck County is increased from five to seven members. Of the two additional members, one shall be a resident of District No. 2 and one shall be a resident of District No. 3, as said districts are set up in Chapter 652 of the Session Laws of 1949. Raynor D. Collins is hereby named as the additional county commissioner from District No. 3, and St. Clair Doxey is hereby named as county commissioner from District No. 2. These additional two commissioners shall hold office in such capacity from and after the ratification of this Act until the next general election and until their successors are elected and qualified. Thereafter, the additional commissioners in Districts 2 and 3 shall be nominated and elected to their respective offices from their respective districts in the manner set forth for the nomination and election of other county commissioners in Chapter 652 of the Session Laws of 1949.

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 12th day of April, 1951.

H. B. 1110  

CHAPTER 884

AN ACT TO FIX THE FEES TO BE TAXED IN THE BILL OF COST IN CRIMINAL CASES IN THE MAYOR'S COURT OF THE TOWN OF FRANKLINTON.

The General Assembly of North Carolina do enact:

Section 1. Effective the first day of May, 1951, the fees to be taxed in criminal cases in the Mayor's Court in the Town of Franklinton shall be as hereinafter set out; provided, that when a fee is not fixed herein, such fee shall be charged as is now or may hereafter be allowed by law in said court.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Warrant and affidavit</td>
<td>$ .35</td>
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<tr>
<td>Bond</td>
<td>.60</td>
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<tr>
<td>Issuing subpoena, each witness</td>
<td>.15</td>
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<tr>
<td>Preparing bill of cost</td>
<td>.25</td>
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<tr>
<td>Docketing indictment</td>
<td>.25</td>
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<tr>
<td>Docketing Judgment</td>
<td>.25</td>
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<tr>
<td>Indictment defendant warrant</td>
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Mayor's fee and Solicitor .................................................. 6.00
Recording copy sheets .......................................................... .10
Seal of office ................................................................. .50
Arrest fee ....................................................................... 2.00
Witness fee ................................................................. 1.00
Subpoena, each name .......................................................... 1.00
County spec. ................................................................. 1.00
L. E. O. B. & R. fund ......................................................... 2.00

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.

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

In the General Assembly read three times and ratified, this the 12th
day of April, 1951.

H. B. 1113

CHAPTER 885

AN ACT TO AMEND G. S. 115-38 RELATING TO THE NOMINATION
OF MEMBERS OF THE COUNTY BOARD OF EDUCATION OF
WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-38 is hereby amended by adding the following
paragraph at the end thereof:

"In 1952 and biennially thereafter there shall be nominated five can-
didates by each political party for members of the Washington County
Board of Education as follows: Two candidates who are residents of
Plymouth Township, one candidate who is a resident of Lee's Mill Town-
ship, one candidate who is a resident of Skinnersville Township and one
candidate who is a resident of Suppernong Township. Notwithstanding
the above residence requirements, such candidates shall be chosen by the
voters of the entire county participating in the primary election: The two
residents of Plymouth Township, the resident of Lee's Mill Township, the
resident of Skinnersville Township and the resident of Suppernong Town-
ship receiving the largest number of votes shall be declared nominated."

Sec. 2. This Act shall apply only to Washington County.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th
day of April, 1951.

H. B. 1125

CHAPTER 886

AN ACT TO AMEND CHAPTER 662 OF THE SESSION LAWS OF 1947
AND CHAPTER 1248 OF THE SESSION LAWS OF 1949, RELAT-
ing to permanent improvement appropriations.

WHEREAS, funds appropriated for many projects under the provisions
of Chapters 662 of the Session Laws of 1947 and 1248 of the Session Laws
of 1949 have not been obligated; and

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WHEREAS, projects for which no appropriations have heretofore been made are considered essential to serve the needs of the State, and

WHEREAS, it is considered necessary to revise plans and programs to best serve the essential needs of the State as changing situations develop: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 662 of the Session Laws of 1947, Sec. 5 by adding at the end of said Section the following: "Upon application of the governing body of a spending agency of the State, the Director of the Budget when recommended by the Advisory Budget Commission is empowered to authorize transfers and changes from appropriations made in this Act, within the appropriations made to each agency, to provide for projects for which no specific appropriations have heretofore been made."

Sec. 2. Amend Chapter 1248 of the Session Laws of 1949, Sec. 5 by adding at the end of said Section the following: "Upon application of the governing body of a spending agency of the State, the Director of the Budget when recommended by the Advisory Budget Commission is empowered to authorize transfers and changes from appropriations made in this Act, within the appropriations made to each agency, to provide for projects for which no specific appropriations have heretofore been made."

Sec. 3. Section 5½ of Chapter 1248 of the Session Laws of 1949 is hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1136

CHAPTER 887

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE DAVIDSON COUNTY WELFARE BOARD.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Davidson County is hereby authorized to fix the compensation of the members of the county welfare board at not more than $10.00 per diem and to fix the travel expenses of said members at not more than five cents (5c) per mile.

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 July 1st, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.
H. B. 1137

CHAPTER 888

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS FOR RECORDING INSTRUMENTS AND FOR OTHER SERVICES RENDERED BY SAID OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lee County may revise or set and fix the fees and commissions which may be charged by the register of deeds for recording any and all documents permitted or required by law to be recorded in the office of the register of deeds, and may fix any and all other fees or charges made by the register of deeds for any of the services or duties permitted or required by law of the register of deeds to be performed: Provided, that until the board of commissioners revises, sets or fixes any fee or commission, such fee or commission shall continue to be charged as is now by law provided.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are repealed to the extent of such conflict.

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

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

H. B. 1146

CHAPTER 889

AN ACT TO FIX THE SALARY OF THE SHERIFF OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Currituck County shall receive an annual salary of three thousand dollars ($3,000.00), payable in twelve equal monthly installments out of the general fund of said county.

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 12th day of April, 1951.

H. B. 1149

CHAPTER 890

AN ACT RELATING TO ARREST FEES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fee for making an arrest in Wake County is hereby fixed at two dollars ($2.00), which shall be taxed as a part of the costs.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

861
H. B. 1154  

CHAPTER 891

AN ACT TO VALIDATE CERTAIN FORECLOSURE SALES HELD IN HALIFAX COUNTY MORE THAN TWENTY-ONE YEARS PRIOR TO THE RATIFICATION OF THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. Where, under the terms of certain deeds of trust providing for a sale on the premises or at the courthouse door in Halifax County, State of North Carolina, after default in the obligation secured thereby and after proper advertisement, the real property described therein was sold by the trustee or trustees at the post office door or other public place in Halifax County, such sale being regularly and legally conducted by the trustee or trustees in all respects except that such sales were conducted, after proper advertisement, at a public place other than that designated in the deeds of trust, all such sales so conducted in Halifax County are hereby ratified, validated and confirmed for all purposes, and are hereby declared to be of the same force and effect as if such sales had been held in strict conformity with the terms of such deeds of trust in respect to the actual place of sale: Provided, this Act shall apply only to sales conducted in Halifax County by a trustee or trustees under deed of trust or deeds of trust in cases where deeds to the purchaser or purchasers were executed and delivered at least twenty-one years prior to the ratification of this Act; provided further, this Act shall not apply to pending litigation.

Sec. 2. This Act shall apply only to Halifax County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1951.

S. B. 63  

CHAPTER 892

AN ACT RELATING TO THE COMMENCEMENT OF ACTIONS AND THE ISSUANCE OF SUMMONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-88 is hereby amended to read as follows:

"G. S. 1-88. Civil Actions; how commenced. A civil action is commenced by the issuance of summons or, when service is to be had pursuant to G. S. 1-98 or G. S. 1-104, by the filing of the affidavit therein required. No summons need issue in a controversy without action or in case of a confession of judgment without action."

Sec. 2. Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 1-88, to read as follows:

"G. S. 1-88.1. When summons issued. A summons is issued when, after being filled out and dated, it is signed by the officer having authority so to do. The date the summons bears is prima facie evidence of the date of issuance."

Sec. 2½. This Act does not apply to pending litigation.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 67

CHAPTER 893

AN ACT TO AMEND CERTAIN STATUTES RELATING TO DOMESTIC RELATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-116 is hereby amended by changing the number of the Section to G. S. 47-14.1 and transferring said Section so that it will immediately follow G. S. 47-14, as a part of Article 1 of Chapter 47.

Sec. 2. Chapter 50 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 50-11, to be numbered G. S. 50-11.1, and to read as follows:

“§ 50-11.1. Children born of voidable marriage legitimate. A child born of a voidable marriage or a bigamous marriage is legitimate notwithstanding the annulment of the marriage.”

Sec. 3. G. S. 50-16 is hereby amended by inserting immediately following the word “brought” in line 20 the words “or any judge holding a term of Superior Court, either civil or criminal, in the county in which the action is brought.”.

Sec. 3½. This Act does not apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 216

CHAPTER 894

AN ACT PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND OPERATION OF TURNPIKE PROJECTS; CREATING A BODY POLITIC AND CORPORATE TO BE KNOWN AS THE “NORTH CAROLINA TURNPIKE AUTHORITY”, AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR FINANCING THE CONSTRUCTION OF SUCH PROJECTS BY THE ISSUANCE OF REVENUE BONDS OF THE AUTHORITY, PAYABLE SOLELY FROM TOLLS AND OTHER REVENUES; PROVIDING THAT NO DEBT OF THE STATE SHALL BE INCURRED IN THE EXERCISE OF ANY SUCH POWERS; AND PROVIDING FOR THE COLLECTION OF TOLLS AND OTHER REVENUES TO PAY SUCH BONDS AND THE INTEREST THEREON AND THE COST OF MAINTENANCE, REPAIR AND OPERATION OF SUCH PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Turnpike Projects. In order to provide for the construction of modern express highways or superhighways embodying safety devices,
including center division, ample shoulder widths, longsight distances, multiple lanes in each direction and grade separation at intersections with other highways and railroads, and thereby facilitate vehicular traffic, provide better connections between the highway system of North Carolina and the highway systems of the adjoining states, remove many of the present handicaps and hazards on the congested highways in the State, and promote the agricultural and industrial development of the State, the North Carolina Turnpike Authority (hereinafter created) is hereby authorized and empowered to construct, maintain, repair and operate turnpike projects (as hereinafter defined), and to issue revenue bonds of the Authority, payable solely from revenues, to finance such projects.

Sec. 2. Credit of State Not Pledged. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but all such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State nor the Authority shall be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which money shall have been provided under the provisions of this Act.

Sec. 3. North Carolina Turnpike Authority. There is hereby created a body politic and corporate to be known as the "North Carolina Turnpike Authority". The Authority is hereby constituted a public instrumentality, and the exercise by the Authority of the powers conferred by this Act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be the performance of an essential governmental function.

The North Carolina Turnpike Authority shall consist of five members, including the Chairman of the State Highway and Public Works Commission who shall be a member ex officio, and four members appointed by the Governor who shall serve for terms expiring on July 1, 1952, July 1, 1953, July 1, 1954, and July 1, 1955, respectively, the term of each to be designated by the Governor, and until their respective successors shall be duly appointed and qualified. The successor of each of the four appointed members shall be appointed for a term of four years but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired terms, and a member of the Authority shall be eligible for reappointment. Each appointed member of the Authority may be removed by the Governor for misfeasance, malfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are
in writing expressly waived. Each appointed member of the Authority before entering upon his duties shall take an oath to administer the duties of his office faithfully and impartially, and a record of each oath shall be filed in the office of the Secretary of State.

The Authority shall elect one of the appointed members as Chairman of the Authority and another as Vice Chairman, and shall also elect a Secretary-Treasurer who need not be a member of the Authority. The Chairman, Vice Chairman and Secretary-Treasurer shall serve as such officers at the pleasure of the Authority. Three members of the Authority shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

Before the issuance of any turnpike revenue bonds under the provisions of this Act, each member of the Authority shall execute a surety bond in the penal sum of twenty-five thousand dollars ($25,000.00) and the Secretary-Treasurer shall execute a surety bond in the penal sum of fifty thousand dollars ($50,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State as surety and to be approved by the Attorney-General and filed in the office of the Secretary of State.

The Chairman of the Authority shall receive the sum of fifteen dollars ($15.00) for each day or part thereof of service, but not exceeding three thousand dollars ($3,000.00) in any one year. The other appointed members of the Authority shall receive the sum of ten dollars ($10.00) for each day or part thereof of service, but not exceeding two thousand dollars ($2,000.00) in any one year. The Chairman of the State Highway and Public Works Commission shall serve as a member of the Authority without extra compensation for such service. Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

Sec. 4. Definitions. As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:—

(a) The word "Authority" shall mean the North Carolina Turnpike Authority, created by Section 3 of this Act, or, if said Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Authority shall be given by law.

(b) The word "project" or the words "turnpike project" shall mean any highway, express highway or superhighway, toll road or toll bridge constructed under the provisions of this Act by the Authority, including all other bridges, tunnels, overpasses, underpasses, interchanges, entrance places, approaches, toll houses, service stations, and administration, storage and other buildings and facilities which the Authority may deem necessary for the operation of such project, and may mean any toll bridge and approaches thereto constructed and financed as a separate project,
together with all property, rights, easements, and interests which may be acquired by the Authority for the construction or the operation of such project.

(c) The word "cost" as applied to a turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the Authority, for a period not exceeding one year after completion of construction, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation. Any obligation of expense hereafter incurred by the State Highway and Public Works Commission with the approval of the Authority for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to the Commission out of the proceeds of turnpike revenue bonds hereinafter authorized.

(d) The words "public highways" shall include all public highways, roads and streets in the State, whether maintained by the State or by any county, city, town or other political subdivision.

(e) The word "bonds" or the words "turnpike revenue bonds" shall mean revenue bonds of the Authority authorized under the provisions of this Act.

(f) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements and interests authorized to be acquired by this Act.

Sec. 5. General Grant of Powers. The Authority is hereby authorized and empowered:

(a) to adopt by laws for the regulation of its affairs and the conduct of its business;
(b) to adopt an official seal and alter the same at pleasure;
(c) to maintain an office at such place or places within the State as it may designate;
(d) to sue and be sued in its own name, plead and be impleaded;
(e) to construct, maintain, repair and operate turnpike projects at such locations within the State as may be determined by the Authority and approved by the State Highway and Public Works Commission; provided, further, that no turnpike or toll road shall be constructed or operated in this State unless and until a certificate of approval be first obtained from the State Highway Commission certifying that the operation of such toll road or turnpike will not be harmful or injurious to the secondary or primary roads embraced in the system of State highways.
(f) to issue turnpike revenue bonds of the Authority for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;

(g) to fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;

(h) to establish rules and regulations for the use of any such turnpike project;

(i) to acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act;

(j) to designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(k) to make and enter into contracts and operating agreements with similar organizations or agencies of other states and to make and enter into all other contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;

(l) to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(m) to receive and accept from any Federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(n) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Sec. 6. Acquisition of Property. The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the State, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the State.

Whenever a reasonable price can not be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements and other property, including public lands, or parts thereof or rights therein, of any person, copartnership, association, railroad, public service, public utility or other corporation, municipality or political subdivision, deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property.
damaged or destroyed. The amount and size of any lands, property, rights-of-way, easements and other property to be obtained by the Authority under its exercise of the power of eminent domain shall first be determined and approved by the State Highway and Public Works Commission. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the laws of the State then applicable which relate to condemnation or the exercise of the power of eminent domain as provided in Chapter 40 of the General Statutes and amendments thereof. Title to any property acquired by the Authority shall be taken in the name of the State. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Authority shall impose any liability upon the State or the Authority except as may be paid from the funds provided under the authority of this Act.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the Authority may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above mentioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or underground structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within 30 days to approve the plans and specifications so submitted, the matter shall be submitted to the North Carolina Utilities Commission whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Such overhead or underground structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the North Carolina Utilities Commission as the case may be. A copy of the plans and specifications approved by the
railroad or the North Carolina Utilities Commission shall be filed as an exhibit with the petition for condemnation.

Whenever it shall be found necessary to cross any electric power or telephone or telegraph lines, any powers of condemnation or eminent domain may be exercised only to acquire an easement thereover without any unnecessary interference with the continued use and operation of such lines. The Authority shall pay any and all costs which may be necessary to make such crossings reasonably safe and usable. If the Authority and the owner of such power, telephone or telegraph lines are unable to agree upon the terms and conditions as to the payment of damages and costs involved in such matters, and the way and manner in which such crossings shall be made, this shall be determined by the North Carolina Utilities Commission upon petition filed by the Authority and after notice and hearing as to the other utilities concerned, in accordance with such rules and procedures as may be prescribed by the said Commission. Before using such easement as may be acquired by the Authority as herein provided it shall fully comply with such agreement as shall be made by it with any such utility or fully comply with any conditions set forth in the order of condemnation. In the event any land which is used for agricultural purposes is condemned for the location thereon of any highway under the provisions of this Act which would divide one part of such agricultural land from another part thereof, the Authority shall pay all the damages to such land caused from the taking of such part thereof as shall be used for such highway and in addition thereto the damages resulting from dividing such agricultural land so that one part thereof will not be accessible to the other. If the owner of such land shall be dissatisfied with the amount of damages assessed to be paid for the taking of such property, he shall have a right to demand that the value of the whole tract of agricultural land, including woodland used as a part thereof, shall be valued and the Authority shall be required to pay in lieu of damages for condemnation of such highway thereunder the total value of such property upon conveyance of the same in fee simple, free from encumbrances, to the Authority. The owner of such property shall, however, have the option at any time to accept the damages assessed for the taking of the land or the total valuation of said property as hereinbefore provided.

Sec. 7. Incidental Powers. The Authority shall have power to construct grade separations at intersections of any turnpike project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of such turnpike project.

If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of such turnpike project.
Any public highway affected by the construction of any turnpike project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of such project; provided where any part of an existing public road is vacated, no charge may be made for the use of such vacated public road where the same becomes a part of a turnpike project.

In addition to the foregoing powers the Authority and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

The Authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over or under any turnpike project. Whenever the Authority shall determine that it is necessary that any such public utility facility which now are, or hereafter may be, located in, on, along, over or under any turnpike project should be relocated in such turnpike project, or should be removed from such turnpike project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of such turnpike project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

The State hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Authority to be necessary for the construction or operation of any turnpike project; provided no public property may be used except upon the approval of the State Highway and Public Works Commission, and with the consent of the Governor and the Council of State acting together.

Sec. 8. Turnpike Revenue Bonds. The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the Authority for the purpose of paying all or any part of the cost of any one or more turnpike projects. The principal of and the interest on such bonds shall be payable solely from the
funds herein provided for such payment. The bonds of each issue shall be
dated, shall bear interest at such rate or rates not exceeding five per centum
(5%) per annum, shall mature at such time or times not exceeding forty
years from their date or dates, as may be determined by the Authority,
and may be made redeemable before maturity, at the option of the Au-
thority, at such price or prices and under such terms and conditions as
may be fixed by the Authority prior to the issuance of the bonds. The
Authority shall determine the form of the bonds, including any interest
coupons to be attached thereto, and shall fix the denomination or de-
nominations of the bonds and the place or places of payment of principal
and interest, which may be at any bank or trust company within or with-
out the State. The bonds shall be signed by the Chairman of the Authority
or shall bear his facsimile signature, and the official seal of the Authority
shall be impressed thereon and attested by the Secretary-Treasurer of the
Authority, and any coupons attached thereto shall bear the facsimile signa-
ture of the Chairman of the Authority. In case any officer whose signature
or a facsimile of whose signature shall appear on any bonds or coupons
shall cease to be such officer before the delivery of such bonds, such signa-
ture or such facsimile shall nevertheless be valid and sufficient for all pur-
poses the same as if he had remained in office until such delivery. All
bonds issued under the provisions of this Act shall have and are hereby
declared to have all the qualities and incidents of negotiable instruments
under the negotiable instruments law of the State. The bonds may be
issued in coupon or in registered form, or both, as the Authority may de-
termine, and provision may be made for the registration of any coupon
bonds as to principal alone and also as to both principal and interest, and
for the reconversion into coupon bonds of any bonds registered as to both
principal and interest. The Authority may sell such bonds in such manner
and for such price as it may determine will best effect the purposes of
this Act.

The proceeds of the bonds of each issue shall be used solely for the
payment of the cost of the turnpike project or projects for which such
bonds shall have been issued, and shall be disbursed in such manner and
under such restrictions, if any, as the Authority may provide in the resolu-
tion authorizing the issuance of such bonds or in the trust agreement here-
inafter mentioned securing the same. If the proceeds of the bonds of any
issue, by error of estimates or otherwise, shall be less than such cost, addi-
tional bonds may in like manner be issued to provide the amount of such
deficit, and, unless otherwise provided in the resolution authorizing the
issuance of such bonds or in the trust agreement securing the same, shall
be deemed to be of the same issue and shall be entitled to payment from
the same fund without preference or priority of the bonds first issued. If
the proceeds of the bonds of any issue exceed such cost, the surplus
shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under
like restrictions, issue interim receipts or temporary bonds, with or with-
out coupons, exchangeable for definitive bonds when such bonds shall have
been executed and are available for delivery. The Authority may also pro-
vide for the replacement of any bonds which shall become mutilated or
shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Sec. 9. Trust Agreement. In the discretion of the Authority any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any turnpike project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike project or projects in connection with such bonds shall have been authorized, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the turnpike project or projects.

Sec. 10. Revenues. The Authority is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use; provided that a sufficient number of gasoline stations should be authorized to be established in each service area along any such turnpike project to permit reasonable competition by private business in the public interest. Such tolls shall be so fixed and adjusted in respect to the aggregate of tolls from the turnpike project or project in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such turnpike project or projects and
(b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other money so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Sec. 11. Trust Funds. All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Sec. 12. Remedies. Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of tolls.
Refunding bonds with the Authority to ($1,000.00) dollars including then project. Once least Authority and may be convenient to year make shall be treated by law, as transferred and conveyed to any public agency or commission of the State, or acquired by the Authority under the provisions of this Act or upon the income therefrom, and any bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the State, except inheritance and gift taxes.

Sec. 14. Miscellaneous. Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. Each such project shall also be policed and operated by such force of police, tolltakers and other operating employees as the Authority may in its discretion employ.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the State, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

On or before the thirtieth day of January in each year the Authority shall make an annual report of its activities for the preceding calendar year to the Governor. Each such report shall set forth a complete operating and financial statement covering its operation during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project.

Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than one year, or both.

Sec. 15. Turnpike Revenue Refunding Bonds. The Authority is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this
Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions, or enlargements of the turnpike project or projects in connection with which the bonds to be refunded shall have been issued. The Authority is further authorized to provide by resolution for the issuance of its turnpike revenue bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional turnpike project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

Sec. 16. Transfer to State. When all bonds issued under the provisions of this Act in connection with any turnpike project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair, shall become part of the State Highway System and shall thereafter be maintained by the State Highway and Public Works Commission free of tolls; provided, however, that the Authority may thereafter charge tolls for the use of any such project and pledge such tolls to the payment of bonds issued under the provisions of this Act in connection with another turnpike project or projects, but any such pledge of tolls of a turnpike project to the payment of bonds issued in connection with another project or projects shall not be effectual until the principal of and the interest on the bonds issued in connection with the first mentioned project shall have been paid or provision made for their payment.

Sec. 17. Preliminary Expenses. To provide for the preliminary expenses of the Authority in carrying out the provisions of this Act the Governor and the Council of State acting together, with the approval of the State Highway Commission, is authorized and empowered to advance and make available to the Authority in either the current or the next succeeding biennium from the Highway Fund an amount not exceeding twenty-five thousand dollars ($25,000.00). Such advance shall not be made unless at the time it is made the Governor and Council of State, and the State Highway and Public Works Commission shall have reasonable grounds for believing that the construction of a toll road by the Authority in this State is desirable and practical and will serve the public interest. All such expenses incurred by the Authority prior to the issuance of turnpike revenue bonds under the provisions of this Act shall be paid by the Authority from such appropriation and charged to the appropriate turnpike project or projects, and the Authority shall keep proper records and accounts showing each amount so charged. Upon the sale of turnpike revenue bonds for any turnpike project or projects, the funds so expended by the Au-
authority in connection with such project or projects shall be reimbursed to the Highway Fund from the proceeds of such bonds.

The Authority is hereby authorized and directed when such appropriation is made available to it to make such surveys and studies of any proposed turnpike project as may be necessary to effect the financing authorized by this Act at the earliest practicable time, and for this purpose to employ such consulting engineers, traffic engineers, legal and financial experts and such other employees and agents as it may deem necessary. To effect the purpose of this Act the State Highway and Public Works Commission shall make available to the Authority all data in its possession and furnish such engineering services as may be possible which may be useful to the Authority in making such surveys and studies and the Commission may furnish such assistance in making investigations and in preparing designs for any turnpike project as may be agreed upon between the Commission and the Authority, the cost of such surveys and expenses incurred by the Commission to be paid by the Authority.

Sec. 18. Additional Method. The foregoing Sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of turnpike revenue bonds or turnpike revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Sec. 19. Act Liberally Construed. This Act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Sec. 20. Constitutional Construction. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 21. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 22. This Act shall be in full force and effect upon its ratification. In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 322

CHAPTER 895

AN ACT TO LIMIT THE TIME WITHIN WHICH JUDGMENT OR ORDER OF ANY CLERK OF COURT SIGNED ON DAYS OTHER THAN MONDAYS MAY BE ATTACKED.

The General Assembly of North Carolina do enact:

Section 1. That from and after the 30th day of September, 1951, no action shall be brought or no motion in the cause shall be made to attack any judgment or order of any Clerk of the Superior Court by reason of such judgment or order's having been signed by such Clerk of the Superior Court on any day other than Monday.
Sec. 2. That from and after the 30th day of September, 1951, any conveyance executed by any commissioner or other person authorized to make a conveyance in any action or special proceeding where the appointment of the commissioner or other person, the order of sale, the order of resale, or the order of confirmation of sale was made on a day other than Monday is hereby declared to be valid and to have the same force and effect as if the day on which such judgment or order was rendered had been a Monday.

Sec. 3. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

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

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 340

CHAPTER 896

AN ACT TO AUTHORIZE A LOAN TO THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY, IF FOUND NECESSARY BY THE GOVERNOR AND COUNCIL OF STATE, FOR PART PAYMENT OF THE COST OF REHABILITATION OF THE ROADBED, TRACK AND STRUCTURES AND OTHER PROPERTIES OF THE SAID RAILROAD AND FOR THE ACQUISITION OF ONE OR MORE DIESEL-ELECTRIC LOCOMOTIVES.

WHEREAS, the State of North Carolina has a direct pecuniary interest in the Atlantic and North Carolina Railroad Company by reason of the ownership of approximately seventy-two per cent (72%) of the outstanding capital stock thereof; and

WHEREAS, the State of North Carolina is concerned in the successful operation of the said railroad, by reason of its stock ownership, as well as its interest in having said railroad serve the section of the State through which it operates, and develop the Port of Morehead City, and to serve military transportation requirements; and

WHEREAS, a recent survey of the present condition of the railroad track and equipment indicates that it is desirable and necessary to replace 20 miles of 60 pound rail with 85 pound rail, to replace the foundations under the drawbridge at Trent River at New Bern, North Carolina and to acquire one and possibly two diesel-electric locomotives in order that the railway company may adequately handle the heavy volume and character of traffic which will necessarily be carried thereon incident to the Marine Air Base at Cherry Point as well as serving other naval and military purposes along said railroad; and

WHEREAS, in the year 1939, the Atlantic and North Carolina Railroad, upon recommendation of the Governor, leased its properties to the Atlantic and East Carolina Railway Company for operation, after the first day of September, 1939, and for a period of 25 years thereafter, the lease of said railroad properties providing that the lessee should be required to pay the minimum rent of sixty thousand and five hundred dollars ($60,-
500.00) per annum, and in addition thereto, an amount based upon a graduated scale of gross income; and

WHEREAS, said lease further provided and required that the lessee should maintain the railroad properties in as good repair and condition as when received, and said lessee, up until the present time has substantially complied with the terms of the lease; and

WHEREAS, it is now anticipated by reason of development at the Port of Morehead City, and particularly by reason of the additional military traffic incident to the expansion of the Marine Air Base at Cherry Point, there may be made available to said railroad large movements of freight, which will overtax the capacity of the same in the present condition of its roadbed, track and equipment, and if said development should occur, it would become necessary that there should be an investment of an amount not exceeding five hundred thousand dollars ($500,000.00) in the roadbed, track and properties of said railroad; and

WHEREAS, the Atlantic and East Carolina Railway Company is unable to borrow the funds necessary to advance the maintenance of said properties to meet such requirements; and

WHEREAS, it may become necessary and desirable for the State of North Carolina to lend the Atlantic and North Carolina Railroad Company a sum not exceeding five hundred thousand dollars ($500,000.00) for the purposes aforesaid, said loan, if made, to be paid back to the State by the said railroad and from additional payments made by the operating railroad, the Atlantic and East Carolina Railway Company, by reason of the advances made for said purpose; and

WHEREAS, similar loans of over three hundred thousand dollars ($300,000.00) made under similar terms and conditions in 1942 and 1944 have been regularly repaid on or ahead of schedule, with a balance of only eighteen thousand dollars ($18,000.00) now remaining due on such advances; and

WHEREAS, negotiations are now pending between the Atlantic and North Carolina Railroad and the lessee railroad company, the Atlantic and East Carolina Railway Company, as to said improvements and the manner of paying for the same by increased rentals on said property; and

WHEREAS, the Atlantic and North Carolina Railroad Company and its lessee are not requesting a direct appropriation, but only a loan to be repaid in full, plus interest; and

WHEREAS, the record of the railroad and its lessee demonstrates the ability of the lessee to meet its obligations under the proposed program: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Governor, by and with the advice of the Council of State, is hereby authorized and empowered, if found by them to be necessary, to make a loan or loans from the General Fund to the Atlantic and North Carolina Railroad Company in a sum not exceeding a total of five hundred thousand dollars ($500,000.00), to be evidenced by the note or notes, bond or bonds of the Atlantic and North Carolina Railroad Company, payable at such rate of interest on such terms and maturities as
may be decided by the Governor, by and with the advice of the Council of State, to be used for the purposes recited in the preamble of this Act.

Sec. 2. The note or notes, bond or bonds of the Atlantic and North Carolina Railroad Company evidencing such loan shall be held by the State Treasurer, as custodian thereof and all payments thereon shall, as made, be credited to the General Fund of the State. Nothing herein contained shall be treated as impairing the authority of the Sinking Fund of the State to acquire the note or notes, bond or bonds evidencing such loan as Sinking Fund investments as authorized by G. S. 142-34 and in case the said securities are acquired by the Sinking Fund, the proceeds shall be credited to the General Fund.

Sec. 3. That if any loan made under the authority of this Act be repaid to the State of North Carolina out of increased rental payments agreed to by the lessee or operating railway company, such special or additional rents shall be deducted from operating revenues in determining the net taxable income of such operating railroad.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 520

CHAPTER 897

AN ACT AMENDING SECTION 130-56 OF THE GENERAL STATUTES RELATING TO THE EXTENSION OF SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. That Section 130-56 of the General Statutes shall be and the same is hereby amended by adding the following paragraph at the end of said Section:

"In any case where the boundaries of a sanitary district shall have been extended and the proposition of issuing bonds of the district as enlarged shall not be approved by the voters at an election held within one year subsequent to such extension, 51% or more of the resident freeholders within the territory so annexed may, with the approval of the sanitary district board, petition the board of commissioners of the county in which the annexed territory is located, that the territory so annexed be disconnected and excluded from such sanitary district. Upon receipt of such petition the board of commissioners shall, through its chairman, transmit the petition to the State Board of Health requesting that the petition be granted. If, after a hearing, conducted under the same procedure as provided in Section 130-35 of the General Statutes for the creation of sanitary districts, and after publication of notice thereof in the district, the State Board of Health shall deem it advisable to comply with the request of said petition, the State Board of Health shall adopt a resolution to that effect, and shall define the boundaries of the district, which shall be the boundaries of the district as it existed before the extension".
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 13th day of April, 1951.

S. B. 541

CHAPTER 898

AN ACT TO PROVIDE FOR A SPECIAL ELECTION ON THE QUESTION OF THE NOMINATION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. A special election shall be held in Northampton County on Saturday, June 30, 1951, at which there shall be submitted to the qualified electors of said county the question of whether candidates for election to the board of county commissioners from each of the five districts created by Chapter 82 of the Public-Local Laws of 1937 shall be nominated by the qualified electors of the entire county as now provided by law, or by the qualified electors in each district.

Sec. 2. The Northampton County Board of Elections shall have prepared ballots for said election which shall be printed substantially as follows:

☐ For nomination of County Commissioners by all the qualified electors of the county as now provided by law.

☐ Against nomination of County Commissioners by all the qualified electors of the county as now provided by law.

Sec. 3. If a majority of the qualified electors at said election vote for the nomination of county commissioners by all the qualified electors of the county as now provided by law, by marking the square preceding such words, then candidates for County Commissioners of Northampton County shall continue to be nominated as now provided by law; but if a majority of the qualified electors at such election vote against the nomination of county commissioners by all the qualified electors of the county as now provided by law, by marking the square preceding such words, then at the primary election to be held in the year 1952, and biennially thereafter, one candidate from each district shall be nominated by a vote of the qualified electors of such district.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
CHAPTER 899

AN ACT TO REWRITE SECTION 15-189 OF THE GENERAL STATUTES RELATING TO THE TRANSMISSION OF CERTIFIED COPIES OF SENTENCES OF DEATH AND APPEAL ENTRIES TO THE WARDEN OF THE STATE PENITENTIARY AND TO THE ATTORNEY GENERAL'S OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Section 15-189 of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 15-189. Sentence of death; prisoner taken to penitentiary. Upon the sentence of death being pronounced against any person in the State of North Carolina convicted of a crime punishable by death, it shall be the duty of the judge pronouncing such death sentence to make the same in writing, which shall be filed in the papers in the case against such convicted person. The Clerk of the Superior Court in which such death sentence is pronounced shall prepare a certified copy of said judgment or sentence of death, including therewith a copy of any notice or entries of appeal made in such case; if no entries or notice of appeal have been made or given in such case, a statement to the effect shall be included in the certificate of the clerk; it shall also be the duty of the solicitor, assistant solicitor, or attorney prosecuting in behalf of the State in the absence of the solicitor, to prepare and sign a certificate stating in substance that he prosecuted said case in behalf of the State and that notice or entries of appeal have or have not been made or given in said case, and further that he has examined a copy of said judgment or sentence of death certified by the clerk, including the copy of the notice or entries of appeal or statement to the effect that no appeal has been given, and to the best of his knowledge the same is correct; the certificate of said solicitor, or other prosecuting officer above named, shall be attached to the certified copy of said sentence of death, as prepared and certified by the clerk, and both certificates shall be transmitted by the Clerk of the Superior Court in which said sentence of death is pronounced to the warden of the State Penitentiary at Raleigh, North Carolina; at the same time and in the same manner, a duplicate original of said certificates shall be prepared by the Clerk of the Superior Court and the solicitor, or other prosecuting officer above named, and the said duplicate original or said certificates shall be transmitted to the Attorney General of North Carolina. If notice of appeal is given or entries of appeal are made after the expiration of the term of Superior Court in which said sentence of death is pronounced, said certificates shall be prepared by the Clerk of the Superior Court in which said sentence is pronounced and by the solicitor, or other prosecuting officer above named, prosecuting in behalf of the State, in the same manner and shall be transmitted as soon as possible to the warden of the State Penitentiary at Raleigh, North Carolina, and to the Attorney General of North Carolina. The above certificates so prepared by the Clerk of the Superior Court in which such sentence of death is pronounced and by the solicitor, or other prosecuting officer above
named, shall be transmitted by the Clerk of the Superior Court in which such sentence is pronounced to the warden of the State Penitentiary at Raleigh, North Carolina, and to the Attorney General of North Carolina, not more than twenty (20) or less than ten (10) days before the time fixed in the judgment of the court for the execution of the sentence; and in all cases where there is no appeal, said sentence of death shall not be carried out by the warden of the State Penitentiary or by any of his deputies or agents until said certificates so prepared and transmitted by the Clerk of the Superior Court in which said sentence of death is pronounced, and by the solicitor, or the prosecuting officer above named, have been received in the office of the warden of the State Penitentiary at Raleigh, North Carolina. In all cases where there is no appeal from the sentence of death and in all cases where the sentence is pronounced against a prisoner convicted of the crime of rape it shall be the duty of the sheriff, together with at least one deputy, to convey to the Penitentiary at Raleigh, North Carolina, such condemned felon or convict forthwith upon the adjournment of the court in which the felon was tried, and deliver the convict or felon to the warden of the Penitentiary."

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 396

CHAPTER 900

AN ACT ADOPTING VOLUMES 2-A, 2-B AND 2-C OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. The following Chapters, Subchapters, Articles and Sections, now comprising Volume 2 of the General Statutes of North Carolina and the Cumulative Supplements thereto, consisting of Sections 26-1 through 105-462 now in force as amended, are hereby re-enacted and designated Volumes 2-A, 2-B and 2-C, respectively, of the General Statutes of North Carolina. Provided: that this enactment of Volumes 2-A, 2-B and 2-C shall not include any appended annotations, editorial notes, comments, cross references, legislative or historical references, or other material collateral or supplemental to the said Chapters, Sub-chapters, Articles and Sections, but not contained in the body thereof.

(PRINTED VOLUME DESIGNATED HEREIN IS DEPOSITED IN THE OFFICE OF SECRETARY OF STATE AND MADE UNNECESSARY TO ENROLL IN THIS CHAPTER.)

Sec. 2. All laws and clauses of laws in conflict with the provisions of the 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 13th day of April, 1951.

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H. B. 633  

CHAPTER 901

AN ACT TO AMEND G. S. 58-228, RELATING TO THE OPERATION OF MUTUAL BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-228, as amended, is hereby further amended by rewriting the first sentence thereof, as the same appears in the 1949 Cumulative Supplement to the General Statutes of North Carolina, so that said sentence shall read as follows:

"In order to meet the expense of supervision, the Burial Association Commissioner shall prorate the amount of the supervisory cost (over and above any other funds in his hands for this purpose), and assess each association on a pro rata basis in accordance with the number of members of each association, which total assessment shall in no case exceed forty-two thousand five hundred dollars ($42,500.00), and each association shall remit to the Burial Association Commissioner its pro rata part of the assessment, as fixed by the Burial Association Commissioner, which expense shall be included in the twenty-five per cent (25%) expense allowance as provided in Article 13."

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 on and after the 1st day of July, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 739  

CHAPTER 902

AN ACT TO REMOVE RESTRICTIONS ON THE USE OF CERTAIN LAND CONVEYED BY THE STATE OF NORTH CAROLINA TO THE CITY OF RALEIGH.

WHEREAS, by deed dated December 5, 1884, recorded in Book 82, at page 105, of the Registry of Wake County, the State of North Carolina, in consideration of the payment of $10,000, sold and conveyed to the City of Raleigh the tract of land (approximately 2 3/10 acres) on which is now located the Raleigh Memorial Auditorium; and

WHEREAS, pursuant to the provisions of Chapter 103 of the Public Laws of North Carolina, 1887, a certain tract of land (approximately one and one-fourth acre), adjacent to and east of the tract hereinbefore referred to, was conveyed by the State of North Carolina to the City of Raleigh, by deed dated October 10, 1887, and recorded in Book 97, at page 299 of the Registry of Wake County, said tract being conveyed in fee simple, but "in trust, nevertheless, that the same shall be used by the said city for public school purposes and no other;"; and

WHEREAS, for many years the two tracts hereinbefore referred to were used for school purposes and were generally considered as one large single tract of land, known as the Centennial School site; and

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WHEREAS, Chapter 80 of the Private Laws of North Carolina, 1931, provided that the Raleigh Memorial Auditorium should be constructed on the Centennial School site, if the citizens of Raleigh, at an election, should favor that site over another proposed site; and pursuant to the result of said election, the Memorial Auditorium was constructed on the first mentioned tract, and the adjacent second mentioned tract has been and still is used for parking purposes generally, and particularly for parking in connection with events held in said auditorium; and

WHEREAS, it may become desirable to use the second mentioned tract as a site for a municipal building or other municipal purposes inconsistent with the restrictions imposed by Chapter 103, Public Laws, 1887, and by the deed recorded in Book 97, page 299, Registry of Wake County, and at the request of the City Council of the City of Raleigh, it is desired to remove said restrictions: now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 103 of the Public Laws of North Carolina, 1887, is hereby amended by striking out the following words of Section 1: “the same to be used by the said city for public school purposes and no other” and by inserting in lieu thereof the following: “the same to be owned and held by the said city in fee simple to be used for any municipal purpose or purposes.” Provided that the City of Raleigh shall not reduce, in any manner, the area of said tract of land now available for free public parking.

Sec. 2. That the Governor of North Carolina is hereby authorized and directed to execute in the name of the State of North Carolina a deed to the City of Raleigh, properly sealed and attested by the Secretary of State, releasing the tract of land described in Chapter 103 of the Public Laws of 1887 and in the deed recorded in Book 97, page 299, Registry of Wake County, from the restrictions contained in said deed requiring that said tract be used by the City of Raleigh for public school purposes and no other purposes, to the end that said land shall be owned and held by the City of Raleigh in fee simple, free and clear of said restrictions, for any municipal purpose or purposes.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 776

CHAPTER 903

AN ACT TO EXTEND THE POLICE POWER OF POLICEMEN OF THE TOWN OF ROCKINGHAM IN RICHMOND COUNTY FOR A DISTANCE OF TWO MILES IN ALL DIRECTIONS OF THE CITY LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. All police officers of the Town of Rockingham in Richmond County, while in hot pursuit of anyone found to be violating any of the
ordinances of said town or of anyone violating any of the laws of the State of North Carolina, shall have the right to arrest any such offender in all that area extending in all directions for a distance of two miles beyond the city limits of said town.

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 13th day of April, 1951.

H. B. 787

CHAPTER 904

AN ACT RELATING TO THE MEETINGS OF THE SEVERAL BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-8 is rewritten to read as follows:

“153-8. Meetings of the Board of Commissioners. The board of commissioners of each county shall hold a regular meeting at the courthouse on the first Monday in each month unless the said first Monday falls on a legal holiday, in which event the meeting shall be held on the following Tuesday of the month. The board may adjourn its regular meetings from day to day until the business before it is disposed of. Special meetings may be held by call of the chairman of the board upon two days’ written notice being given to each of the board members and posting such notice on the courthouse bulletin board. A majority of the board shall constitute a quorum. At each regular December meeting the board shall choose one of its members as chairman for the ensuing year and in his absence, the members present shall choose a temporary chairman.”

Sec. 2. All laws and clauses of laws except Public-Local and Private Laws in conflict with the provisions of 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 13th day of April, 1951.

H. B. 796

CHAPTER 905

AN ACT TO AUTHORIZE AND EMPOWER THE TOWNS OF JACKSONVILLE, HOLLY RIDGE, RICHLANDS AND SWANSBORO IN ONSLOW COUNTY TO LIST AND ASSESS ALL TAXABLE PROPERTY WITHIN THEIR CORPORATE LIMITS FOR AD VALOREM TAXATION.

The General Assembly of North Carolina do enact:

Section 1. In order to equalize the valuation of taxable property within the Towns of Jacksonville, Holly Ridge, Richlands, and Swansboro in Onslow County, the governing boards of said towns are hereby authorized to reassess and revalue all taxable property within said towns for the pur-
poses of ad valorem taxation. In carrying out such reassessment and revaluation, the governing boards of the towns shall be governed by the provisions of subchapter II of Chapter 105 of the General Statutes and the governing boards of the towns shall perform the duties and functions of boards of county commissioners as set out in said subchapter II of Chapter 105 of the General Statutes. The town clerks or any other person designated by the town boards shall act as tax supervisors and shall have all the powers, duties and authority given to tax supervisors by subchapter II of Chapter 105 of the General Statutes. The governing boards of the towns shall act as boards of equalization and review in the same manner and with the same powers and duties as county boards of equalization and review, and appeals may be taken from the governing boards of the towns sitting as boards of equalization and review in the same manner as appeals are taken from county boards of equalization and review.

The reassessment and revaluation herein authorized may be made as of January 1, 1952, or in any regular quadrennial reassessment year as fixed by Section 300 of the Machinery Act, being Chapter 310 of the Public Laws of 1939, as amended.

Sec. 2. Notwithstanding the provisions of this Act, the governing boards of the Towns of Jacksonville, Holly Ridge, Richlands and Swansboro may continue to obtain the town tax lists from the county records without securing lists signed by the taxpayers and may continue to accept the valuation fixed by the county authorities as provided in Section 105-333 of the General Statutes. In the event any of the municipalities named in this Act shall assess or reassess and revalue the taxable property of such municipalities, such assessed valuations shall be applicable to ad valorem taxation of such municipalities only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 856

CHAPTER 906

AN ACT TO ENABLE THE COUNTY OF NEW HANOVER AND THE CITY OF WILMINGTON TO MAKE PROPER PROVISION FOR THE MAINTENANCE OF THE INDIGENT SICK AND AFFLICTED POOR.

WHEREAS, the Board of Commissioners of New Hanover County and the Council of the City of Wilmington have been making annual appropriations toward the support of the James Walker Memorial Hospital of Wilmington, North Carolina, regularly since 1901, for the care and maintenance of the indigent sick and afflicted poor of said county and city, respectively, formerly under the provisions of Chapter 12 of the Private Laws of 1901 under the provisions of Chapter 66 of the Public-Local Laws of 1915 and under the provisions of Chapter 8 of the Public-Local Laws of 1937, and currently under the provisions of Chapter 470 of the Public-Local and Private Laws of 1939, and
WHEREAS, the Board of Commissioners of the County of New Hanover and the Council of the City of Wilmington, since the establishment of said hospital in 1901, have found, and do now find, that it is necessary to appropriate annually funds to the James Walker Memorial Hospital for the purpose of providing hospitalization, medical attention, and maintenance of the indigent sick and afflicted poor of the said municipalities and that such maintenance and care is a necessary expense and that provision for the poor and unfortunate is one of the first duties of government and that their proper maintenance and care is required under the law and the Constitution of the State of North Carolina: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. That the City of Wilmington and the County of New Hanover be and they hereby are authorized and directed to enter into a contract with the James Walker Memorial Hospital, making proper and adequate provision for the hospitalization, medical attention, and care of the indigent sick and afflicted poor of said city and county, respectively, said contract to be effective as of the first day of July, 1951, and from and after said first day of July, 1951, the City of Wilmington and the County of New Hanover, and each of them, is hereby authorized, directed and fully empowered to appropriate to the said James Walker Memorial Hospital for such purpose the sum of three and 75/100 ($3.75) dollars per day per patient for each day of care rendered to indigent inpatients hospitalized in said hospital, (the total combined appropriation being $7.50 per day per patient), and the sum of one ($1.00) dollar per visit per patient for each outpatient given professional care, drugs, bandages, dressings, and other medical care, (the total combined appropriation being $2.00 per visit per patient), when such inpatients and such outpatients have been certified to said hospital by the New Hanover County Welfare Department as being indigents; payment of the aforesaid appropriations shall not exceed the sum of forty thousand ($40,000.00) dollars each from the said city and said county during any one twelve months’ period; and until the first day of July, 1951, the appropriations now being made by said municipalities shall continue. The said expenditures of this Act authorized are hereby found to be proper and necessary for the adequate maintenance and care of the indigent sick and afflicted poor of said city and county and the same constitutes a necessary expense and is one of the first duties of government and is required under the laws and Constitution of the State of North Carolina.

Sec. 2. That in the event said Board of Commissioners of New Hanover County and the Council of the City of Wilmington, in order to make and pay the aforesaid annual appropriations and payments to the said hospital, find it respectively necessary to annually levy any additional taxes for the special purposes aforesaid, they and each of them, and their respective successors in office, are hereby authorized, empowered, and directed to levy and collect annually such additional taxes as may be necessary for the purpose of complying with and making annually the said appropriations for the purposes aforesaid.

Sec. 3. It is hereby further provided that if additional or supplemental funds for the maintenance and care of the indigent sick and afflicted poor
of New Hanover County and the City of Wilmington become available through Federal grants or appropriations, then, in such event, the county and city appropriations provided in Section 1 of this Act shall be reduced equally and proportionately from time to time in accordance with the availability of such additional or supplemental Federal funds.

The Board of County Commissioners of New Hanover County and the Council of the City of Wilmington, or the duly appointed representatives of either the board or the council, shall have the right, at reasonable intervals, to inspect the books and financial records of the James Walker Memorial Hospital.

Sec. 4. That all laws and clauses and parts of laws, Private, Public-Local, and Public, in conflict with this Act or any provisions hereof, are hereby repealed.

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 13th day of April, 1951.

H. B. 875

CHAPTER 907

AN ACT TO AMEND GENERAL STATUTES 51-8.1 RELATING TO NON-RESIDENT MARRIAGE LICENSE REQUIREMENTS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of Section 51-8.1 of the General Statutes, as now codified in Volume 2A, is amended by striking out in line 1 of said paragraph the word "Bertie".

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 901

CHAPTER 908

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF CLINTON, IN SAPMSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Clinton, in Sampson County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 946

CHAPTER 909

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF SHALLOTTE, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Shallotte, in Brunswick County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1004

CHAPTER 910

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Dare County shall receive as compensation for his services the sum of twelve dollars ($12.00) per day for each day he is engaged in official business for the county, and in addition thereto shall receive mileage at the rate now fixed by law for members of the board of county commissioners of said county.

Sec. 2. The members of the Board of County Commissioners of Dare County, other than the chairman, shall receive as compensation for their services the sum of eight dollars ($8.00) per day for each day they are engaged in official business for the county, and in addition thereto shall receive mileage at the rate now fixed by law for members of the board of county commissioners of said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1007

CHAPTER 911


The General Assembly of North Carolina do enact:

Section 1. Section 2 of House Bill No. 292, ratified on the 6th of March, 1951, is amended by striking out in line 11 of said Section the words "total not to exceed fifty dollars ($50.00)." and inserting in lieu thereof the following: "and for all sums over one thousand dollars ($1,000.00), one-fifth of one per cent (1/5 of 1%) on such excess, total not to exceed fifty dollars ($50.00)."

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 13th day of April, 1951.

H. B. 1009

CHAPTER 912

AN ACT RELATING TO ARREST FEES IN MISDEMEANOR CASES, SUBPOENA FEES AND JUSTICES OF THE PEACE FEES IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The officer's fee for making an arrest in a misdemeanor case in Caswell County is hereby fixed at three dollars ($3.00).

Sec. 2. Chapter 292 of the Public-Local Laws of 1937 is hereby amended by striking out the words "sixty cents" in line seven of Section 1 and inserting in lieu thereof the words "eighty cents", it being the intent and purpose of this Section to increase from sixty cents (60c) to eighty cents (80c) the fee for executing a subpoena on a witness in Caswell County.

Sec. 3. Chapter 158 of the Public-Local Laws of 1933 is hereby amended by striking out in lines two and three of Section 1 the words and figures "two dollars and a half ($2.50)" and inserting in lieu thereof the words and figures "three dollars ($3.00)".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 1017  CHAPTER 913
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO PAY TO THE REGISTER OF DEEDS AND THE CLERK OF COURT EACH ONE HUNDRED TWENTY-FIVE DOLLARS ($125.00) PER MONTH FOR CLERICAL ASSISTANCE.

The General Assembly of North Carolina do enact:
Section 1. The Board of Commissioners of Jones County is hereby authorized, in its direction, to pay to the register of deeds and to the clerk of court the sum of one hundred twenty-five dollars ($125.00) each per month for clerical assistance: This authorization shall be effective as of January 1, 1951.

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 13th day of April, 1951.

H. B. 1021  CHAPTER 914
AN ACT FIXING THE COMPENSATION OF THE CORONER OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:
Section 1. From and after July 1, 1951, the Coroner of Franklin County shall be paid a salary of forty dollars ($40.00) per month out of the general fund of the county, and said salary shall be in lieu of all other compensation for the performance of his duties as coroner, and said coroner shall not be paid any travel, mileage, or other expense allowance.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1035  CHAPTER 915
AN ACT ESTABLISHING A PROPERTY LINE ON THE WEST SIDE OF BRIDGE STREET IN THE TOWN OF WILKESBORO.

WHEREAS, some uncertainty exists as to the exact location of the property line on the west side of Bridge Street in that portion of the block on which the City Hall of the Town of Wilkesboro is located; Now, therefore:

The General Assembly of North Carolina do enact:
Section 1. The property line on the west side of Bridge Street in the block in which the City Hall of Wilkesboro is located is hereby declared to be a straight line coinciding with the front line of city hall and running thence as an extension of the front line of the city hall building in a
northerly direction to a point at which such extended line intersects Boundary Street or Corporation Street.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1070

CHAPTER 916

AN ACT TO FIX THE FEES OF THE JUSTICES OF PEACE IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fee to be charged by the Justices of Peace in Pasquotank County shall be as hereinafter set out provided that any fee which is not fixed herein shall be charged as the same is now allowed by law in said county:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
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<tbody>
<tr>
<td>Summons</td>
<td>$1.00</td>
</tr>
<tr>
<td>Additional Defendants</td>
<td>.50</td>
</tr>
<tr>
<td>Affidavit</td>
<td>.75</td>
</tr>
<tr>
<td>Plaintiff's Undertaking</td>
<td>.75</td>
</tr>
<tr>
<td>Defendant's Undertaking</td>
<td>.75</td>
</tr>
<tr>
<td>Order to Seize Property</td>
<td>.75</td>
</tr>
<tr>
<td>Affidavit for Removal</td>
<td>.50</td>
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<tr>
<td>Order for Removal</td>
<td>.50</td>
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<td>Subpoena</td>
<td>.50</td>
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<tr>
<td>Transcript of Judgment (joined)</td>
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<tr>
<td>Execution of Judgment</td>
<td>.50</td>
</tr>
<tr>
<td>Return of Appeal</td>
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<tr>
<td>Docketing of Appeal</td>
<td>1.00</td>
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<tr>
<td>Trial (not joined)</td>
<td>1.50</td>
</tr>
</tbody>
</table>

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 July 1st, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1083

CHAPTER 917

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS AND EMPLOYEES OF DURHAM COUNTY AND PROVIDING FOR THE CLASSIFICATION OF EMPLOYEES AND THE ESTABLISHMENT OF JOB CLASSIFICATIONS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Durham County shall be paid an annual salary, payable in twelve equal monthly installments, in
the amount of seven thousand dollars ($7,000.00). The Board of County Commissioners of Durham County shall fix the compensation of Assistant Clerks of the Superior Court, the deputy clerks, and all other personnel now or hereafter employed in the office of the Clerk of the Superior Court: Provided, that the Clerk of the Superior Court shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies among such employees: Provided further, that the Clerk of the Superior Court of Durham County, whenever in his discretion it becomes necessary to the efficient conduct of his office, is hereby authorized to appoint from among the deputy clerks employed in his office, one additional Assistant Clerk of the Superior Court: Provided, that the authority to appoint an Assistant Clerk of the Superior Court pursuant to this Section is supplemental and in addition to the authority to appoint assistant clerks pursuant to the provisions of any other laws, general, local or special. The board of county commissioners shall at all times take into consideration the recommendation of said clerk when fixing the compensation of the personnel in his said office.

Sec. 2. The Sheriff of Durham County shall be paid an annual salary, payable in twelve equal monthly installments, in the amount of seven thousand dollars ($7,000.00). The Board of County Commissioners of Durham County shall fix the compensation of all employees in the office of said Sheriff of Durham County including all deputy sheriffs, jailors and clerks as well as special deputies, and all other personnel now or hereafter employed in the office of the said sheriff: Provided, that the said sheriff shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees. The board of county commissioners shall at all times take into consideration the recommendation of said sheriff when fixing the compensation of the employees in his said office. Each deputy sheriff shall be required to maintain a telephone in his home at his own expense, and the salaries paid to said deputy sheriffs shall be in lieu of all other compensation.

Sec. 3. The Register of Deeds of Durham County shall be paid an annual salary, payable in twelve equal monthly installments, in the amount of five thousand dollars ($5,000.00): Provided, that said register of deeds may be paid such additional compensation as the board of county commissioners, in its discretion, may fix for the performance of his duties as clerk to said board. The Board of County Commissioners of Durham County shall fix the compensation of the deputy registers of deeds and all other personnel now or hereafter employed in the office of the register of deeds: Provided, that the register of deeds shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees. The board of county commissioners shall at all times take into consideration the recommendation of said register of deeds when fixing the compensation of the employees in his said office.

Sec. 4. The Judge of the Recorder's Court of Durham County shall be paid an annual salary and expense allowance, payable in twelve equal
monthly installments, said salary to be seven thousand dollars ($7,000.00),
and said judge's expense allowance to be twelve hundred dollars ($1,200.00)
and said expense allowance shall be payable only so long as said judge
maintains an office and employs a secretary at his own expense. A Judge
of the Recorder's Court of Durham County shall be elected at the same
time and in the same manner as other county officials in 1952 and quad-
rennially thereafter. The term of office of said judge so elected shall begin
on the first Monday in December after the general election. Said judge shall
not engage in the practice of law and shall devote his full time to perform-
ing the duties of said judge. The Prosecuting Attorney of the Recorder's
Court of Durham County shall be paid an annual salary, payable in twelve
equal monthly installments, in the amount of five thousand dollars ($5,-
000.00). The Clerk of the Recorder's Court of Durham County shall be
paid an annual salary, payable in twelve equal monthly installments, in
the amount of four thousand five hundred dollars ($4,500.00). The Board
of County Commissioners of Durham County shall fix the compensation of
the Assistant Clerk, the Chief Deputy Clerk, Deputy Clerks and other per-
sonnel of the Recorder's Court of Durham County and all other personnel
now or hereafter employed in the office of the Clerk of the Recorder's Court
or of the Recorder's Court of Durham County: Provided, that the said
clerk of said recorder's court shall retain full authority in respect to the
selection and retention of all employees in his office, and in respect to the
filling of all vacancies occurring among such employees. The board of
county commissioners shall at all times take into consideration the recom-
mandation of said clerk when fixing the compensation of the employees in
his said office.

Sec. 5. The Treasurer of Durham County shall be paid an annual sal-
ary, payable in twelve equal monthly installments, to be fixed by the board
of county commissioners of said county in an amount of not less than three
thousand nine hundred dollars ($3,900.00).

Sec. 6. The Coroner of Durham County shall be paid an annual salary,
payable in twelve equal monthly installments, in the amount of two thou-
sand dollars ($2,000.00). Said salary shall constitute said coroner's entire
compensation for the performance of all of his duties as Coroner of Dur-
ham County.

Sec. 7. The Board of County Commissioners of Durham County is
hereby authorized to establish a system for job classifications and descrip-
tions, job specifications and minimum employment standards and standards
of salaries and wages for employees of Durham County. Said plan shall
also include a merit salary increment plan with respect to county em-
ployees. The provisions of this Section shall relate to and include em-
ployees of elective officials of Durham County as well as employees of de-
partments under appointive officials. Said board of county commissioners
is hereby authorized to utilize on a cooperative basis any services of the
State Merit System Council which may be available to aid said board for
carrying out the provisions of this Section. Said board is hereby authorized
to expend such funds as may be necessary to carry out the provisions of
this Section.
Sec. 8. The County Commissioners of Durham County shall be paid the sum of fifteen dollars ($15.00) per day served, but shall not be paid for more than forty-eight (48) days in any twelve (12) month period. Said commissioners shall be paid in the same form as has been the custom by the proper officials of Durham County.

Sec. 9. Any increase in salary authorized pursuant to this Act shall be payable only for services rendered on and after July 1, 1951.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1099

CHAPTER 918

AN ACT TO AMEND CHAPTER 708 OF THE SESSION LAWS OF 1943 RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That subsection (a) of Section 6 of Chapter 708 of the Session Laws of 1943 as said subsection (a) as now written be and the same is hereby repealed and said subsection (a) of Section 6 shall hereafter be read as follows:

Sec. 6. (a) "Any employee of the City of Wilmington and any employee of any board or agency who is now a member of or who may hereafter become a member of the retirement system, and who has attained the age of sixty years, and who has been employed ten years or more, may, upon his or her written request to the board of trustees, be placed on the retired list, and such employee shall then receive, from time to time, such sums as such employee may be entitled to under subsection (b) of this Section. Any employee who is now a member of or who may hereafter become a member of the retirement system who has been employed for a period of ten years or more, and who has become disabled and unable to satisfactorily perform the duties and services required by his or her employer, shall be placed on the retirement rolls, and such disabled employee shall then receive as retirement compensation such sums as he or she shall be entitled to under the provisions of subsection (b) of this Section. Any employee who is now a member of and any employee who may hereafter become a member of the retirement system and who has been employed for a period of thirty years or more, may, upon his or her written request to the board of trustees, be placed on the retired list, and such employee shall then receive, from time to time, such sums as he or she may be entitled to under the provisions of subsection (b) of this Section."

Sec. 2. That said Chapter 708 of the Session Laws of 1943 aforesaid be and the same is hereby further amended by adding after Section 8 of said Act and before Section 9 thereof a new Section to be known, numbered and designated as Section 8½, which Section 8½ shall be as follows:

Section 8½. (a) "That any person hereafter applying for employment
who has, at the time of such application, reached the age of forty years and who has not reached the age of fifty years, shall, before being employed, furnish to his prospective employer and to the board of trustees satisfactory written evidence of the physical condition of such prospective employee, which evidence shall consist at least of a written examination by a reputable physician engaged in the practice of medicine in New Hanover County, and if either the trustees or the prospective employer is not satisfied with the sound physical condition of such applicant and if either the trustees or the prospective employer find that such applicant, from the certificate or written report furnished by said physician, is not in good physical condition, then such applicant shall not be eligible to become nor shall such applicant become a member of the retirement system, and such applicant shall not be entitled to any benefits under this Act. Any person hereafter employed who is, at the time of such employment, of the age of fifty years or more, shall not be eligible for membership in the retirement fund, shall not become a member thereof and shall not receive any benefits therefrom. Any employee who is now a member of or who shall hereafter become a member of the retirement system and who has reached the age of sixty years may be required by his employer to have an annual physical examination, and upon the coming in of such evidence of the physical examination, if the employer is of the opinion that the physical condition of such employee is such that said employee cannot satisfactorily perform the duties and services required, then the employer shall have the right to require such employee to retire from active employment by the employer, and in such event such employee shall then, upon his application to the board of trustees, become entitled to receive, from time to time, the sums and benefits as provided by and in accordance with the terms and provisions of subsection (b) of Section 6 of this Act.

(b) That when any employee member of the retirement system has retired under the provisions of this Act and dies leaving a surviving spouse, in that event such surviving spouse shall receive from the retirement fund the sum of $25.00 per month, until the remarriage or death of such surviving spouse. That Mrs. Annie McCoy, widow of Albert F. McCoy, a former employee of the City of Wilmington, shall receive from said retirement fund the sum of $25.00 per month until her remarriage or death. The first of said monthly payments to be made to her for the month of April, 1951."

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 13th day of April, 1951.
CHAPTER 919

AN ACT TO PROVIDE FOR AN ELECTION TO DETERMINE THE
METHOD OF NOMINATING CANDIDATES FOR THE BOARD OF
COMMISSIONERS AND THE BOARD OF EDUCATION OF ONS-
LOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the general election to be held in November, 1952, or at
the first special election held prior to that time in Onslow County, if one
is so held, there shall be submitted to the qualified voters of Onslow County
the question of the method of nominating candidates for membership on
the Board of Commissioners and the Board of Education of Onslow County.

Sec. 2. Several choices shall be submitted to the voters as follows:

1. The voters of each of the five townships in Onslow County shall
continue to nominate one member of the board of commissioners and one
member of the board of education as now provided by Chapter 136 of the
Public-Local Laws of 1937.

2. The voters of the entire county shall nominate one member of the
Board of Commissioners and one member of the Board of Education from
each of the five townships in Onslow County.

3-a. The voters of the entire county shall nominate five members of
the board of commissioners and five members of the board of education from
the county at large.

3-b. The voters of the entire county shall nominate three members
of the board of county commissioners and three members of the board of
education from the county at large.

Sec. 3. The Onslow County Board of Elections shall prepare ballots for
said election which shall be printed substantially as follows:

(To vote for any method of nominating members of the board of com-
misioners and the board of education, make a cross in the square to the
left of such method.)

1. □ For the nomination of members of the Board of Commissioners
and members of the Board of Education by the voters of each
township as now provided by law.

2. □ For the nomination of members of the Board of Commissioners
and the Board of Education from each of the five townships in
Onslow County by the voters of the entire county.

3-a □ For the nomination of five members of the Board of Commis-
sioners and five members of the Board of Education to be elected
at large by the voters of the entire county.

3-b □ For the nomination of three members of the Board of Commis-
sioners and three members of the Board of Education to be elected
at large by the voters of the entire county.

Sec. 4. The choice which receives the largest number of votes, regard-
less of whether or not it receives a majority of all the votes cast, shall
be adopted as the method of nominating candidates for membership on
the board of commissioners and the board of education: Provided, that in
determining the choice which receives the largest number of votes, choice
3-a and choice 3-b shall be considered as one choice, and the votes cast for choice 3-a shall be added to those cast for choice 3-b in order to determine the number of votes cast for this choice: Provided, further, that if choice 3-a and choice 3-b, combined, receive the highest number of votes, and the method represented by them is adopted as the method of nominating candidates for membership on the board of commissioners and the board of education, the number of candidates to be so nominated shall be determined by whether choice 3-a or choice 3-b receives the most votes. If choice 3-a receives more votes than choice 3-b, the number of candidates shall be five; but if choice 3-b receives more votes than choice 3-a, then the number of candidates for each board shall be three.

Sec. 5. If choice 1 receives more votes than choice 2, and also receives more votes than choice 3-a and choice 3-b, combined, candidates for membership on the board of commissioners and the board of education shall continue to be nominated as now provided by law. If choice 2 receives more votes than choice 1, and also receives more votes than choice 3-a and choice 3-b, combined, the voters of the entire county shall nominate one member of the board of commissioners and one member of the board of education from each of the five townships in the county. If choice 3-a and choice 3-b, combined, receive more votes than choice 1, and also receive more votes than choice 2, the voters of the entire county shall nominate candidates for membership on the board of commissioners and the board of education from the county at large. If choice 3-a and choice 3-b, combined, receive more votes than choice 1, and also receive more votes than choice 2, and choice 3-b receives more votes than choice 3-a, the number of members of the board of commissioners and the board of education shall be changed from five to three; but if choice 3-a receives more votes than choice 3-b, the number of members of each board shall continue at five.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1102

CHAPTER 920

AN ACT TO FIX THE COMPENSATION OF CERTAIN COUNTY OFFICIALS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Northampton County shall receive as compensation for his services the sum of twelve dollars and fifty cents ($12.50) per day for each day he is engaged in official business for the county, and in addition thereto shall receive mileage at the rate now fixed by law for members of the board of county commissioners of said county.

Sec. 2. The members of the Board of County Commissioners of Northampton County, other than the chairman, shall receive as compensation for their services the sum of ten dollars ($10.00) per day for each day they
are engaged in official business for the county, and in addition thereto shall receive mileage at the rate now fixed by law for members of the board of county commissioners of said county.

Sec. 3. The Chairman of the County Board of Education of Northampton County shall receive as compensation for his services the sum of ten dollars ($10.00) per day for each day he is engaged in official business for the county, and in addition thereto shall receive mileage at the rate now fixed by law for members of the county board of education of said county.

Sec. 4. The members of the County Board of Education of Northampton County, other than the chairman, shall receive as compensation for their services the sum of seven dollars and fifty cents ($7.50) per day for each day they are engaged in official business for the county, and in addition thereto shall receive mileage at the rate now fixed by law for members of the county board of education of said county.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1104

CHAPTER 921

AN ACT TO AMEND CHAPTER 912 OF THE SESSION LAWS OF 1949 SO AS TO INCREASE THE SALARIES OF CERTAIN COUNTY OFFICIALS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective 1 July 1951, the salaries of all the county officials of Mecklenburg County named in Section 1 of Chapter 912 of the Session Laws of 1949 are increased in an annual amount of two hundred fifty dollars ($250.00) each.

Sec. 2. Section 2 of Chapter 912 of the Session Laws of 1949 is amended by striking out the words and figures “five thousand dollars ($5,000.00)” in lines three and four of said Section and inserting in lieu thereof the words and figures “five thousand two hundred fifty dollars ($5,250.00)”.

Sec. 3. Section 3 of Chapter 912 of the Session Laws of 1949 is amended by striking out the words and figures “fifty-five hundred dollars ($5,500.00)” in line four of said Section and inserting in lieu thereof the words and figures “five thousand seven hundred fifty dollars ($5,750.00)”.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after 1 July 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 1132

CHAPTER 922

AN ACT TO AMEND CHAPTER 786 OF THE SESSION LAWS OF 1949 TO AUTHORIZE THE BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF CHARLOTTE AS THE GOVERNING BODY OF THE CHARLOTTE ADMINISTRATIVE UNIT TO EXTEND THE COMMUNITY COLLEGE SYSTEM OF CHARLOTTE TO A FOUR-YEAR COLLEGE SYSTEM.

WHEREAS, there has been heretofore established in the City of Charlotte by the board of school commissioners of said city as the governing body of the Charlotte Administrative Unit a two-year community college system, said system having been established and being now operated pursuant to the provisions of Chapter 786 of the Session Laws of 1949; and

WHEREAS, the operation of said system has met with marked success in providing higher educational facilities at modest cost; and

WHEREAS, by reason of the growth of the City of Charlotte and the concentration of industry within and about said city and the demands of industry for the services of many persons with technical training, the need is recognized for the extension of the present community college system to provide for four years of college work; and

WHEREAS, it is hereby found as a fact that such four years of supplemental education or college instruction is for a public purpose; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 786 of the Session Laws of 1949 is amended by adding at the end thereof the following:

"The Board of School Commissioners of the City of Charlotte as the governing body of the City of Charlotte Administrative Unit is further authorized and empowered in its discretion and at such time as it may determine to do so, to extend to four years the period of instruction of such community college system and to offer therein all such courses of the standard college grade as may be approved by the State Superintendent of Public Instruction. In the college system as it now exists and also as it may be extended under the provisions of this Act, all such courses in technical training and education may be provided as shall meet with the approval of the State Superintendent of Public Instruction. Degrees may be granted by said college system for a completion of the four-year course of study subject to Chapter 115, Section 322 to 324 of the General Statutes which gives the State Board of Education authority to regulate degrees. All of the provisions of this Chapter pertaining to the two-year college system now in operation shall equally apply to the four-year college system when established to the end that the Board of School Commissioners of the City of Charlotte may provide for the proper financing and management of the operations of the extended college system."

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 13th day of April, 1951.

H. B. 1135  
CHAPTER 923
AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF JONES COUNTY TO MAKE AN ADDITIONAL ALLOWANCE TO THE SHERIFF OF JONES COUNTY FOR THE OPERATION OF HIS AUTOMOBILE.

The General Assembly of North Carolina do enact:
Section 1. The County Commissioners of Jones County are hereby authorized, in their discretion to allow to the Sheriff of Jones County fifty dollars ($50.00) per month in addition to such allowances as the sheriff may now receive for the purpose of operating his automobile in the performance of his official duties.
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 January 1, 1951.
In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1140  
CHAPTER 924
AN ACT TO AMEND CHAPTER 491 OF THE SESSION LAWS OF 1947 RELATING TO THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:
Section 1. Section 5 of Chapter 491 of the Session Laws of 1947 be, and the same is hereby, amended to read as follows:
"Sec. 5. The Chairman of the Board of Commissioners of Ashe County shall receive a salary of six hundred dollars ($600.00) annually, to be paid in monthly installments of fifty dollars ($50.00) each. The members of the Board of County Comissioners of Ashe County, other than the chairman, shall receive for their services as commissioner the sum of three hundred dollars ($300.00) annually, to be paid in monthly installments of twenty-five dollars ($25.00) each. The salary of the chairman and members of said board of commissioners shall be in lieu of all other fees, traveling allowances and compensation of any kind."
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 July 1st, 1951.
In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 1145

CHAPTER 925

AN ACT AUTHORIZING BERTIE COUNTY TO MAKE APPROPRIATIONS TO THE BERTIE COUNTY AGRICULTURAL FAIR ASSOCIATION, INC., TO COVER DEFICITS IN THE OPERATION OF THE BERTIE COUNTY AGRICULTURAL FAIR.

The General Assembly of North Carolina do enact:

Section 1. The appropriation and expenditure of the sum of four hundred dollars ($400.00) by the Board of County Commissioners of Bertie County during the year 1950 from said county's unexpended general fund surplus to the Bertie County Agricultural Fair Association, Inc., or to others for the benefit of said fair association for the purpose of covering the deficit sustained by said association in the operation of the Bertie County Agricultural Fair for 1950 is hereby in all respects ratified and validated.

Sec. 2. The Board of County Commissioners of Bertie County is hereby authorized and empowered to appropriate and expend from the unexpended general fund surplus of said county a sum or sums not to exceed a total of one thousand five hundred dollars ($1,500.00) for and during each of the years 1951 and 1952 to the Bertie County Agricultural Fair Association, Inc., or to other persons, firms, or corporations for the use and benefit of said fair association for the purpose of defraying any deficits which may be incurred in the operation of the Bertie County Agricultural Fairs in 1951 and 1952 as said deficits shall be determined by the Board of County Commissioners of Bertie County or its duly authorized agent.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1151

CHAPTER 926

AN ACT TO AMEND G. S. 44-62, RELATING TO SHORT FORMS OF LIENS, SO AS TO MAKE THE SECTION APPLICABLE TO HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 44-62 is amended by inserting in lines 14 and 15 between the words "Hertford," and "Hyde," the word "Hoke,"

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 13th day of April, 1951.
CHAPTER 927
AN ACT TO REGULATE THE COSTS IN CIVIL AND CRIMINAL ACTIONS IN THE COURTS OF THE JUSTICES OF THE PEACE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:
Section 1. From and after July 1, 1951, the following schedule of fees and costs shall apply to all civil and criminal actions in the courts of the several Justices of the Peace in Mecklenburg:

Civil Proceedings
Issuing summons and entering judgment ........................................... $2.00
Additional defendants, each .............................................................. .50
Plaintiff's Undertaking (Claim and Delivery) ........................................ .50
Defendant's Undertaking ....................................................................... .50
Order of Removal .................................................................................. .50
Issuing Subpoenas, each witness ......................................................... .50
Transcript of Judgment ......................................................................... .50
Issuing Execution of Judgment (Original or Renewal) ......................... 1.00
Return to Notice of Appeal ..................................................................... .75
Jury Trial .............................................................................................. 3.00
Drawing Jury .......................................................................................... 3.00
Issuing Claim and Delivery Proceedings .............................................. 3.00
Issuing Attachment Proceedings and Order to Seize Property (including Plaintiff's Undertaking) ................................................................. 3.00
Additional Copy Order to Seize Property, each ....................................... .25
Signing Garnishee Notice for Taxes and Judgment thereon, each ........... 1.00
Probate of Deed, Chattel Mortgage, Deed of Trust or other writing, each signer thereof .......................................................... .50
Hearing Petition, Widow's Year's Allowance, Notice to Commissioners and Allotting Allowance ................................................................. 6.00
Report to Department of Motor Vehicles .............................................. .50
Taking Depositions, per copy sheet ....................................................... .15
Return of Depositions ............................................................................ .25
Order of Arrest ....................................................................................... .50
Recognizing Witnesses, each ................................................................. .10
Defendant's Undertaking ........................................................................ .50

Criminal Proceedings
Affidavit, each ..................................................................................... .50
Warrant, (including affidavit) each ......................................................... 1.50
Issuing Subpoenas, each ...................................................................... .50
Commitment, each ................................................................................ .50
Recognizance, each .............................................................................. .25
Judgment, not contested, each Defendant .............................................. 1.50
Judgment contested, where no Jury Trial ............................................. 1.50
Capias and Order ................................................................................... 2.50
Sci Fa, each ........................................................................................... 1.00
Reports to Department of Motor Vehicles, each .................................... .50
Order of Arrest ....................................................................................... .50
Recognizing Witnesses, each ................................................................. .10
Sec. 2. The Board of County Commissioners of Mecklenburg County shall, prior to the effective date of this Act at the expense of the county, cause copies of this Act, signed by its chairman, to be furnished all Justices of the Peace in Mecklenburg County, and it shall be the duty of said justices of the peace to post and keep posted a copy of the same in his office.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect after July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 141

CHAPTER 928

AN ACT RELATING TO THE OPERATION OF THE GAME OF BINGO IN FONTANA VILLAGE IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be lawful to play or operate the game of bingo in Fontana Village in Graham County in or upon property owned or leased by Government Services, Incorporated, in said Fontana Village in connection with exhibitions, displays, meetings or social functions sponsored by civic, charitable or trade associations.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 279

CHAPTER 929

AN ACT TO AMEND ARTICLE 25 OF CHAPTER 130 OF THE GENERAL STATUTES RELATING TO THE MANUFACTURE OF MATTRESSES SO AS TO AUTHORIZE A SPECIAL MANUFACTURER'S LICENSE TAX IN LIEU OF A STAMP TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-274 is hereby amended by inserting the following immediately following the first sentence of said Section: "Any manufacturer who manufactures for sale and sells mattresses outside the State of North Carolina may, in lieu of paying the annual inspection fee of twenty-five dollars ($25.00) provided in this Section, secure a special manufacturer's license graduated on the amount of mattresses sold outside the State of North Carolina during the previous calendar year as follows:

- Not exceeding 30,000 mattresses ....................... $ 25.00
- 30,000 to 50,000 mattresses ......................... 200.00
- Over 50,000 mattresses ............................... 400.00"

The holder of a special manufacturer's license shall not be required to purchase or affix the adhesive stamps provided for in G. S. 130-270 and G. S. 130-272 with respect to mattresses manufactured for sale and ship-

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ment outside this State when such mattresses are in fact so sold and shipped. Notwithstanding any other provisions of this Section, no mattresses shall be sold for use or resale in this State unless stamps have been affixed thereto as provided by G. S. 130-270 and G. S. 130-272.

Sec. 2. G. S. 130-270 is hereby amended by inserting in line four immediately following the word "which" a comma and adding the words "except as otherwise provided in G. S. 130-274,"

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 594

CHAPTER 930

AN ACT RELATING TO THE TREATMENT OF INFECTIOUS DISEASES OF SWINE IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law to the contrary, the County Farm Demonstration Agent of Pamlico County and any and all vocational teachers of agriculture in the schools of Pamlico County are permitted to vaccinate or inoculate swine in said county with virus or serum for the treatment and prevention of hog cholera in said county. For such purpose, the farm demonstration agent of said county and any and all vocational teachers of agriculture therein shall be permitted to buy, sell, distribute and use said virus or serum.

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 13th day of April, 1951.

H. B. 198

CHAPTER 931

AN ACT FOR THE PROTECTION AND ADVANCEMENT OF THE SHEEP RAISING, POULTRY AND LIVESTOCK INDUSTRY IN NORTH CAROLINA, AND CREATING THE OFFICE OF COUNTY DOG WARDEN IN FURTHERANCE OF THE PROVISIONS OF THIS ACT.

WHEREAS, the livestock, poultry and sheep raising industry in North Carolina is seriously handicapped by the depredations of stray and ownerless dogs ranging the countryside, and many of our citizens engaged in the sheep raising, poultry and livestock industry suffer considerable financial loss and irreparable injury by reason of such depredations, and are without adequate remedy at law to recover their loss or prevent its repetition; now, therefore, in order to lessen such loss and control such ranging dogs,
The General Assembly of North Carolina do enact:

Section 1. The board of county commissioners in each county in the State is hereby authorized, in its discretion, to appoint a county dog warden, and to determine the amount of his salary and travel allowance, both of which shall be paid out of the proceeds of the county dog tax. After the payment of such salary and allowance, the remaining proceeds of the county dog tax shall be placed in a special county dog damage fund and applied from time to time in satisfaction of claims for damage as hereinafter provided in this Act; provided further, that the liability of any county for damage claims filed pursuant to this Act shall be limited to the balance remaining in the county dog damage fund after the payment of the salary and the travel allowance of the county dog warden; and provided further, that all proceeds from the dog tax available in the several counties for the payment of claims under this Act shall be held intact in the county dog damage fund until the end of each fiscal year in the county; no dog damage claim shall be paid until the end of each fiscal year and, in the event all approved claims cannot be paid in full, all such claims shall be paid on an equal proportionate basis.

Sec. 2. The powers and duties of county dog warden shall be as follows:
(a) He shall have the power of arrest and be responsible for the enforcement within his county of all public and public-local laws pertaining to the ownership and control of dogs, and shall cooperate with all other law enforcement officers operating within the county in fulfilling this responsibility.

(b) In those counties having a rabies control officer, the county dog warden shall act as assistant to the rabies control officer, working under the supervision of the county health department, to collect the dog tax. In those counties having no rabies control officer, the county dog warden shall serve as rabies control officer.

Sec. 3. The board of county commissioners in each county in which a county dog warden is appointed under this Act shall establish and maintain a dog pound in each county, the same to be under the supervision of the county dog warden, for the purpose of impounding lost and stray dogs for a period not to exceed 15 days during which time the county dog warden shall make every reasonable effort to locate and give notice to the owners of such dogs, or if such owners cannot be located, to find new owners for such dogs. The dog warden shall keep a permanent bound record of the date on which each dog is impounded, and if at the end of the 15-day period such dogs remain unclaimed by their owners or by prospective owners, such dogs are to be destroyed in a humane manner, under the direct supervision of the county dog warden. Anyone claiming or redeeming a dog at the pound will be required to pay the actual cost of keeping the dog in the pound, as well as any tax due, before any such dog may be released.

Sec. 4. Every dog in counties where a dog warden is appointed shall be required at all times to wear a collar with the owner's name and address stamped on or otherwise firmly attached to the collar. Each year at tax listing time all dog owners shall be provided by the taxing authorities with
a numbered metal tag for each dog listed, said tag to be attached to the collar as evidence that the dog has been listed for taxation; provided, that any operator of a kennel or owner of a pack of dogs may, in lieu of paying the tax on individual dogs provided by law, pay a kennel tax as follows:

For not more than 10 dogs, male or female .................. $15.00
For more than 10 but less than 20 dogs, male or female ...... 30.00
For more than 20 but less than 40 dogs, male or female ...... 60.00
For all dogs, male or female, in excess of 40 .................. 1.50
For each dog, male or female, in excess of 40 .................. 1.50

Upon the payment of kennel tax in accordance with this schedule, the owner shall be issued metal tags as hereinbefore provided in a number equal to the number of dogs for which the kennel tax is paid; and any dog wearing any such tag during the tax year to which the tax is issued shall be deemed to be in compliance with the provisions of this Act in respect to tags.

Sec. 5. The board of county commissioners in each county having a dog warden as provided in this Act shall appoint a board of appraisers consisting of three men, one to be chosen from among the sheep, livestock or poultry raisers; one from among the fox hunters, and one from the county at large; whose duties it shall be to determine and assess the amount of damage inflicted by dogs in the respective counties. Such damages so determined shall be paid out of the special county dog damage fund of the respective counties. Provided, the boards of commissioners of the several counties shall have the right to settle and pay any claim or claims presented to such board, without appointing a board of appraisers, for such sum or sums as may be agreed upon by the person aggrieved and said board of commissioners.

In case any person shall have received compensation for damages from any county under the provisions of this Act and thereafter such person shall sue the owner of the dog inflicting such damage for recovery of damages by reason thereof, then, in such event, any county having paid any such claims to such claimant arising out of the same depredation shall have the full right of subrogation in any action for damages so instituted.

Sec. 6. In any county in which a dog warden is appointed pursuant to this Act, it shall be unlawful for any person who owns or has custody of a dog to allow such dog to be off the premises of such owner or custodian unless such dog is wearing the collar and metal tag as provided by Section 4 of this Act. Violation of this Section is a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty (30) days.

Sec. 7. The provisions of this Act are to be construed as supplementing and not repealing existing State laws pertaining to the ownership, taxation, and control of dogs.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective on July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 209

CHAPTER 932

AN ACT REGULATING THE HUNTING OF GAME WITH DOGS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful in Hyde County for any person or persons to hunt game with a dog or dogs unless said person or persons is accompanied at the time by a State-licensed guide, or unless said person or some member of said hunting party have in his possession a permit from the owner of the land on which they are hunting.

Sec. 2. This Act shall not apply to the hunting of game birds.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 492

CHAPTER 933

AN ACT TO AMEND SECTION 160-163 OF THE GENERAL STATUTES, BEING A PORTION OF THE RECREATION ENABLING LAW, SO AS TO PROVIDE THAT A SPECIAL REGISTRATION SHALL NOT BE REQUIRED FOR AN ELECTION ON A PROPOSITION OF A MAINTENANCE TAX FOR RECREATION SYSTEMS OR FOR THE ISSUANCE OF BONDS BY MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. That clause (3) of Section 160-163 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended as follows:

(a) By striking out the words “except in all such elections a special registration shall be provided” in lines 14 and 15 of said clause.

(b) By striking out the word “electors” in line 18 of said clause and inserting in lieu thereof the words “voters who shall vote thereon”.

Sec. 2. That all elections heretofore held approving the issuance of bonds under the authority of the Recreation Enabling Law be and the same are hereby ratified, approved, confirmed and validated.

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 13th day of April, 1951.
H. B. 661  

CHAPTER 934

AN ACT TO AUTHORIZE MARRIED WOMEN UNDER TWENTY-ONE YEARS OF AGE TO EXECUTE MORTGAGES OR DEEDS OF TRUST FOR SECURING THE PAYMENT OF PURCHASE MONEY OF ESTATES BY THE ENTIRETY AND TO EXECUTE THE NECESSARY INSTRUMENTS TO OBTAIN CONSTRUCTION LOANS FOR THE BUILDING OF HOMES ON SUCH ESTATES.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 39 of the General Statutes is hereby amended by adding a new Section to said Article 2 which shall be designated as 39-13.2, and which shall read as follows:

"39-13.2. Married women under twenty-one years of age authorized to execute certain conveyances with respect to an estate by the entirety. All married women under the age of twenty-one who are seized of an estate or estates by the entirety or who are tenants by the entirety and who do not pay the whole of the purchase money at the time a deed for such estate is executed and delivered may make a mortgage, deed of trust or other lien for securing the payment of such purchase money, or such part thereof as may remain unpaid, and the same shall be valid, good and effectual as against such married women under twenty-one years of age as though such married women were twenty-one years of age or over. All married women under twenty-one years of age and who are seized of an estate by the entirety or who are tenants by the entirety are authorized and empowered to execute any contract, deed, conveyance or other instrument to obtain construction loans for the purpose of building homes on said estates by the entirety and without the intravention of a guardian or trustee, and for the same purpose, notes, contracts of insurance and other instruments necessary to complete and close said construction loan may be executed by said married women under twenty-one years of age, and the same shall be valid, binding and effectual as to such married women as though such married women were twenty-one years of age or over."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 673  

CHAPTER 935

AN ACT TO AMEND SECTION 130-101 OF THE GENERAL STATUTES OF NORTH CAROLINA REGARDING THE PAY OF LOCAL REGISTRARS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 130-101 of the General Statutes of North Carolina is hereby amended by striking out the words "fifty cents" in lines two, nine and ten of said Section and inserting in lieu thereof the words "one dollar".
Sec. 2. This Act shall be applicable to Mitchell County only.
Sec. 3. All laws and clauses of laws in conflict with this Act are here-
by repealed.
Sec. 4. 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 April, 1951.

H. B. 805   CHAPTER 936
AN ACT AMENDING CHAPTER 366 PUBLIC-LOCAL LAWS OF THE
GENERAL ASSEMBLY OF 1939 AS AMENDED, BEING THE
CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:
Section 1. Chapter 366 of the Public-Local Laws of the General Assem-
bly of 1939, as amended, be further amended as follows:
(a) Amend Section 19 thereof, by striking out the word “seven” before
the symbols “A.M.” and “P.M.”, and substituting in lieu thereof, the figures
“6:30”, and also striking out the following: “provided, no poll shall remain
open after sunset”.
(b) Amend Section 31 thereof, by adding at the end of such Section, a
new subsection to be numbered 43, reading as follows: “(43) To provide
for the regulation, diversion and limitation of pedestrians and vehicular
traffic upon public streets, highways, and sidewalks in the city and to regu-
late and limit vehicular parking on streets and highways in congested
areas. In the regulation and limitation of vehicular traffic and parking in
the city, the city council may, in its discretion, enact ordinances providing
for a system of parking meters designed to promote traffic regulation and
requiring a reasonable deposit (not in excess of 5 cents (5c) per hour) for
those who park vehicles for stipulated periods of time, in those areas in
which the congestion of vehicular traffic is such that public convenience and
safety demand such regulation. The proceeds derived from the use of such
parking meters shall be used exclusively for the purpose of making such
regulations effective and for the expenses incurred by the city in the regu-
lation and limitation of vehicular parking, and traffic relating to such park-
ing, on the streets and highways of the city. To own, establish, improve,
regulate, lease, operate and control parking lots as in the discretion of the
city council, shall be deemed in the public interest for parking vehicles
within the corporate limits of the city and in the discretion of the city
council to make a reasonable charge or charges for the use of such park-
ing lots and facilities (the 5 cents (5c) per hour limitation for on-street
parking shall not apply to off-street parking), and to provide for the col-
lection of such charges by parking meters and/or attendants, or both, and
to provide that the violation of such rules and regulations governing such
parking lots shall be deemed a misdemeanor.”
PERMANENT IMPROVEMENTS

(e) Amend Section 51, by adding the following: "The City of Charlotte may use funds received from the State of North Carolina and/or the United States of America for the purpose of permanently improving, including necessary drainage, curb, and gutter, and/or opening or widening any streets of the city, including the acquisition of necessary lands, provided, the city council, by resolution adopted by a majority of the entire council, at not less than two (2) regular meetings of the council it finds as a fact that such permanent improvements are necessary and in the public interest; provided, however, that there shall be published in a newspaper of general circulation in the City of Charlotte, notice of such second meeting of the city council, not less than five (5) days before the same, publishing that at such meeting the area described therein, or a lesser area, will be ordered permanently improved by the city council, describing the type of such improvements, and may pay for the same from such State or Federal funds without assessing benefits therefor.

The City of Charlotte may purchase with any available funds, property immediately adjacent to property located on a street corner, provided, in the opinion of the city council, the value of such inside lands is less than the value of the corner property, and may transfer such inside lands to the owner of the corner property in exchange for lands needed for street purposes, at private sale."

(d) By adding after Section 53 thereof a new Section to be numbered 54, reading as follows:

"AUDITORIUM-COLISEUM AUTHORITY

"Section 54. The City Council of the City of Charlotte shall within thirty (30) days after the ratification of this Act appoint an authority composed of five (5) members, who shall have control of the management and operation of the property acquired by the City of Charlotte adjoining Independence Boulevard for auditorium-coliseum purposes, after the completion of the improvements thereon. Such authority shall operate the same in a proper, efficient, economical, and business-like manner, to the end that such properties and facilities may effectively serve the public needs for which they were established at the least cost and expense to the City of Charlotte. One member thereof shall be elected by the city council for a period of one year; one member thereof for a period of two years; one member thereof for a period of three years; one member thereof for a period of four years; and one member thereof for a period of five years. At the end of each term one member thereof shall be elected by the city council each year for a term of five years. In case any vacancy shall be created on said authority, the city council shall elect a member to fill the unexpired term.

"The members of the authority shall elect annually from their body a chairman, vice chairman and a secretary and otherwise provide for the efficient administration of its affairs; provided, however, the treasurer of the authority shall be the treasurer of the City of Charlotte. All funds of the authority shall be kept by its treasurer in a separate bank account or
accounts from other funds of the City of Charlotte, and shall be paid out only in accordance with procedures established by such authority. The net proceeds from the operation of such auditorium-coliseum properties and facilities shall be used to pay the interest and retirement on the bonded debt of the City of Charlotte incurred in connection with such auditorium-coliseum, and shall not be used for any other purpose until said bonds, principal and interest, have been paid, except as may be otherwise approved by the city council for other uses of the authority. A quarterly operating statement of the authority shall be presented to the city council and an annual audited statement shall also be presented to the city council.

"The authority shall appoint a manager of such auditorium-coliseum properties, whose salary shall be approved by the city council. Such manager shall, in addition to other duties imposed on him by the authority, be responsible for the collection of rents or fees for the use of the properties and facilities of the authority. The authority shall select such other personnel as it deems advisable to properly operate such properties.

"The authority shall have full and complete authority of such auditorium-coliseum properties and facilities; shall make all reasonable rules and regulations as it deems necessary for the proper operation and maintenance of such properties, and shall establish and collect rents and fees for the use of such properties and facilities."

All subsequent Sections in said Chapter 366, as amended, shall be numbered consecutively, beginning with Section 55.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 806    CHAPTER 937

AN ACT TO AMEND THE REVENUE ACT SO AS TO PROVIDE FOR "REGULATED INVESTMENT COMPANIES" IN CONFORMITY WITH FEDERAL TAX LAW.

The General Assembly of North Carolina do enact:

Section 1. Section 105-138 of the General Statutes is hereby amended by adding at the end thereof the following:

Any North Carolina corporation which in the opinion of the Commissioner of Revenue of North Carolina qualifies as a "regulated investment company" under the provisions of United States Code Annotated Title 26, Section 361, and which files with the North Carolina Department of Revenue its election to be treated as a "regulated investment company", shall be taxed under this Article upon only that part of its net income which is not distributed or declared for distribution to shareholders during the income year or within thirty days thereafter.

Sec. 2. Section 105-212 of the General Statutes is hereby amended by adding the following paragraph to become the second paragraph of said Section:
Any North Carolina corporation which in the opinion of the Commissioner of Revenue of North Carolina qualifies as a "regulated investment company" under the provisions of United States Code Annotated Title 26, Section 361, and which files with the North Carolina Department of Revenue its election to be treated as a "regulated investment company", shall not be subject to any of the taxes levied in this Article or schedule.

Sec. 3. Section 105-125 of the General Statutes is hereby amended by adding the following at the end of said Section:

Provided, that any North Carolina corporation which in the opinion of the Commissioner of Revenue of North Carolina qualifies as a "regulated investment company" under the provisions of United States Code Annotated Title 26, Section 361, and which files with the North Carolina Department of Revenue its election to be treated as a "regulated investment company", shall in determining its basis for franchise tax be allowed to deduct the aggregate market value of its investments in the stocks, bonds, debentures, or other securities or evidences of debt of other corporations, municipalities, governmental agencies or governments.

Sec. 4. Section 105-147 of the General Statutes is hereby amended by adding the following sentence to subsection 5 thereof:

Shareholders in a North Carolina "regulated investment company", as defined in General Statutes 105-138, shall be allowed to deduct such proportionate part of dividends received as represents and corresponds to income received by such "regulated investment company" which would not be taxed by this State when received directly by a North Carolina corporation or resident.

Sec. 5. Section 105-203 of the General Statutes is hereby amended by adding the following sentence at the end of paragraph two of said Section:

In the case of shares of stock in a North Carolina "regulated investment company" as defined in General Statutes 105-212, there shall be exempt such proportionate part of the fair market value of such shares as is represented by and corresponds to the percentage of net income of such "regulated investment company" which would not be taxed by this State when received directly by a North Carolina corporation or resident.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 April, 1951.

H. B. 809  

CHAPTER 938  

AN ACT PROVIDING FOR A SPECIAL TAX LEVY IN BRUNSWICK COUNTY FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That, subject to the approval of the director of local government, the Board of County Commissioners of Brunswick County is hereby authorized to levy such special property taxes as may be necessary, on the
one hundred ($100.00) dollars valuation, for the following special purposes, respectively, in addition to any taxes now allowed by law for such purposes, in addition to the rate allowed by the Constitution:

(1) For the salary and expenses of the county veterans service office, two (2c) cents.

(2) For the costs and expenses of participating with the Department of Conservation and Development in the forest fire control program, four (4c) cents.

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 13th day of April, 1951.

H. B. 828

CHAPTER 939

AN ACT AUTHORIZING THE ESTABLISHMENT OF A CITY LIQUOR CONTROL STORE IN THE TOWN OF TRYON UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. That the Town Council of the Town of Tryon may on its own motion, and shall upon a petition to said council signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Tryon and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under the provisions of this Act.

Sec. 2. In calling for such special liquor election, the said council shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store," "Against Town Liquor Control Store." Those favoring setting up and operating liquor store in the Town of Tryon shall mark in the voting square to the left of the words "For Town Liquor Control Store" printed on the ballot, and those opposed to a town liquor control store shall mark in the voting square to the left of the words "Against Town Liquor
Control Store." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for members of the General Assembly.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Tryon in force and effect prior to the authorization to operate town liquor control store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store." No election shall be called and held in the Town of Tryon under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Town Council of the Town of Tryon to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Tryon general election or primary election, or within thirty (30) days of any such election.

Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Town Council of the Town of Tryon shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Tryon Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Sec. 5. The said Town of Tryon Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Tryon Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same
may be in conflict with the provisions of this Act. Wherever the word “County” Board of Alcoholic Control appears in said Article, it shall include Town of Tryon Board of Alcoholic Control.

Sec. 6. The net profits derived from the operation of a liquor control store in the Town of Tryon, after deducting the necessary funds for law enforcement as provided in G. S. 18-46 (o), shall be divided as follows: Seventy per cent (70%) shall be turned over to the Governing Body of the Town of Tryon; and twenty-five per cent (25%) to the Governing Body of the County of Polk, and five per cent (5%) shall be turned over to the Harmon Field Commission to be used for recreational purposes. Such funds shall be subject to appropriation by the Governing Bodies of the Town of Tryon and the County of Polk for any lawful purpose, and the five per cent (5%) allocated to the Harmon Field Commission shall be used by it for such recreational purposes as the commission may deem necessary.

Sec. 7. That the Governing Body of the Town of Tryon may in its discretion authorize the establishment and operation of additional stores within the municipality if, in its discretion, it finds the same desirable.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 844  CHAPTER 940
AN ACT TO AMEND G. S. 7-92 RELATING TO THE COMPENSATION OF THE OFFICIAL COURT REPORTER FOR THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-92 is hereby amended by striking out the word “ten” in the fourth line of the fifth paragraph of that Section, and inserting in lieu thereof the words “twelve and one-half”.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 866  CHAPTER 941
AN ACT AMENDING ARTICLE 34A OF CHAPTER 160 OF THE GENERAL STATUTES RELATING TO THE ISSUANCE OF BONDS TO FINANCE SEWAGE DISPOSAL SYSTEMS.

The General Assembly of North Carolina do enact:

Section 1. That Section 160-424.1 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by striking out the word “to” before
the words "pledge to the payment of such bonds" in line 11 of said Section and inserting in lieu thereof the word "may", and by adding the following at the end of said Section: "Notwithstanding the provisions of Section 160-391 of the General Statutes, such bonds shall mature at such time or times, not exceeding 40 years from their respective dates, and may be subject to such terms of redemption with or without premium as the governing body may provide, with the approval of the Local Government Commission."

Sec. 2. That Section 160-424.2 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended as follows:

(1) By striking out the words "sewer system" in line three of clause (e) of said Section and inserting in lieu thereof the words "sewage disposal system".

(2) By changing clauses (a), (b), (c), (d) and (e) to (b), (c), (d), and (e) and (f), respectively, and inserting a new clause (a) to read as follows:

"(a) To acquire, construct, extend, enlarge or improve and operate a sewage disposal system, either within or without or partly within and partly without a municipality;".

Sec. 3. That Section 160-424.3 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by striking out the words "shall be sufficient at all times to pay the principal of and the interest on the bonds as the same shall become due and to provide reserves therefor" in lines 11, 12, 13 and 14 of said Section and inserting in lieu thereof the following:

"; with other funds available, shall be at least sufficient at all times to pay all expenses of operating, managing and repairing the sewage disposal system and to pay the principal of and the interest on the bonds issued under the provisions of this Article as the same shall become due and to provide reserves therefor".

Sec. 4. That Section 160-424.5 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by striking out the words "sewer system or sewer improvements" in line five of said Section and inserting in lieu thereof the words "sewage disposal system".

Sec. 5. That Section 160-424.6 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes shall be and the same is hereby amended by striking out all of the said Section and inserting in lieu thereof the following:

"Section 160-424.6. Any revenues derived from a sewage disposal system for which bonds shall be issued under the provisions of this Article may be pledged to the payment of the principal of and the interest on such bonds and to provide reserves therefor".

Sec. 6. That Article 34A of Chapter 160 of the General Statutes, as the same appears in the 1949 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by adding a new Section at the end thereof to read as follows:
“Section 160-424.8. Any municipality may issue its negotiable bonds for the purpose of refunding any bonds then outstanding and issued under the provisions of this Article, or for the combined purposes of (a) paying the cost of any extension, enlargement or improvement of a sewage disposal system and (b) refunding bonds of the municipality which shall theretofore have been issued under the provisions of this Article and shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement, and may pledge to the payment of such bonds revenues of the sewage disposal system as above provided. The issuance of such bonds shall be governed by The Municipal Finance Act, 1921, as amended, and the foregoing provisions of this Article, in so far as the same may be applicable, and shall not be subject to any limitation on indebtedness contained in The Municipal Finance Act, 1921, as amended, or in any other law. All bonds issued pursuant to this Article shall be subject to approval and sale by the Local Government Commission and to delivery by the State Treasurer as provided in the Local Government Act.”

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 870  
CHAPTER 942  
AN ACT AMENDING G. S. 20-118 RELATING TO THE WEIGHT OF MOTOR VEHICLES AND LOAD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-118, as the same appears in the 1949 Cumulative Supplement of the General Statutes, is hereby amended by striking therefrom the last sentence of said Section reading as follows:

“(Vehicles or combinations of vehicles having a gross weight in excess of fifty thousand (50,000) pounds shall not be licensed or allowed to use the highways of the State, unless the engine furnishing the motive power of such vehicles or combinations of vehicles shall have a piston displacement of three hundred fifty (350) cubic inches or more.)”

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
CHAPTER 943

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HYDE COUNTY TO LEVY A TAX TO BE USED TO DEFRAY THE EXPENSE OF REVALUATION OF TAXABLE PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hyde County is hereby authorized to levy a tax, not to exceed ten cents (10c), on the hundred dollars property valuation. Said tax is to be used to defray the expense of the revaluation and readjustment of property within said county: Provided, however, said additional levy shall in no case make the total tax levy exceed the 1950 tax levy of two dollars and twenty-two cents ($2.22).

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

CHAPTER 944

AN ACT TO AMEND CHAPTER 890 OF THE SESSION LAWS OF 1949 RELATING TO USE OF SWINGING NETS IN CERTAIN BAYS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 890 of the Session Laws of 1949 is hereby amended by striking out the words “November 1st” after the word “between” and before the word “and” in line two thereof and substituting therefor the words “October 1st.”

Sec. 2. Section 1 of Chapter 890 of the Session Laws of 1949 is hereby amended by inserting after the words “Swan Quarter Bay and its tributaries” in lines 9 and 10, the following words: “Wysocking Bay and its tributaries, German Town and its tributaries, and Deep Bay and its tributaries.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

CHAPTER 945

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Section 1. All acts and things done by the Board of Commissioners of the Town of Aulander or done by direction of said board in listing property for taxes for all years through and including 1950 are hereby ratified and validated.
Sec. 2. The advertisements, and sales of land for failure to pay taxes to the Town of Aulander and all acts and things done by the Board of Commissioners of the Town of Aulander or by the Tax Collector of the Town of Aulander relating to the advertisements and sales of lands for failure to pay taxes to said town for the year 1948 and all tax sales certificates issued for said year are hereby ratified and validated.

Sec. 3. The time for conducting sales of lands for failure to pay Town of Aulander taxes for the year 1949 is hereby extended to and including the first Monday in July, 1951.

Sec. 4. This Act shall not affect pending litigation.

Sec. 5. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 882

CHAPTER 946

AN ACT TO AMEND CHAPTER 124 OF THE PRIVATE LAWS OF 1901, BEING THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. That the present corporate limits of the Town of Laurinburg shall be enlarged by adding to the present lines and boundaries, the following descriptions:

(a) Beginning at the intersection of the present northeastern town limits and the south line of McGirt's Bridge Road, and running with the south line of said McGirt's Bridge Road North 54 degrees 14 minutes East, 1363.5 feet to the line of L. M. Peele's eastern boundary of Lincoln Heights; thence with the eastern line of Lincoln Heights South 12 degrees 18 minutes East, 1213.8 feet to the intersection of the south side of Gamma Street; thence with the south side of Gamma Street South 54 degrees 14 minutes West, 608.0 feet to the intersection of the present town limit line; thence with the town limit North 49 degrees 50 minutes West 1150.0 feet to the beginning.

(b) Beginning at the intersection of the present town limits, said line being South 6 degrees 32 minutes West, 50.0 feet from the center line of the Carolina Power and Light Company's tower line and the western line of South Caledonia Road and running with the west line of said South Caledonia Road, South 6 degrees 32 minutes West, 1178.0 feet to a concrete monument, a corner of the colored school site; thence with the line of said colored school site North 89 degrees 50 minutes West, 1083.8 feet to a ditch; thence with the line of said ditch North 24 degrees 18 minutes East, 858.0 feet to a bend in said ditch; thence further along said ditch North 16 degrees 35 minutes West, 192.0 feet to the south line of
Hammond Heights; thence with the south line of said Hammond Heights South 75 degrees 00 minutes West, 2050.0 feet to the intersection of the present town limits; thence along the present town limits (the northwestern side of Biggs Street extended) North 25 degrees 24 minutes East, 758.0 feet to a line 50 feet South of the center line of the Carolina Power and Light Company's tower line; thence along the line of Carolina Power and Light Company's tower line North 87 degrees 59 minutes East, 2560.0 feet to the beginning.

Sec. 2. All property, real and personal, lying or having situs within the territory annexed to the town by Section 1 of this Act shall hereafter be subject to all taxes and assessments, general and special, hereafter levied by the town: Provided, that such taxes and assessments shall not include taxes levied and assessed by said town for the year 1951.

Sec. 3. That all qualified voters residing within the boundaries of said town as extended by this Act shall be eligible to vote on and after January 1, 1952.

Sec. 4. That all ordinances, laws and clauses of laws applicable to the Town of Laurinburg according to the corporate limits as heretofore defined, shall be applicable to the Town of Laurinburg with the extended boundaries as set forth in Section 1 of this Act as fully as if the extended boundaries had been set forth in the original Charter of the Town of Laurinburg, and each amendment thereto, and each re-enactment of said charter.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. 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 April, 1951.

H. B. 890

CHAPTER 947

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 148 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REVOCA-TION OF PAROLES.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 148 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 148-61, and immediately preceding G. S. 148-62, to be numbered G. S. 148-61.1, and to read as follows:

"The Governor may at any time, in his discretion, revoke the order of parole of any parolee. If any parolee shall have his parole revoked, he shall thereafter be returned to the penal institution having custodial jurisdiction over him, and the time such parolee was at liberty on parole shall not be counted as any portion of or part of the time served on his sentence. The Governor may, in his discretion, enter an order revoking a parole conditionally or for a temporary period of time. Upon issuing such order of conditional or temporary revocation, such parolee may be arrested without warrant by any peace officer or officers or parole officers. After such
conditional or temporary revocation of parole, the parolee shall be held for a reasonable length of time, during which the Commissioner of Paroles shall determine whether or not the conditions of said parole have been violated. If it is determined by the Commissioner of Paroles that the conditions of said parole have been violated, the Commissioner of Paroles shall recommend to the Governor his findings on the matter. If it should be determined by the Commissioner of Paroles that there has been no violation of the conditions of said parole, then such parolee or paroled prisoner shall be discharged upon his original parole.”

Sec. 2. G. S. 148-62 is hereby amended by rewriting said Section to read as follows:

“Sec. 148-62. Discretionary revocation of parole upon conviction of crime. If any parolee, while being at large upon parole, shall commit a new or fresh crime, and shall enter a plea of guilty or be convicted thereof in any court of record, then, in that event, his parole may be revoked according to the discretion of the Governor and at such time as the Governor may think proper. If such parolee, while being at large upon parole, shall commit a new or fresh crime and shall have his parole revoked, as provided above, he shall be subject, in the discretion of the Governor, to serve the remainder of the first or original sentence upon which his parole was granted, after the completion or termination of the sentence for said new or fresh crime. Said remainder of the original sentence shall commence from the termination of his liability upon said sentence for said new or fresh crime. The Governor, however, may, in his discretion, direct that said remainder of the original sentence shall be served concurrently with said second sentence for said new or fresh crime.”

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 916

CHAPTER 948


The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 260 of the Session Laws of 1951 is amended by striking out the word “regulating” appearing in the 13th line thereof immediately following the word “for” and inserting in lieu thereof the word “relocating.”
Sec. 2. The third paragraph of Section 2 is amended by inserting in the 13th line thereof immediately following the word "Act" and before the period the words: "and in determining the amount of allocation to which each is entitled."

Sec. 3. The fifth paragraph of Section 2 is amended by adding at the end thereof following the period after the figures "1949" the following: "The State Highway and Public Works Commission is hereby authorized to withhold each year an amount not to exceed 1% of the total amount appropriated in Section 2 for the purpose of correcting errors in allocations: Provided, that the amount so withheld and not used for correcting errors will be carried over and added to the amount to be allocated for the following year."

Sec. 4. The third paragraph of Section 3 is amended by adding at the end thereof following the period after the word "municipalities" the following: "And the State Highway and Public Works Commission in its discretion may contract with any city or town which it deems qualified and equipped so to do that the city or town shall do the work of maintaining, repairing, improving, constructing, reconstructing, or widening such of its streets as form a part of the State highway system."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 April, 1951.

H. B. 931 CHAPTER 949
AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the City of Elizabeth City are hereby extended to include within said limits that certain tract of land lying West of the development known as Williams Circle and being described as follows: Beginning at a point in the middle of a creek run, which point marks the northwesterly corner of the Williams Circle Development property, thence South 32 deg. 30 min. West along side of a ditch, which ditch divides the tract of land herein described from the Williams Circle Development property, 1725 feet; thence along another ditch North 71 deg. West 146 feet to the line which divides the tract of land herein described from the Ida Bowe property, thence along a ditch North 20 deg. East 528 feet; thence North 14 deg. East 136 feet; thence North 8 deg. East 463 feet to the corner of the line marking the city limits; thence along the line of the city limits North 1 deg. East 580 feet to the run of the branch or creek which marks the city limits; thence following said creek or branch, the city limits line, to the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 945  
CHAPTER 950

AN ACT RELATING TO THE NOMINATION OF THE MEMBERS OF THE COUNTY BOARD OF EDUCATION IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 895 of the Session Laws of 1949 is repealed.

Sec. 2. For the purpose of nominating members of the Board of Education for Brunswick County, the county is divided into five school districts as follows:

District No. 1 to consist of Waccamaw School District
District No. 2 to consist of Shallotte School District
District No. 3 to consist of Bolivia School District
District No. 4 to consist of Southport School District
District No. 5 to consist of Leland School District.

Sec. 3. The Board of Education of Brunswick County, upon the expiration of the terms of office of the present members, shall consist of the following:

From District No. 1, J. Worth Stanley for a term of two years
From District No. 2, Malcolm H. Rourke for a term of four years
From District No. 3, G. K. Lewis for a term of four years
From District No. 4, Thomas St. George for a term of four years
From District No. 5, Herbert Long for a term of two years.

Sec. 4. In the primary election to be held in Brunswick County for the year 1952, and quadrennially thereafter, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated, by county-wide vote, the candidates from Districts Nos. 1 and 5 shall be nominated for terms of office of four years each and until their successors are duly appointed and qualified.

Sec. 5. In the primary election to be held in Brunswick County for the year 1954, and quadrennially thereafter, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated, by county-wide vote, the candidates from Districts Nos. 2, 3 and 4 shall be nominated for terms of office of four years each and until their successors are duly appointed and qualified.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 April, 1951.
CHAPTER 951

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS OF TYRRELL COUNTY TO PUBLISH ITS MINUTES IN SOME NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Within two weeks after the close of each meeting of the County Commissioners of Tyrrell County, the minutes and proceedings thereof, including a complete report of all moneys received and spent during the preceding month shall be published one time in some newspaper having a general circulation within the county. The board of county commissioners shall publish merely the subject matter of lengthy communications, resolutions, notices, or similar matter, in condensed form, without being required to publish said material in detail. The newspaper publishing said minutes and proceedings of the board of county commissioners shall not charge for same in excess of the local rate charged local merchants for using the same space during the course of a year. Nothing in this Act shall apply to expenditures for old age assistance, aid to dependent or other welfare programs to which the State and/or Federal Governments may contribute.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

CHAPTER 952

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CABARRUS COUNTY TO ISSUE BONDS IN THE AGGREGATE AMOUNT OF $75,000.00 FOR THE PURPOSE OF IMPROVING CERTAIN COUNTY BUILDINGS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Pursuant to the County Finance Act, being Article 9 of Chapter 153 of the General Statutes, the Board of County Commissioners of Cabarrus County is authorized to pass a bond order or bond orders authorizing bonds of said county of the maximum aggregate principal amount of seventy-five thousand dollars ($75,000.00) for the purpose of improving the county building situated on Church Street, in Concord, the county jail, and improving and fireproofing the county courthouse of said county.

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 13th day of April, 1951.
H. B. 964  

CHAPTER 953

AN ACT TO AMEND CHAPTER 87, SECTION 21, OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE BUSINESS OF PLUMBING, HEATING, OR AIR CONDITIONING CONTRACTING, PROVIDING FOR THE ISSUANCE OF A LICENSE WITHOUT EXAMINATION, IN ACCORDANCE WITH OFFICIAL UNITED STATES CENSUS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-21 is amended by striking out the following sentence contained therein:

“Persons, firms or corporations now holding license for heating contracting in accordance with the provisions of 87-16 to 87-27 shall be granted, without examination, a limited heating license under group number one as classified under this Section.”

Sec. 2. G. S. 87-21 is further amended by adding at the end thereof a new paragraph to read as follows:

“Persons who have an established place of business in cities or towns which have attained a population of more than 3,500, as indicated by the official United States census, as of the year 1940, or census years thereafter, and who produce satisfactory evidence that they are engaged in the business of plumbing contracting or heating contracting, group number one or group number two; and who have paid the required State revenue tax for the census year in which the municipality attained a population of more than 3,500, shall be granted a license, in the classification in which they are qualified, without examination, upon application to the board, and payment of the license fee. Persons who present attested documentary evidence that they were engaged in the business of plumbing contracting or heating contracting, group number one, and who held a State revenue license within one year prior to, or one year after, the appointment of the board in 1931, shall be granted a license in the classification in which they are qualified, without examination, upon application to the board, and payment of the license fee. For the purpose of this Act, the term ‘contractor’ is hereby deemed and held to mean a person, firm or corporation, who is engaged in the business of plumbing or heating contracting, group number one or group number two; but shall not include those who make minor repairs or minor replacements to an already installed system, or those who install room coolers of the portable air-cooled type.”

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 966    CHAPTER 954
AN ACT TO RAISE TO $60.00 PER MONTH THE SALARY OF DRIVERS OF PUBLIC SCHOOL BUSES IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the salary now paid public school bus drivers in Macon County out of State funds, the Board of County Commissioners of Macon County is hereby authorized and directed to appropriate and expend a sum of money sufficient to raise the salary of said school bus drivers to sixty dollars ($60.00) per month. The payment of such salaries shall be effective as of the date of ratification of this Act.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 967    CHAPTER 955
AN ACT AUTHORIZING A REVALUATION OF PROPERTY FOR AD VALOREM TAX PURPOSES IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Commissioners of Columbus County are hereby authorized, in their discretion, to reassess and revalue all taxable real property in the county by making a horizontal increase or decrease in valuations, such revaluation to be effective as of January 1, 1951.

Sec. 2. In the event the revaluation and reassessment is made as herein authorized, the Board of Equalization and Review of Columbus County shall hear any appeals from any taxpayer as provided in Section 105-327 of the General Statutes. The board shall hold its first meeting at any time not earlier than the third Monday nor later than the eleventh Monday following the ratification of this Act and shall give notice of the time, place and purpose of the first meeting of the board by publishing notice thereof at least three times in some newspaper published in the county, the first publication to be at least 10 days prior to such meeting. The board may adjourn its meetings from time to time until all appeals before it shall be disposed of. Any taxpayer may appeal from the decisions of the Board of Equalization and Review to the State Board of Assessment within the same time and in the same manner as provided by subchapter II of Chapter 105 of the General Statutes.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 968 CHAPTER 956
AN ACT RELATING TO THE DEPUTY SHERIFF OF POPLAR BRANCH TOWNSHIP, IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:
Section 1. Section 1 of Chapter 987 of the Session Laws of 1945 is amended by striking out the words “E. B. Pugh and Irving Gallop as Deputy Sheriffs” in line seven of said Section and inserting in lieu there-of the words “Blanton Sanders as deputy sheriff”.
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 13th day of April, 1951.

H. B. 970 CHAPTER 957
AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:
Section 1. The Board of Commissioners of Mitchell County is authorized, in its discretion, to postpone until the year 1952, 1953, or 1954 the quadrennial revaluation and reassessment of real property as required by G. S. 105-278.
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 13th day of April, 1951.

H. B. 995 CHAPTER 958
AN ACT TO AMEND CHAPTER 436 OF THE PRIVATE LAWS OF 1907, ESTABLISHING A MAYOR’S COURT OF THE TOWN OF STOVALL AND ESTABLISHING THE FEES TO BE COLLECTED BY SAID COURT.

The General Assembly of North Carolina do enact:
Section 1. Section 5 of Chapter 436 of the Private Laws of 1907 is hereby amended by striking out the comma after the word “poll” and before the word “and” in line eight thereof, and inserting in lieu thereof a period; and by striking out the remainder of said Section beginning with the word “and” in line eight and ending with the word “necessary” in line ten, and inserting in lieu thereof the following:
“The Mayor of the Town of Stovall is hereby constituted a special court and as such shall concurrently with the Justices of the Peace of
Granville County have jurisdiction to try and finally determine all criminal offenses occurring within the limits of the Town of Stovall, of which justices of the peace now or hereafter may have jurisdiction under the laws of the State of North Carolina. The mayor shall have jurisdiction of violations of town ordinances; he shall take care to preserve and keep the peace; he shall have power to issue warrants under his hand and seal, attested by the seal of the Corporation of Stovall, running to any county in the State of North Carolina; he shall have power to issue precepts without affidavit, when he is satisfied that an offense has been committed, and in general he shall have all of the powers and jurisdiction that justices of the peace now, or may hereafter, have in criminal matters under the laws of the State of North Carolina, and said Mayor of the Town of Stovall shall concurrently with the Superior Court of Granville County, North Carolina, and the Recorder's Court of Granville County, North Carolina, have jurisdiction to try and finally determine all criminal offenses wherein the offense alleged or charged is that of assault or assault and battery, either with or without deadly weapon; carrying concealed weapons; gambling; or any violation of any laws of the State of North Carolina, pertaining to the sale, manufacture, possession of, receiving or the handling of spirituous, vinous or malt liquors; operating motor vehicle while intoxicated, or under the influence of intoxicating liquors, or bitters, mor- phine, or other drugs or opiates; and violations of the traffic laws of North Carolina, as set out in Chapter 407 of the Public Laws of 1937, Session of the General Assembly of North Carolina, and as elsewhere and otherwise defined, including the enforcement of the North Carolina Driver's License Law, occurring within the limits of the Town of Stovall, of which the Superior Court of Granville County, North Carolina, and the Recorder's Court of Granville County, North Carolina, now, or hereafter, may have jurisdiction under the laws of the State of North Carolina. The Mayor of Stovall shall have power over all criminal matters arising within said Town of Stovall, of which final jurisdiction is not herein conferred upon said mayor, to hear such causes and bind over to the proper court all persons charged with the commission of such offenses in the same manner as is now provided by law for justices of the peace. The Mayor of the Town of Stovall may, whenever a defendant or witness, or other person shall be adjudged to be imprisoned by said court, sentence such persons to imprisonment in the county jail for such terms as may be provided by the law, and to adjudge also that such person shall work during the period of their confinement on the public roads of the State under the supervision of the State Highway and Public Works Commission. The Mayor of the Town of Stovall may issue his precepts, processes and warrants to the chief of police or other police of the Town of Stovall, and to such other officers as the justices of the peace may issue his precepts, and the same may be served by the police officers of the town or other officers authorized to serve processes anywhere in the County of Granville. An endorsement by the Mayor of the Town of Stovall of the names of witnesses upon a warrant or other precept shall be sufficient authority to the officer to execute the same and to subpoena the witnesses. The mayor shall keep a faithful record of the warrants issued by him in a book kept for that purpose to
be furnished by the board of commissioners, and such book shall be open to the inspection of the public at any and all times, and a list of said cases, showing the offense with which each defendant is charged, shall be furnished the Solicitor for the State at each term of the Superior Court of Granville County.

The following fees shall be charged and collected by the Mayor of the Town of Stovall from all persons adjudged to pay costs or a fine and costs in his court for violation of any ordinances or the commission of any offense, of which he shall have final jurisdiction:

Affidavit for warrant twenty-five cents (25c); issuing warrant for arrest of persons, each person, two dollars and fifty cents ($2.50); executing such warrant, each person, two dollars and fifty cents ($2.50); trial and judgment, each person found guilty, one dollar and fifty cents ($1.50); subpoenas, each witness, twenty-five cents (25c); serving subpoenas, each witness, fifty cents (50c); taking bond, each person, fifty cents (50c); recognizance to Superior Court, or Recorder's Court, each person, twenty-five cents (25c); continuance of a case, fifty cents (50c); commitment, each person, fifty cents (50c). In all matters heard before the mayor, where he shall not have jurisdiction, and shall bind over to the Superior Court or the Recorder's Court, the rule of fees as herein provided for shall obtain, and such fees shall be paid upon the final determination of the cause in the Superior Court or the Recorder's Court, in the same manner as is prescribed by law for the payment of fees to justices of the peace. Each witness appearing in the mayor's court, who is duly sworn in and examined by the mayor, shall receive and be allowed for each day he is in attendance one dollar ($1.00). All of the above fees, when collected, except for persons not in the employ or service of the town, unless their employment is on a fee basis, shall be paid into the town's treasury for the benefit of the town. It shall be the duty of the mayor to see that all fees are collected by police officers of the town; upon the collection of such fees by police officers they shall be turned over to the Mayor, who shall make report of the same at the regular monthly meetings of the board of commissioners and shall at said time pay said fees over to the town treasurer.

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

Sec. 3. This Act shall become effective from and after its ratification. In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1015

CHAPTER 959

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN HOKE COUNTY IN THE NINTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Hoke County in the Ninth Judicial District is amended by striking out in lines six and seven of said portion the following language: "and fifth Monday before the first Monday in September, to continue for one week
for the trial of civil cases and no longer.” Said Section is further amended by striking out the semicolon following the word “September” in lines five and six and inserting a period in lieu thereof.

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 13th day of April, 1951.

H. B. 1025  
CHAPTER 960
AN ACT TO AMEND CHAPTER 280, PUBLIC-LOCAL LAWS OF 1917 RELATING TO THE RECORDER’S COURT OF MIDDLE CREEK TOWNSHIP IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 20 of Chapter 280 of the Public-Local Laws of 1917 is hereby amended by striking out the word “six” which follows the word “of” and precedes the word “men” in line four, and inserting in lieu thereof the word “three”.

Sec. 2. Section 20 of Chapter 280 of the Public-Local Laws of 1917 is hereby amended by striking out the word “six” which follows the word “court” and precedes the word “dollars” in line four, and inserting in lieu thereof the word “eighteen”.

Sec. 3. Section 20 of Chapter 280 of the Public-Local Laws of 1917 is hereby amended by striking out the word “six” which follows the word “of” and precedes the word “dollars” in line eighteen and inserting in lieu thereof the word “eighteen”.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1016  
CHAPTER 961
AN ACT AUTHORIZING A REVALUATION OF PROPERTY FOR AD VALOREM TAX PURPOSES IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Board of Commissioners of Carteret County is hereby authorized, in its discretion, to reassess and revalue all taxable real property in the county by making a horizontal increase or decrease in valuations, such revaluation to be effective as of January 1, 1951. All acts and proceedings heretofore taken by the Board of Commissioners of Carteret County with reference to such a revaluation is hereby ratified, confirmed and validated.
Sec. 2. In the event the revaluation and reassessment is made as here-in authorized, the Board of Equalization and Review of Carteret County shall hear any appeals from any taxpayer as provided in Section 105-327 of the General Statutes. The board shall hold its first meeting at any time not earlier than the third Monday nor later than the eleventh Monday following the ratification of this Act and shall give notice of the time, place and purpose of the first meeting of the board by publishing notice thereof at least three times in some newspaper published in the county, the first publication to be at least ten days prior to such meeting. The board may adjourn its meetings from time to time until all appeals before it shall be disposed of. Any taxpayer may appeal from the decisions of the board of equalization and review to the State Board of Assessment within the same time and in the same manner as provided by subchapter II of Chapter 105 of the General Statutes.

Sec. 3. All laws and clauses of laws in conflict with this Act are here-by repealed.

Sec. 4. 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 April, 1951.

H. B. 1018

CHAPTER 962

AN ACT TO INCREASE THE AUTHORIZATION OF A SPECIAL TAX LEVY IN JONES COUNTY FROM EIGHT CENTS (8c) TO TEN CENTS (10c) ON THE ONE HUNDRED DOLLARS ($100.00) VALUATION FOR THE PURPOSE OF PAYING SALARIES AND EXPENSES OF THE OFFICES OF COUNTY FARM AGENT AND HOME DEMONSTRATION AGENT IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 331 of the Session Laws of 1945 is hereby rewritten to read as follows:

"Sec. 2. The Board of County Commissioners of Jones County is here-by authorized to levy a special tax of ten cents (10c) on the one hundred dollars ($100.00) valuation of property for the purpose of paying the salaries of and expenses of the offices of County Farm Agent and Home Demonstration Agent."

Sec. 2. All laws and clauses of laws in conflict with this Act are here-by 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 13th day of April, 1951.
H. B. 1027  CHAPTER 963

AN ACT TO AMEND ARTICLE 24 OF CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO RECORDER'S COURTS AS IT APPLIES TO SUCH COURT IN THE TOWN OF DALLAS.

The General Assembly of North Carolina do enact:

Section 1. That Section 7-186 of the General Statutes be amended by adding at the end thereof the following:

"That if and when a Recorder's Court for the Town of Dallas is established under the provisions of this Article, some suitable person who may be an attorney at law and who shall be of good moral character (and who has never been convicted of a felony), shall be elected by the Board of Aldermen of the Town of Dallas as recorder of said court, to serve for a term of two (2) years and until his successor is appointed and qualified, and the board of aldermen shall have full power and authority to select and elect the said recorder, and each successive recorder biennially thereafter. The said recorder shall be elected by the Board of Aldermen of the Town of Dallas within thirty (30) days from the creation and establishment of said court. If a vacancy occurs in the office of recorder at any time, the same shall be filled by the election of a successor for the unexpired term by the governing body of the Town of Dallas, at a regular or special meeting called for that purpose; provided, that before entering upon the discharge of their duties hereunder, the recorder, vice-recorder and the prosecuting attorney, who may be elected under the provisions of this Article, shall take and subscribe before some person authorized to administer oaths, the oath required of Judge and Solicitors of the Superior Court; provided, that the governing body of such town is hereby authorized to provide a schedule of fees to be charged by said recorder."

Sec. 2. That 7-121 of the General Statutes insofar as it relates to any recorder's court established in the Town of Dallas is amended by inserting in line eight immediately following the word "limits" the words "but not within the corporate limits of the City of Gastonia;".

Sec. 3. That Section 7-195 of the General Statutes insofar as it relates to any recorder's court established in the Town of Dallas, is amended by adding at the end thereof the following: "Provided, that no trial by jury may be had in such recorder's court, but on request for a trial by jury, such case will automatically be transferred to the Superior Court for Gaston County".

Sec. 4. That Section 7-197 of the General Statutes is amended by adding at the end thereof the following: "That the recorder's court shall have a seal bearing the inscription 'Recorder's Court of Dallas, State of North Carolina.'"

Sec. 5. That 7-198 of the General Statutes insofar as it relates to any recorder's court established in the Town of Dallas is amended by adding at the end thereof the following: "That the recorder may in his name issue writs, process and precepts of the recorder's court to the chief of police or any other policeman of the Town of Dallas, or the chief of police
or any other lawful officer or constable or any other lawful officer of any other town or county in the State; and such writs, process or precepts without seal of said court shall run anywhere in Gaston County and, when attested by the seal of said court, anywhere in the State of North Carolina, and shall be executed by any officer above named to whom it may be directed."

Sec. 6. That Section 7-199 of the General Statutes insofar as it relates to any recorder's court established in the Town of Dallas be amended by inserting the word "may" in lieu of the word "shall" in line 2 of said Section, and by adding at the end of said Section, the following: "If a vice-recorder is named, he shall be elected in the same manner as provided for election of the recorder, and vacancies shall be filled in the same manner as provided for the election of the recorder; provided, that should both the offices of recorder and vice-recorder become vacant at the same time, the Mayor of the Town of Dallas shall perform the duties of recorder until a recorder shall have been duly elected and qualified as herein provided."

Sec. 7. That Section 7-200 of the General Statutes shall be amended by adding at the end thereof, the following: "That the Board of Aldermen of the Town of Dallas is hereby authorized to elect a clerk of said court in the same manner as provided for recorder and vice-recorder, and to fill any vacancies therein in the manner as provided in the case of recorder and vice-recorder. The recorder shall require the chief of police, the clerk of the court, or such other officers of the Town of Dallas as may be designated for the performance of such by order of the court, or by resolution of the Town of Dallas, to collect and account for all fines imposed and all costs taxed in the recorder's court; and such officer shall discharge the aforesaid duty under the supervision and control of said court; provided that the governing body of the municipality shall provide a schedule of fees to be charged by the clerk of the court."

Sec. 8. That Section 7-201 of the General Statutes be amended by adding at the end thereof the following: "That the recorder shall keep or cause to be kept in books furnished for the purpose by the Town of Dallas a true and perfect record of all proceedings of the recorder's court, the name, place of residence, and post office address, if known, of any person brought before said court, the warrant issued, the nature of the offense charged, the date of hearing or trial, the punishment imposed or the disposition of the case, with the amount of costs taken therein; he shall regularly file, or cause to be filed, the papers in every case docketed in said court; he shall from time to time submit such report and furnish such statements as to matters appertaining to his said office as the Board of Commissioners of the Town of Dallas may call for; and he shall surrender to his successor in office, when duly elected and qualified, the common seal of said court and all records thereof."

Sec. 9. That Section 7-203 of the General Statutes be amended by adding at the end thereof, the following: "That if and when a recorder's court is established in the Town of Dallas under the provisions of this Article, the Board of Commissioners of the Town of Dallas shall elect some suitable person as prosecuting attorney at the same time, in the same man-
ner, and for the same term as is provided herein for recorder and vice-recorder, and vacancies shall be filled in the same manner as is provided for recorder and vice-recorder."

Sec. 10. That Section 7-204 of the General Statutes shall not apply to any recorder's court established in the City of Dallas.

Sec. 11. That Section 7-206 of the General Statutes insofar as it relates to any recorders court established in the Town of Dallas is amended by adding at the end thereof the following: "That cost in each case shall be regulated by the general laws of the State of North Carolina. However, all costs for the issuing of any warrant, subpoena, or other process by any justice of the peace returnable to said recorder's court, and for the service of any process of any kind returnable to said court, shall belong to and be the property of said justice of the peace issuing the same and to the officer serving such papers, as the case may be, and such cost shall be paid to them respectively by the proper authority when collected; provided, however, that any costs that shall be payable hereunder to any salaried officer of the City of Dallas shall be paid to the Treasurer of said City of Dallas for the use of said city."

Sec. 12. That Section 7-207 of the General Statutes shall not apply to any recorder's court established in the Town of Dallas.

Sec. 13. That Section 7-211 of the General Statutes shall not apply to any recorder's court established in the City of Dallas.

Sec. 14. This Act shall apply only with respect to the Recorder's Court of Dallas in Gaston County, and said court shall have no jurisdiction with respect to any offenses committed within the corporate limits of the City of Gastonia.

Sec. 15. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 16. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1028

CHAPTER 964

AN ACT TO AMEND ARTICLE 24, CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ESTABLISHMENT OF A RECORDER'S COURT AS IT APPLIES TO SUCH COURT IN THE CITY OF BELMONT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 871 of the Session Laws of 1949 be rewritten to read as follows:

Sec. 2. That Section 7-190 of the General Statutes be amended as follows:

"Subsection 1 is amended by striking out the words 'and concurrent' in line 1 and by adding at the end of the subsection the following: 'And exclusive original jurisdiction over all violations of ordinances of the City of Belmont committed within the limits of said city'.

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Subsection 2 is amended by striking out all after the word 'within' in line four (4) of said subsection, and by adding in lieu thereof, the following: 'the territory embraced in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3, which is now or may hereafter be given to justices of the peace under the Constitution and General Laws of the State.

Subsection 3 is amended by striking out all after the word 'offenses' in line 2 of said subsection and by adding in lieu thereof the following: 'below the grade of felony committed within the city limits of Belmont and in the territory embraced in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3'.

Subsection 4 is amended by striking out the words 'above mentioned' in line four (4) of said subsection, and inserting in lieu thereof the words 'embraced in the city limits of the City of Belmont, and in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3', and by adding at the end of said subsection the following: 'and concurrent jurisdiction with the courts of justices of the peace as committing magistrates over all felonies committed in the same area or territory'.

Sec. 2. That Section 8 of Chapter 871 of the Session Laws of 1949 and Section 7-200 of the General Statutes insofar as it relates to any recorder's court established in the City of Belmont, is amended by adding at the end of said Section 8 of Chapter 871 of Session Laws of 1949 as aforesaid, the following: "And that the Board of Commissioners of the City of Belmont is authorized to elect such assistant clerks for said court as they may deem necessary, at such salary as the said board deems wise and proper, in the same manner as provided for recorder and vice-recorder, and to fill any vacancies therein in the same manner as provided in the case of recorder and vice-recorder."

Sec. 3. That Section 10 of Chapter 871 of the Session Laws of 1949 is hereby repealed.

Sec. 4. That all resolutions and ordinances of the Governing Body of the City of Belmont, in establishing a recorder's court, are validated and ratified, notwithstanding that the establishment of said court does not fully comply with the provisions of Section 7-264.1 of the General Statutes; and all of the acts, judgments, and sentences imposed by the present recorder's court are ratified and validated to the same extent as if the said court had been established in full compliance with said Section: Provided, however, that this Section shall in no wise affect any pending cases.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 1032  CHAPTER 965
AN ACT CREATING A BOARD OF APPEALS AND TAX EQUALIZATION FOR WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a Board of Appeals and Tax Equalization for Watauga County, consisting of five members, one to be appointed by the Governing Body of the Town of Boone, one to be appointed by the Board of County Commissioners of Watauga County, one to be appointed by the Governing Body of the Town of Blowing Rock, and two to be appointed by the Board of Education of Watauga County; of these two last named members, one shall be a resident of Watauga County living East of the Town of Boone, and the other a resident of Watauga County living West of the Town of Boone. The foregoing appointments shall be made on or before June 1, 1951 and biennially thereafter, and the members so appointed shall serve for terms of two years or until their successors are appointed and qualified.

Sec. 2. The persons appointed to membership on the board of appeals and tax equalization pursuant to this Act shall be given written notification of their appointment by the appointing authority, and a record of such appointments and notifications shall be entered in the minutes of the board of county commissioners. Each member so appointed shall take an oath faithfully to perform the duties of his office.

Sec. 3. The board of appeals and tax equalization shall meet on or before June 15 of each year at a time and place to be determined by the board. Notice of the time, place and purpose of such meetings shall be given by publication at least three times in the Watauga Democrat, and by posting said notice at the door of the county courthouse and at least three other public places in the county, the first of such publications and postings to be made at least 10 days prior to the date of the meeting.

Sec. 4. Any property owner, or taxpayer of Watauga County may appear on appeal from any decision of the county board of equalization and review before the board of appeals and tax equalization at any such meeting for the purpose of appealing from any valuation or assessment placed upon any property by the taxing authorities of the county or any agency thereof, and except as otherwise provided in this Act, the procedure before the board shall be the same as that provided by law in case of appeals to the State Board of Assessment.

Upon such appeal, the board shall hear all the evidence or affidavits offered by the appellant, appellee, and the board of county commissioners, and shall reduce, increase, or confirm the valuation complained of and enter it accordingly, and shall deliver to the clerk of the board of county commissioners a certified copy of such order, which valuation shall be entered upon the fixed and permanent tax records and shall constitute the valuation for taxation.

Sec. 5. The board shall adjourn from day to day until all appeals have been heard, not in any event remaining continuously in session for more than 10 consecutive days, and in respect to matters relating to taxation
in Watauga County, except as otherwise provided in this Act, the board shall possess and exercise the same powers and authority and be governed by the same rules and procedure as provided by law for the State Board of Assessment.

Sec. 6. The members of the board shall receive a per diem of $7.00 for each day’s attendance on sessions of the board, plus mileage at five cents (5c) while travelling on official business of the board.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon ratification.

in the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1036  CHAPTER 966

AN ACT TO AUTHORIZE THE GOVERNING BOARDS OF THE COUNTY OF MITCHELL AND THE TOWN OF SPRUCE PINE TO EXEMPT CERTAIN PROPERTY OWNED BY THE SPRUCE PINE COUNTRY CLUB AND USED AS A COMMUNITY CENTER FROM AD VALOREM TAXATION.

WHEREAS, there is situate in the Town of Spruce Pine a certain parcel of real estate owned by the Spruce Pine Country Club, a nonprofit corporation, upon which parcel of real estate there is a club house which is used as a community or civic center by the citizens of Spruce Pine and Mitchell County generally and as a meeting place for various educational and religious organizations to the extent that such property is devoted and held primarily for the benefit of the public in Spruce Pine and the surrounding area; and

WHEREAS, said building being devoted to the general public welfare of the community and as a community center for the benefit of all of the citizens of the area and being operated upon a non profit basis as a public service to the community, it is deemed desirable to authorize the governing bodies of the County of Mitchell and the Town of Spruce Pine to exempt said parcel of real estate from ad valorem taxes: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Mitchell County and the Governing Board of the Town of Spruce Pine are hereby authorized to exempt from ad valorem taxation, so long as the property below described is used as a community center and operated upon a nonprofit basis for the citizens of the area, that lot or parcel of real estate situate in the Town of Spruce Pine, Grassy Creek Township, Mitchell County, North Carolina, adjoining the lands of Mrs. Ella L. Berry and others, and more particularly bounded and described as follows:

Beginning on a driven stake in the northern margin of the Spruce Pine-Altapass Road and runs thence North 64° 30” East 480 feet to an iron stake; thence South 25° 30” East 475 feet to a driven stake; thence South 64° 30” West 480 feet to a driven stake in the northern margin of the Spruce Pine-Altapass Road; thence running down and with said road North 25° 30” West 475 feet to the beginning.
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 13th day of April, 1951.

H. B. 1037

CHAPTER 967

AN ACT TO AUTHORIZE THE CHIEF OF POLICE OF THE TOWN OF TAYLORSVILLE, IN ALEXANDER COUNTY, TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. The Chief of Police of the Town of Taylorsville, in Alexander County, shall have the power and authority to issue warrants for the arrest of all persons charged with the commission of offenses within the corporate limits of the Town of Taylorsville. Such warrants shall be issued only upon the affidavit made as now required by law, and when issued shall be served by some peace officer or policeman other than the officer who issued the warrant.

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 13th day of April, 1951.

H. B. 1175

CHAPTER 968

AN ACT TO REPEAL CHAPTER THREE HUNDRED THIRTY-ONE (331) OF THE PUBLIC LAWS OF NORTH CAROLINA REGULAR SESSION ONE THOUSAND NINE HUNDRED THIRTY-SEVEN (1937) PROVIDING FOR THE APPOINTMENT OF THREE ASSISTANT CLERKS FOR FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter three hundred thirty-one (331) of the Public Laws of North Carolina of one thousand nine hundred thirty-seven (1937) be and the same is hereby repealed.

Sec. 2. The Clerk of Superior Court of Forsyth County may appoint assistant clerks as provided in G. S. 2-10 as amended by the General Assembly of one thousand nine hundred fifty-one (1951).

Sec. 3. This Act shall apply to Forsyth County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 1041

CHAPTER 969

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN ONSLOW COUNTY IN THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Onslow County in the Sixth Judicial District is amended by inserting between the word “Onslow—” and the word “First” in line one of said portion the words “Second Monday in January, to continue for two weeks, for the trial of civil or criminal cases, or both;”.

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 13th day of April, 1951.

H. B. 1060

CHAPTER 970

AN ACT RELATING TO THE ENFORCEMENT PROVISIONS OF DISTRICT BOARD OF HEALTH DEPARTMENT REGULATIONS AS APPLIED TO McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 849 of the Session Laws of 1949 is hereby repealed, it being the intent and purpose of this Act to make the provisions of the last sentence of subsection 4 of G. S. 130-66, as amended, applicable to McDowell County.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1068

CHAPTER 971

AN ACT TO PROVIDE FOR THE DISPOSAL OF ILLGALLY POSSESSED MALT BEVERAGES AND WINES.

The General Assembly of North Carolina do enact:

Section 1. The presiding judge of any court having jurisdiction in the trial of any person, firm or corporation charged with the illegal possession or transportation of any malt beverages or wines shall, upon conviction of any such person, firm or corporation, as a part of the judgment in the case, order the sale of such malt beverages and wines at either public or private sale to any person, firm or corporation authorized by law to purchase the same. The proceeds from the sale of such malt beverages or wines shall be paid into the school fund of the county where such conviction is had.

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Sec. 2. This Act shall apply only to Avery County.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1071

CHAPTER 972

AN ACT TO AMEND CHAPTER 273 OF THE SESSION LAWS OF 1949, RELATING TO JURY TRIALS IN THE RECORDER'S COURT OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Sections 4, 5, 6, 7, and 14 of Chapter 273 of the Session Laws of 1949, and G. S. 7-204, and all other laws and clauses of laws relating to jury trials in the Recorder's Court of Currituck County, are repealed.

Sec. 2. In the trial of any criminal case in the Recorder's Court of Currituck County, upon demand for a jury by the defendant or prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Currituck County for trial, and the defendant shall execute a new bond in an amount fixed by the recorder for his appearance at the next term of Superior Court of Currituck County. In the trial of any civil case in the Recorder's Court of Currituck County, upon demand for a jury by either the plaintiff or the defendant, the recorder shall transfer said case to the Superior Court of said county for trial.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1097

CHAPTER 973

AN ACT TO AMEND CHAPTER 691 OF THE SESSION LAWS OF 1947 RELATING TO THE CIVIL SERVICE COMMISSION FOR THE FIRE AND POLICE DEPARTMENTS OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That Section 7 of Chapter 691 of the Session Laws of 1947 be and the same is hereby repealed and said Section 7 shall hereafter be and read as follows:

Section 7. That the chief of the fire department and the chief of the police department shall be appointed by the Governing Body of the City of Wilmington and from the personnel of said departments. Provided, however, that the Governing Body of the City of Wilmington may employ a person to serve as Chief of Police of Wilmington other than from the personnel of the police department, provided the person so selected for chief

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of the said department shall have had at least two years' training in the Federal Bureau of Investigation and be recommended for the said position by the Director of the Federal Bureau of Investigation; or the Governing Body of the City of Wilmington may employ a person to serve as chief of police of the said city who has had at least five years' experience as a police officer in a city of not less than twenty-five thousand inhabitants, and who is recommended for the said position by the Director of the Federal Bureau of Investigation. Provided further that the person so appointed, who shall be outside of the personnel of the Wilmington Police Department, shall not hold said position as chief of police for a period of more than eighteen months from the ratification of this Act. All promotions in the fire department and police department in said city shall be made from time to time by the governing body with due consideration being given to fitness and qualifications for promotions and seniority in the time of service. The Governing Body of the City of Wilmington may demote the chief of the fire department or the chief of the police department for cause, but in the event of demotion of either or both of the chiefs of said departments such demotions shall be to a rank not lower than the rank from which said chiefs held when they were respectively appointed to the office of chief. In the event a member of either of said departments commits any offense he may be immediately suspended by the chief of said department for a period not exceeding thirty days: Provided, however, that the chief of either of the departments so suspending a member shall file with the city manager a written complaint of the charge or charges against such member within three days after such suspension; and provided, further, that the person or persons so suspended upon demand shall be furnished by the chief a signed written copy of the complaint or charges preferred and the suspended member shall be entitled to a hearing before the Governing Body of the City of Wilmington. If upon such hearing the Governing Body of the City of Wilmington does not sustain the suspension, the suspended member shall be immediately reinstated and receive compensation according to his rating, and from the date of such suspension.

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

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

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1101 CHAPTER 974

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the Town of Windsor, in Bertie County, be, and the same are hereby extended as follows:

Beginning at the present line of the corporate limits of the Town of Windsor at the eastern end of the division line between lots numbers fifty-
four (54) and fifty-three (53) of "Winston Park", as shown on map of Winston Park recorded in Map Book 1, page 146, Bertie County Public Registry, and running thence along the present corporate limits of the Town of Windsor in a northerly direction to the northern boundary of lot number thirty-seven (37) in "Winston Park"; thence North 81 degrees 45 minutes East along the line of "Winston Park" as shown on the aforesaid plat to the line of A. B. Cherry; thence along the line of A. B. Cherry South 6 degrees 30 minutes West 249 feet to the State Highway leading from Windsor to Lewiston; thence along said State Highway towards Windsor to the present corporate limits of the Town of Windsor, thence turning to the left and running along the present corporate limits of the Town of Windsor to the point of beginning.

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 April, 1951.

H. B. 1114

CHAPTER 975

AN ACT TO AMEND G. S. 14-399 BY MAKING THE SAME APPLICABLE TO WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 14-399 is hereby amended by deleting from the ninth line of the fifth paragraph thereof the word "Warren".

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 13th day of April, 1951.

H. B. 1115

CHAPTER 976

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COUNTY TAX COLLECTOR FOR WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Warren County may, at any time hereafter, by resolution duly adopted and spread upon the minutes of the board, separate the office of sheriff and tax collector of the county and appoint a Tax Collector for the County of Warren, who shall have the same rights and powers and be subject to the same laws in the collection of taxes as now apply to the sheriff in the collection of taxes. The board of commissioners may also appoint as many deputy tax collectors to serve under the county tax collector as it may deem necessary for the prompt collection of all taxes. The board of commissioners shall have complete control over the tax collector and his deputies, with power to discharge without notification, and shall fix their compensation and provide
for its payment out of the general county funds. The tax collector and his deputies shall be required to give bonds to be fixed by the board of commissioners, and the premiums on such bonds shall be paid by the county out of the general fund.

Sec. 2. The Board of County Commissioners of Warren County, in their discretion, may assign the duties of Tax Collector to the County Auditor of Warren County, and upon such assignment the county auditor shall qualify for such duties as are required by this Section and shall have the same rights and powers and be subject to the same rules in the collection of taxes as now apply to the sheriff in the collection of taxes. For his services as tax collector and county auditor shall be paid such additional compensation therefor as may be fixed by the board of county commissioners of said county.

Sec. 3. Upon the separation by the Board of Commissioners of the office of Sheriff and Tax Collector of Warren County and upon the appointment and qualification of the person appointed as tax collector pursuant to this Act, the Sheriff of Warren County, or any other person having in his hands tax funds or any evidence of uncollected taxes due said county, shall make full and complete settlement for all taxes with which he is then charged, and thereupon all uncollected tax accounts owing the County of Warren shall be turned over to the tax collector appointed pursuant to this Act.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1116

CHAPTER 977

AN ACT TO AMEND CHAPTER 975, SESSION LAWS OF 1949, AS IT RELATES TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 975 of Session Laws of 1949 be and it is hereby amended by striking out the period at the end of said Section, inserting a colon and adding the following: "Provided that in Guilford County the Clerk of the Superior Court may fix the compensation of the commissioners at such sum as in his discretion seems to him reasonable and fair."

Sec. 2. That this Act is applicable to Guilford County only.

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 13th day of April, 1951.
H. B. 1138  

CHAPTER 978  

AN ACT DECLARING THAT THE TEACHING HOSPITAL AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL SHALL BE KNOWN AS A MEMORIAL TO NORTH CAROLINA'S HONORED WAR DEAD.  

The General Assembly of North Carolina do enact:  

Section 1. The Board of Trustees of the University of North Carolina is hereby authorized and directed, by an appropriate dedication, ceremony and inscription, to designate the teaching hospital of the Medical School at the University of North Carolina at Chapel Hill as "The North Carolina Memorial Hospital", to serve as a continuing memorial to those North Carolinians who have given their lives, and who may hereafter give their lives, as members of the Armed Forces, in protecting the freedom and common welfare of their fellow citizens.  

Sec. 2. All laws and clauses of laws in conflict with this action 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 13th day of April, 1951.  

H. B. 1156  

CHAPTER 979  

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, IN PITTS AND LENOIR COUNTIES.  

The General Assembly of North Carolina do enact:  

Section 1. That the corporate limits of the Town of Grifton, in Pitt and Lenoir Counties, be and the same are hereby extended as follows, to-wit: Beginning at a point in the center line of the main line of the Atlantic Coast Line Railroad on the southern side of Contentnea Creek in Lenoir County, said point being South thirty-seven degrees and thirty minutes West along the center line of the main line of the Atlantic Coast Line Railroad eight hundred and seventy-two feet from the southern edge of the steel draw on the railroad bridge across the said Contentnea Creek, (1) thence from this beginning point it runs North fifty-three degrees West fourteen hundred and twenty feet to a point on a ditch; (2) thence with the line of this ditch North thirty-two degrees and thirty minutes West five hundred and eighty feet to a point in the center line of the Kinston-Grifton Highway, North Carolina Highway number 11; (3) thence North sixty-two degrees and thirty minutes West seven hundred and thirty feet to a point in the center line of a ditch, said point being in a southern direction with the center line of said ditch two hundred and fifty feet from the center line of the Grifton-Hugo Highway; (4) thence with the center line of said ditch and crossing the Grifton-Hugo Highway and continuing to the mouth of said ditch where it meets the run of Contentnea Creek; (5) thence down the run of Contentnea Creek to the eastern line of the lands of the Allen Patrick heirs on the northern bank of said Contentnea Creek; (6) thence with the eastern line of the lands of the Allen Patrick heirs North
sixty degrees East two thousand and four hundred and fifty feet to an iron stake in said line, said iron stake being three hundred and thirty feet along the same line in a southern direction from the southern line of Queen Street extended; (7) thence North forty-four degrees and thirty minutes West and parallel with the southern line of Queen Street extended two hundred feet to an iron stake; (8) thence North fifty-six degrees East and parallel with the western line of Patrick Street and one hundred feet to the West of the western line of Patrick Street seven hundred and fifty feet to an iron stake in the northern line of McRae Street extended one hundred feet West of the Western line of Patrick Street; (9) thence North thirty-nine degrees East eleven hundred and seventy feet to a point in the center line of a ditch; (10) thence with the center line of this ditch North sixty-three degrees East six hundred feet to a point in the center line of the Grifton-Greenville Highway, North Carolina Highway number 11; (11) thence South fifty degrees East twenty-nine hundred feet to a point in the center line of the road leading from Grifton to the Pugh road, said point being in a northeastern direction along the center line of said road from the center line of the old hard surfaced road on the northern side of the Grifton High School building sixteen hundred and fifty feet; (12) thence South thirty-eight degrees East nineteen hundred and fifty feet to the center line of a ditch on the eastern side of the Culture road; (13) thence with the center line of this ditch South thirty-seven West eight hundred and eighty feet to a point in the center line of the Grifton-Vanceboro Highway where said ditch crosses said highway; (14) thence South twenty-one degrees West twenty-seven hundred feet to a point in the center line of the Creek road, said point being in a northwestern direction along the center line of said Creek road from the western end of the bridge over Mill Branch Run six hundred and thirty-five feet; (15) thence continuing in the same direction across Contentnea Creek to a stake on the southern bank of said creek; (16) thence up and with the southern bank of Contentnea Creek to the present corporate limits of the Town of Grifton; (17) thence with the present corporate limits to the center line of the Atlantic Coast Line Railroad; (18) thence with the center line of Atlantic Coast Line Railroad in a southern direction to the beginning.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1159

CHAPTER 980

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1939 RELATING TO THE APPOINTMENT AND TERMS OF OFFICE OF THE CHARLOTTE PARK AND RECREATION COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Subsection (1) of Section 54 of Chapter 366 of the Public-
Local and Private Laws of 1939 is stricken out and the following is substituted in lieu thereof:

“(1) Upon the expiration of the terms of office of the three commissioners of said corporation appointed in March, 1950, the governing body of the City of Charlotte shall appoint one commissioner to serve for two years beginning in March, 1953, and two commissioners to serve for three years beginning in March, 1953. Upon the expiration of the terms of office of four commissioners appointed in March, 1951, the city council shall appoint one commissioner to serve for three years beginning in March, 1954, and one commissioner to serve for four years beginning in March, 1954, and two commissioners to serve for five years beginning in March, 1954. Terms of office of all commissioners expiring after March, 1954, shall be filled by appointment for terms of five years beginning with the year in which such commissioner is appointed. Vacancies occurring on the commission by reason of death, resignation or otherwise shall be filled by the city council for the unexpired terms.”

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 upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

H. B. 1164  CHAPTER 981

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY TO REVALUE AND REASSESS ALL REAL AND PERSONAL PROPERTY VALUES IN THE YEAR ONE THOUSAND NINE HUNDRED FIFTY-TWO.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Alamance County, in its discretion, is hereby authorized and empowered to revalue and reassess all values on real estate and personal property within said Alamance County for the purposes of taxation for the year 1952, and values, when determined, to be effective as of January 1, 1952.

Sec. 2. That the methods and means by which said revaluation and reassessment of tax values on property may be accomplished and may be made effective shall be those as are now prescribed by the Public Laws of North Carolina, as the same may be amended, by Public-Local or Private Laws relating to Alamance County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.
H. B. 1166  
CHAPTER 982

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CABARRUS COUNTY TO PAY THE PREMIUM ON THE SURETY BONDS FURNISHED BY THE SHERIFF AND TREASURER OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cabarrus County is hereby authorized, in its discretion, to pay out of the general fund of the county all premiums on the surety bonds required to be furnished by the sheriff and the treasurer of said county.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. B. 99  
CHAPTER 983

AN ACT TO AMEND SECTION 163-196 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES OF CANDIDATES FOR NOMINATION TO ELECTIVE PUBLIC OFFICES IN PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That Section 163-196 of the General Statutes of North Carolina be amended by striking out therefrom all of subsection (9) in its entirety, and that the other subsections be renumbered accordingly, and that the following be added to subsection (8) thereof:

"That it shall be the duty of the Secretary of State, after the time has expired for the filing of said statement of campaign contributions and expenditures with the Secretary of State by candidates in a primary election, as is provided in Section 163-193 of the General Statutes of North Carolina, to immediately thereafter report to the Attorney General of North Carolina the names and addresses of all candidates for Federal, State, or District offices who have failed to file such statement in compliance with the provisions of Sections 163-193 and 163-194 of the General Statutes of North Carolina. Upon the receipt of said report from the Secretary of State, it shall be the duty of the Attorney General of North Carolina to notify the proper prosecuting officer who shall prosecute any person violating the provisions of this Article;"

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

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 117

CHAPTER 984

AN ACT TO AMEND SECTION 163-29 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REGISTRATION OF VOTERS REMOVING FROM ONE PRECINCT TO ANOTHER WITHIN THE SAME CITY, TOWN OR TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That Section 163-29 of the General Statutes of North Carolina be amended by striking out therefrom all of the second sentence thereof reading as follows: "If the applicant has removed from another precinct, ward or election district in the same city, town or township since his last registration, such applicant shall, before being allowed to register, present to the registrar a written certificate signed by the registrar of the precinct, ward or election district from which he has so removed, showing that the applicant's name has been removed from the registration book of such precinct, ward or election district, and that he is no longer a registered voter therein." and by substituting the following in lieu thereof:

"If the applicant for registration has removed from another precinct, ward or election district in the same city, town or township since his or her last registration, such applicant shall, before being allowed to register, fill out and sign a printed transfer certificate, furnished to the registrars by the Chairman of the County Board of Elections prior to the opening of the registration period, notifying the registrar of the precinct from which the applicant has removed of the removal of said applicant from the former precinct and authorizing the said registrar to remove his or her name from the old precinct registration book. The transfer certificate shall be in substantially the following form:

To the Registrar of ....................... precinct, ....................... County.

I hereby certify that I have removed my residence from ............ voting precinct, where I was a registered elector, to ............ voting precinct within the same city, town or township, and I have this day applied for registration before the undersigned Registrar of this precinct where I now reside, and I hereby authorize you to remove my name from your registration book as I am no longer qualified to vote in your precinct.

Signed this ........... day of ................ 19.....

....................................
Signature of Applicant

Witness:

.................................... Registrar

.................................... Precinct

.................................... Address

It shall be the duty of the registrar to sign said certificate as a witness to the applicant's signature, and immediately after the close of the registration period the registrar shall mail all of such certificates so filled out to the Chairman of the County Board of Elections. Upon the receipt of such
certificates from the registrars, it shall be the duty of the Chairman of the County Board of Elections to mail immediately such certificates to the respective registrars of the precincts from which the applicants have removed, and upon receipt of same the registrars shall cancel the registration of such applicants on the books."

Sec. 2. 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 April, 1951.

S. B. 161

CHAPTER 985

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES AS THE SAME RELATES TO DEALERS IN MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-110 of the General Statutes by adding at the end thereof a new subsection to read as follows:

"(f) The department shall rescind and cancel the dealer's license and dealer's license plates issued to any person who knowingly delivers a certificate of title to a vehicle purchased from him which does not show a proper or correct transfer or ownership or who wilfully fails to deliver proper certificate of title to a motor vehicle sold by him."

Sec. 2. Amend Section 20-79 of the General Statutes by inserting after the words "be required" and before the words "for any" in line 7 of subsection (b) of said Section the words "or issued."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 176

CHAPTER 986

AN ACT AMENDING SENATE BILL NO. 103 ENTITLED AN ACT TO AUTHORIZE THE INSTALLATION OF AN ELEVATOR IN THE STATE CAPITOL AND TO APPROPRIATE SUFFICIENT FUNDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. Senate Bill No. 103 enacted by the 1951 Session of the General Assembly is hereby amended by striking out the words and figures "Seven thousand five hundred dollars ($7,500.00)" in lines two and three of Section 3 thereof and inserting in lieu thereof the words and figures "twelve thousand five hundred ($12,500.00) dollars".

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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 upon its ratification. In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 232

CHAPTER 987

AN ACT TO AMEND SECTION 62-121.8 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO INCLUDE INSECTICIDES, FUNGICIDES AND THE INGREDIENTS THEREOF IN THE EXEMPTIONS UNDER SAID SECTION.

The General Assembly of North Carolina do enact:

Section 1. That Section 62-121.8 of the General Statutes of North Carolina of 1943 be amended by inserting after "(e)" and before the word "transportation" in line 19, the following:

Transportation of insecticides, fungicides and the ingredients thereof;

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 14th day of April, 1951.

S. B. 273

CHAPTER 988

AN ACT TO AUTHORIZE AND DIRECT THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO ESTABLISH PERMANENT WEIGHING STATIONS AT SUITABLE PLACES IN THE STATE.

The General Assembly of North Carolina do enact:

Section 1. The State Highway and Public Works Commission is hereby authorized, empowered and directed to establish during the biennium ending June 30, 1953, not less than six nor more than twelve permanent weighing stations equipped to weigh vehicles using the streets and highways of this State to determine whether such vehicles are being operated in accordance with legislative enactments relating to weights of vehicles and their loads. The permanent weighing stations shall be established at such locations on the streets and highways in this State as will enable them to be used most advantageously in determining the weight of vehicles and their loads. Said permanent weighing stations shall be equipped by the State Highway and Public Works Commission and shall be maintained by said commission.

There is hereby appropriated to the State Highway and Public Works Commission out of the State Highway and Public Works Fund the sum of three hundred thousand dollars ($300,000.00). The funds appropriated by this paragraph shall be used exclusively for the purpose of carrying out the provisions of this Section and may be expended at any time during the biennium ending June 30, 1953.
Sec. 2. The permanent weighing stations to be established pursuant to the provisions of this Act shall be operated by the Department of Motor Vehicles, and the personnel assigned to the various stations shall wear uniforms to be selected and furnished by the Department of Motor Vehicles. The uniformed officers assigned to the various permanent weighing stations shall have the powers of peace officers in making arrests, serving process, and appearing in court in all matters and things relating to the weight of vehicles and their loads.

There is hereby appropriated to the Department of Motor Vehicles out of the State Highway and Public Works Fund the sum of two hundred fifty thousand dollars ($250,000.00) for each year of the biennium ending June 30, 1953. The funds appropriated in this paragraph shall be expended exclusively for the operation of the permanent weighing stations established pursuant to this Act.

Sec. 3. When a permanent weighing station is established under the provisions of this Section, it shall constitute a misdemeanor for the operator of any vehicle to refuse to permit his vehicle to be weighed at such station or to refuse to drive his vehicle upon the scales so that the same may be weighed. Any vehicle and its load found to be above the weight authorized in Chapter 20 of the General Statutes shall have immediately removed by the operator such portion of its load as may be necessary to decrease the gross weight of the vehicle to the maximum therefor specified in Chapter 20 of the General Statutes: Provided, that the department may allow any vehicle transporting refrigerated or iced perishable foods for human consumption to proceed without removing all or a portion of its load when the owner or operator has paid the taxes and penalties due because of the overload or has made satisfactory arrangements with the Commissioner of Motor Vehicles to pay said taxes and penalties. The material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of the owner or operator of such vehicle.

Sec. 4. In addition to the appropriation contained in Section 1 of this Act, there is hereby appropriated to the Department of Motor Vehicles out of the State Highway and Public Works Fund the sum of sixty-five thousand dollars ($65,000.00) for each year of the biennium ending June 30, 1953. The money appropriated in this Section shall be used by the Commissioner of Motor Vehicles for the purchase and use of portable scales for weighing vehicles traveling over the streets and highways of this State.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 309  

CHAPTER 989

AN ACT TO AMEND SECTION 122-84 OF THE GENERAL STATUTES TO PROVIDE FOR THE DETENTION AND TREATMENT OF MENTALLY DANGEROUS PERSONS WHO HAVE BEEN CHARGED WITH CRIME.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 122-84 of the General Statutes by adding at the end thereof the following:

"When a person committed to a State Hospital under this Section as unable to plead shall have been reported by the hospital to the court having jurisdiction as being mentally able to stand trial and plead, the said patient shall be returned to the court to stand trial as provided in Section 122-87. If the hospital authorities feel that an outright discharge or release of said person (in the event he is found not guilty, would be harmful or dangerous to himself or the public at large involved, and that further care and treatment is necessary, said authorities will when reporting that he is able to stand trial and plead, make a request for his return for further care and treatment, in the event he is found not guilty.

"If at the trial it is determined that the defendant is not guilty of a criminal offense and it appears to the trial judge that the State Hospital in its report has requested that the defendant be returned to said hospital for further care and treatment as an outright discharge or release of said defendant would be harmful or dangerous to himself or the public at large, the trial judge shall commit said defendant to the proper State Hospital for care and treatment and shall require him to remain at said hospital until discharged by the superintendent thereof upon the advice of the medical staff."

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 429  

CHAPTER 990

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO ALLOCATE FROM THE CONTINGENCY AND EMERGENCY FUND TO THE BOARD OF PUBLIC BUILDINGS AND GROUNDS $175,000.00 FOR THE CONSTRUCTION OF A STORAGE AND WAREHOUSE BUILDING.

WHEREAS, Chapter 662 of the Session Laws of 1947 appropriated to the Board of Public Buildings and Grounds three hundred thousand dollars ($300,000.00) for the purpose of constructing in the City of Raleigh a storage and warehouse building; and
WHEREAS, in order to complete the construction of the additions to the Agriculture Building for which an appropriation of one million dollars ($1,000,000.00) was made by Chapter 1248 of the Session Laws of 1949, the Governor and Council of State, with the approval of the Director of the Budget, transferred from the appropriation of three hundred thousand dollars ($300,000.00), above referred to for the construction of the storage and warehouse building, the sum of one hundred and seventy-five thousand dollars ($175,000.00); and

WHEREAS, it is now necessary that the storage and warehouse building be constructed and it is anticipated that the cost of same will be approximately three hundred thousand dollars ($300,000.00), including the cost of the necessary site: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Governor and Council of State are hereby authorized and empowered to allocate from the Contingency and Emergency Fund to the Board of Public Buildings and Grounds the sum of one hundred and seventy-five thousand dollars ($175,000.00) to be added to the balance of the appropriation made by Chapter 662 of the Session Laws of 1947 to the Board of Public Buildings and Grounds for the construction of a storage and warehouse building in the City of Raleigh.

Sec. 2. This Act will 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 April, 1951.

S. B. 461

CHAPTER 991

AN ACT TO AMEND CHAPTER 84, SECTION 24, OF THE GENERAL STATUTES OF NORTH CAROLINA, AND TO EXTEND CHAPTER 77 OF THE LAWS OF 1947, SO AS TO PROVIDE EXTRA LAW EXAMINATIONS IN 1952 AND 1953 TO ACCOMMODATE QUALIFIED APPLICANTS WHO ARE SUBJECT TO CALL IN THE ARMED FORCES OF THE UNITED STATES, AND OTHERS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 84-24 of the General Statutes of North Carolina be, and the same is hereby amended, by substituting a period after the word "determine" in line 3 of paragraph 4 in lieu of the comma after said word "determine" and by striking out the remainder of said paragraph following the word "determine" in line 3.

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

Sec. 3. The public interest requires that this Act become and it shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 577  

CHAPTER 992

AN ACT TO APPROPRIATE FROM THE CONTINGENCY AND EMERGENCY FUND A SUM SUFFICIENT FOR THE SALARY, OFFICE AND TRAVEL EXPENSES OF THE ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE OF THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the Contingency and Emergency Fund of the State of North Carolina the sum of two thousand five hundred and ninety-two dollars ($2,592.00) for each fiscal year of the biennium beginning July 1st, 1951, for the purpose of paying the costs of salary of the Administrative Assistant to the Chief Justice of the Supreme Court of North Carolina and secretary, office expense and travel expense as fixed by the Chief Justice. The assistant to the Director of the Budget is hereby authorized, empowered and directed to make said sum available to the object of appropriation designated as Supreme Court Departmental Expense for the purposes herein provided and to the end that said salary and expenses may be available as other salaries and expenses are made available for the employees and offices of the State agencies and institutions.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 535

CHAPTER 993

AN ACT TO AMEND ARTICLE 6A OF CHAPTER 136 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE OPERATION OF TOLL ROADS BY MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 136-89.3, as the same appears in the 1949 Cumulative Supplement to the General Statutes, by adding the following paragraph to said Section:

"After the organization of such municipal corporation, the commissioners of said municipal corporation may amend, change or add to their charter by filing a petition with the municipal board of control, setting out therein the purpose of the amendment, the changes in, additions to, or the altered location of the proposed highway or toll road which is to be constructed or acquired, and the additional rights, powers or privileges necessary for the construction, acquisition and operation of the project. The petition shall be presented to the secretary of the municipal board of control who shall thereupon make an order prescribing a time and place for the hearing of said petition before the municipal board of control. Notice of hearing shall be published in the same manner as provided for the original petition for the formation of said municipal corporation,
except that advertisement of such hearing may be waived by the municipal board of control, if, in their opinion, the desired changes, alterations or additions to the charter of the municipal corporation do not affect the public interest. Amendment in this manner may be had to accomplish a change in the location or the proposed highway or toll road, an extension of addition thereto, the construction of a feeder road or bridge having a direct relationship to the original objective of the formation of the municipal corporation, or any other accomplishment deemed expedient or necessary by the commissioners of the municipal corporation."

Sec. 2. Amend Section 136-89.6, as the same appears in the Cumulative Supplement to the General Statutes by rewriting said Section so that it shall hereafter read as follows:

"The said municipal corporation, when organized, shall have the following powers:

1. (a) To adopt by-laws for the regulation of its affairs and the conduct of its business;

   (b) To adopt a corporate seal and alter the same at pleasure;

   (c) To maintain an office at such place or places within the State as it may designate;

   (d) To sue and be sued in its own name;

   (e) To construct, maintain, repair and operate the toll road, toll bridge or turnpike at such location within the North Carolina Counties of Currituck, Dare, Tyrrell, Hyde, and Carteret as shall be adopted by the municipal corporation;

   (f) To issue turnpike revenue bonds of the municipal corporation, for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds;

   (g) To fix and revise, from time to time, and charge and collect tolls for transit over the turnpike constructed by it, without obtaining the consent or approval of any department, division, commission, board, bureau, or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act;

   (h) To establish rules and regulations for the use of the turnpike;

   (i) To purchase, solely from funds provided under this Act, such lands, buildings, structures, rights-of-way, franchises, easements and interest in lands necessary for the construction, operation or protection of the toll road or turnpike, upon such terms and at such prices as may be considered by the municipal corporation to be reasonable and can be agreed upon between it and the owner thereof;

   (j) To designate the locations of and establish, limit and control such points of ingress to and egress from the turnpike as may be necessary or desirable in the judgment of the municipal corporation to insure the proper operation and maintenance of the turnpike; and to prohibit entrance to the turnpike from any point or points not so designated;

   (k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;"
(l) To employ consulting engineers, attorneys, accountants, construc-
tion and financial experts, superintendents, managers and such other em-
ployees and agents as may be necessary in its judgment; to fix their com-
ensation; and to promote and discharge such employees and agents;

(m) To accept loans and grants of money or materials or property,
at any time, from the United States of America or the State of North
Carolina or any agency or instrumentality thereof, or any person, firm
or corporation, upon such terms and conditions as the lender or grantor
may impose;

(n) To do all acts and things necessary or convenient to carry
out the powers expressly granted in this Act;

(o) To enter upon any lands, waters and premises in the State
through its authorized agents and employees for the purpose of making
surveys, soundings, drillings and examinations as it may deem neces-
sary or convenient for the purposes of this Act, and such entry shall not
be deemed a trespass, nor shall such an entry for such purpose be deemed
an entry under any condemnation proceedings which may be then pending.
The municipal corporation shall make reimbursement for any actual dam-
ages resulting to such lands, waters and premises as the result of such
activities;

(p) To include as a part of the cost of any project undertaken
under the authority of this Act, the cost of the acquisition of all land,
rights-of-way, property, rights, easements and interests acquired by the
 corporation for such construction, the cost of demolishing or removing
any buildings or structures on land so acquired, or on land through and
across which a right-of-way has been granted, conditioned on the remov-
ing of buildings thereon and the relocation thereof, including the cost of
acquiring any lands to which such buildings or structures may be moved,
the cost of all machinery and equipment, financing charges, interest prior
to and during construction and, if deemed advisable by the commission,
for a period not exceeding one year after completion of construction, cost
of traffic estimates and of engineering and legal services, plans, specifi-
cations, surveys, estimates of cost and of revenues, other expenses neces-
sary or incident to determining the feasibility or practicability of con-
structing any such project, administrative expense, and such other ex-
spense as may be necessary or incident to the construction of the project,
the financing of such construction and the placing of the project in oper-
ation.

2. Trust Agreement. In the discretion of the municipal corporation
any bonds issued under the provisions of this Act may be secured by a
trust agreement by and between the municipal corporation and a cor-
porate trustee, which may be any trust company or bank having the
powers of a trust company, within or without the State. Such trust
agreement or the resolution providing for the issuance of such bonds
may pledge or assign tolls or other revenues to which the municipal cor-
poration's right then exists or may thereafter come into existence, and the
moneys derived therefrom, and the proceeds of such bonds, but shall not
convey or mortgage the toll road or turnpike or any part thereof. Such
trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the municipal corporation in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike, the rates of tolls and revenues to be charged, the payment, security or redemption of bonds, and the custody, safeguarding and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of the toll road or turnpike. It shall be lawful for any bank or trust company incorporated under the laws of this State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the municipal corporation. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual rights of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such provisions as the municipal corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of the operation of the turnpike.

Any pledge of tolls or other revenues or other moneys made by the municipal corporation shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the municipal corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof, or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind, in tort, contract or otherwise, against the municipal corporation, irrespective of whether such parties have notice thereof.

2½. Upon the completion of any project authorized under the terms of this Act, the municipal corporation shall file with the Chairman of the North Carolina State Highway and Public Works Commission a report prepared by a certified public accountant, showing all items which were included in the original cost of the project, the schedule of salaries, wages, and operating expenses budgeted for the project, and shall at periodic intervals thereafter, at least once in every year, file an operating statement for the project as prepared by the auditors or accountants of the municipal corporation.

3. Revenues. The municipal corporation is hereby authorized to fix, revise, charge and collect tolls for the use of the turnpike and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of all or any part thereof, including the right-of-way adjoining the paved portion for placing thereon telephone, telegraph, electric light or power lines, provided that a sufficient number of gas stations shall be authorized to be established in each service area along any such turnpike to permit reasonable competition by private
business in the public interest. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and provisions of any contract with or for the benefit of bondholders. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The use and disposition of tolls and revenues shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of the trust agreement securing the same.

4. The authority of the municipal corporation to construct a toll road or turnpike shall not be limited to the construction of a roadway or highway but shall include the authority to construct a toll road across any body of water, navigable or nonnavigable, within the Counties of Currituck, Dare, Tyrrell, Hyde and Carteret, and the State of North Carolina expressly consents to the construction of such toll road or bridge over and across waters within its jurisdiction when the charter of said municipal corporation provides for such construction.

5. The municipal corporation is hereby authorized to make and enter into a contract or agreement with any other municipal corporation, authority, person, firm or corporation, either within or without the State, containing one or more of the following described provisions:

(a) A provision whereby the municipal corporation shall agree to construct the toll road or turnpike described in its charter, or any amendment thereto, and to maintain and operate it until all revenue bonds issued by the other contracting party to finance the acquisition and construction of any toll road or turnpike joining or connecting with the toll road or turnpike proposed to be constructed by said municipal corporation shall have been paid, or until a sufficient amount for their payment shall have been set aside in trust for the benefit of the holders of said revenue bonds of the other contracting party;

(b) Provisions whereby the municipal corporation and the other contracting party shall agree to act as agent, each for the other, in the collection of tolls for vehicular traffic using both the toll road or turnpike constructed by the municipal corporation and the toll road or turnpike constructed by the other contracting party;

(c) Provisions under which tolls collected by either the municipal corporation or the other contracting party for traffic over either the toll road, turnpike or bridge constructed by the municipal corporation or the toll road, turnpike or bridge constructed by the other contracting party shall be apportioned between the municipal corporation and the other contracting party on the basis of their respective costs of construction, operation, maintenance and debt service, or on any other equitable basis; and

(d) Such other provisions as may be reasonable and proper and not in violation of law to assure the construction, maintenance and operation of the toll road, turnpike or bridge constructed by the municipal corporation and the toll road, turnpike or bridge constructed by the other contracting party, and the payment of the revenue bonds issued to finance said construction.”
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 891

CHAPTER 994

AN ACT FIXING THE TERMS OF SUPERIOR COURT FOR THE TWELFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The subdivision entitled “Twelfth District” of Section 7-70 of the General Statutes of North Carolina, as amended, is amended to read as follows:

TWELFTH DISTRICT

The Twelfth District is composed of Guilford County and Davidson County. The Superior Court of Guilford County is composed of two divisions, the Greensboro Division and the High Point Division; and the Superior Court thereof shall be opened and held as the following times and places, to wit:

In the Greensboro Division at the County Courthouse in Greensboro, for the trial of criminal cases only:

Eighth Monday before the first Monday in March, one week; (R); Fourth Monday before the first Monday in March, two weeks (R); First Monday in March, one week (A); Second Monday after the first Monday in March, two weeks (R); Seventh Monday after the first Monday in March, one week (A); Tenth Monday after the first Monday in March, two weeks (A); Fourteenth Monday after the first Monday in March, two weeks (A); Eighth Monday before the first Monday in September, one week (R); Sixth Monday before the first Monday in September, two weeks (R); First Monday before the first Monday in September, one week (R); First Monday after the first Monday in September, two weeks (A); Fifth Monday after the first Monday in September, two weeks (A); Ninth Monday after the first Monday in September, two weeks (R); Thirteenth Monday after the first Monday in September, one week (A); Fifteenth Monday after the first Monday in September, one week (R); In the High Point Division at the county building in High Point for the trial of criminal cases only:

Seventh Monday before the first Monday in March, two weeks (A); Second Monday before the first Monday in March, two weeks (A); First Monday after the first Monday in March, one week (A); Fourth Monday after the first Monday in March, two weeks (R); Eighth Monday after the first Monday in March, one week (R); Twelfth Monday after the first Monday in March, one week (R); Seventh Monday before the first Monday in September, one week (R); Third Monday after the first Monday in September, two weeks (R); Seventh Monday after the first Monday in September, two weeks (R);
Fourteenth Monday after the first Monday in September, one week (R);
In the Greensboro Division at the County Courthouse in Greensboro
for the trial of civil cases only:
Eighth Monday before the first Monday in March, three weeks (1st
week—A) (2nd & 3rd—R);
Fourth Monday before the first Monday in March, two weeks (A);
First Monday in March, two weeks (R);
Fourth Monday after the first Monday in March, two weeks (A);
Sixth Monday after the first Monday in March, two weeks (R);
Eighth Monday after the first Monday in March, two weeks (A);
Thirteenth Monday after the first Monday in March, three weeks (R);
Eighth Monday before the first Monday in September, two weeks (A);
First Monday after the first Monday in September, two weeks (A);
Third Monday after the first Monday in September, two weeks (R);
Fifth Monday after the first Monday in September, two weeks (R);
Seventh Monday after the first Monday in September, two weeks (A);
Eleventh Monday after the first Monday in September, two weeks (R);
In the High Point Division at the county building in High Point, for
the trial of civil cases only:
Fifth Monday before the first Monday in March, one week (A);
Second Monday after the first Monday in March, two weeks (A);
Tenth Monday after the first Monday in March, two weeks (R);
Sixteenth Monday after the first Monday in March, one week (A);
Fifth Monday before the first Monday in September, one week (A);
 Ninth Monday after the first Monday in September, two weeks (A);
 Thirteenth Monday after the first Monday in September, one week (R).

The regular Judge holding the Courts of the Twelfth Judicial District
shall hold all terms in the foregoing schedule designated (R), and the
Chief Justice of the Supreme Court shall assign a special, emergency, or
any regular judge to hold all terms in the foregoing schedule designated
(A), in both the Greensboro Division and the High Point Division. And
if for any reason the Judge holding the Courts of the Twelfth Judicial
District is unable to hold any of said terms, the Chief Justice of the
Supreme Court shall assign a special, emergency, or any regular judge
to hold said terms.

Any of the terms of court assigned or provided as above set out to be
held in either the Greensboro Division or the High Point Division of the
Superior Court of Guilford County may be transferred to, and held in,
the other Division of the said Superior Court of Guilford County by order
of the Resident Judge of the Twelfth Judicial District, or the Judge reg-
ularly assigned to hold the Courts of the Twelfth Judicial District, upon
publication of notice in a daily newspaper published in Greensboro and a
daily newspaper published in High Point ten days prior to the term.

Defendants bound and witnesses recognized to appear at a term of
the Superior Court which is ordered transferred and held in the other
Division, shall make their appearance at the next succeeding criminal
term of the Superior Court held in the Division to which they were origin-
ally bound or recognized. This Act shall in no wise affect the right provided
for change of venue.

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DAVIDSON COUNTY

In Davidson County at the Courthouse in Lexington for the trial of civil and criminal cases:

Fifth Monday before the first Monday in March, one week (R);
Ninth Monday after the first Monday in March, one week (R);
Sixteenth Monday after the first Monday in March, one week (R);
Second Monday before the first Monday in September, one week (R);
Eleventh Monday after the first Monday in September, two weeks (A);

In Davidson County at the Courthouse in Lexington for the trial of civil cases only:

Second Monday before the first Monday in March, two weeks (R);
Fifth Monday after the first Monday in March, two weeks (A);
Twelfth Monday after the first Monday in March, two weeks (A);
First Monday after the first Monday in September, two weeks (A);
Fourth Monday after the first Monday in September, two weeks (A);

The regular Judge holding the courts of the Twelfth Judicial District shall hold all terms in the foregoing schedule designated (R), and the Chief Justice of the Supreme Court shall assign a special, emergency or any regular judge to hold all terms in the foregoing schedule designated (A). And if for any reason the Judge holding the courts in the Twelfth Judicial District is unable to hold any of said terms, the Chief Justice of the Supreme Court shall assign a special, emergency, or any regular judge to hold said term.

Sec. 2. This Act shall become effective from and after the first Monday in July, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 917

CHAPTER 995

AN ACT TO MAKE APPROPRIATIONS FOR PERMANENT IMPROVEMENTS OF STATE INSTITUTIONS, DEPARTMENTS, AND AGENCIES AND CONSTRUCTION OF BUILDINGS AND PERMANENT IMPROVEMENTS FOR THE STATE.

The General Assembly of North Carolina do enact:

Section 1. That this Act shall be known as the Permanent Improvement Appropriation Act of 1951.

Sec. 2. That for the purpose of constructing buildings and other permanent improvements, and acquiring and installing equipment, and acquiring sites therefor, if necessary, at the educational, charitable, and correctional institutions and departments and agencies of the State, herein-after mentioned, there is hereby appropriated the sum of $3,475,000 for permanent improvements as set out in this Act. The said sum of $3,475,000 shall be constituted and derived from the General Fund of the State in the amount of $3,325,000, which is hereby appropriated from the said General Fund, and the sum of $150,000.00 to be derived from any unexpended and unencumbered funds heretofore appropriated by Sections 2 and 4.
of Chapter 1248 of the Session Laws of 1949 and the detail of which appears as an item or appropriation object in Section 4 of said Chapter designated as: "Department of Agriculture—State Fair . . . $1,985,000," accompanied with a list of sums by line item allocation of purposes, and said sum of $150,000.00 above described is hereby appropriated and reappropriated from such unexpended and unencumbered funds as above described, and said object of appropriation appearing in Section 4 of Chapter 1248 of the Session Laws of 1949 is hereby reduced and amended to the extent necessary to make effective the appropriation of said $150,000.00 as herein provided. The Assistant Director of the Budget shall withdraw from the amount of each line item allocation of purposes which constitute the object of appropriation designated as "Department of Agriculture—State Fair . . . $1,985,000" above described, such sums as are unexpended and unencumbered and which in their total amount will make said sum of $150,000 available for the appropriation herein made, the sum to be withdrawn from the amount of any line item purpose to be determined in the discretion of the Assistant Director of the Budget.

Sec. 3. That the funds appropriated in this Act to provide for completion of projects for which appropriations were provided in Chapter 662 of 1947 and Chapter 1248 of 1949 shall be transferred to the respective special funds designated "Permanent Improvement Fund of 1947" or "Permanent Improvement Fund of 1949" and the funds appropriated for new permanent improvement projects shall be transferred to a special fund to be designated "Permanent Improvement Fund of 1951" and be disbursed for the purposes provided in this Act upon warrants drawn by the State Auditor, which warrants shall not be drawn for any State institution, department, or agency until a requisition has been approved by the Director of the Budget, and which requisition shall be approved only after full compliance with the Executive Budget Act, Chapter one hundred of the Public Laws of 1929. Any officer of the State or executive head of any institution, or any director, trustee, or commissioner in any State institution, department or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for his institution, department or agency than is appropriated therefor, may be removed from office by the Governor. Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any of the improvements herein referred to, may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by the terms of such grant or grants, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Sec. 4. That the appropriations as herein provided, in the following amounts and for the following purposes: For the permanent improvement, enlargement and equipment of the following institutions, departments and agencies and buildings of the State, and acquiring sites therefor:
EDUCATIONAL INSTITUTIONS

STATE COLLEGE OF AGRICULTURE AND ENGINEERING $ 50,000
For the following purpose:
   1. Diagnostic Laboratory $ 50,000
      (To supplement unexpended balances of appropriations provided in the Permanent Improvement Fund of 1949.)

EAST CAROLINA TEACHERS COLLEGE $ 221,000
For the following purposes:
   1. To complete the Renovation of Ragsdale Hall $ 151,000
   2. Purchase of Land 70,000

APPALACHIAN STATE TEACHERS COLLEGE $ 170,000
For the following purposes:
   1. Enlarge Library Building $ 120,000
      (To replace funds required to be transferred for completion of projects authorized under the Permanent Improvement Fund of 1947.)
   2. Purchase of Land $ 50,000

NORTH CAROLINA SCHOOL FOR THE DEAF $ 358,000
For the following purpose:
   1. Primary Building $ 358,000

NORTH CAROLINA SANATORIUM $ 125,000
For the following purpose:
To supplement the appropriation provided in Chapter 1248 of the Session Laws of 1949 designated under North Carolina Sanatorium as Item 16
125,000

EASTERN NORTH CAROLINA SANATORIUM $ 421,000
For the following purposes:
   1. Completion of Heating Plant $ 80,000
   2. Restoration of 7th Floor to Colored Hospital 160,000
   3. Restoration of South Wing 50,000
      (In lieu of South Wing addition authorized under Permanent Improvement Funds of 1947 and 1949, funds for which were required to complete other authorized projects.)
   4. Equipment for Authorized Projects $ 131,000

NORTH CAROLINA MEDICAL CARE COMMISSION $2,000,000
For the following purpose:
   1. For the biennium 1951-53 for sharing in the cost of the construction of local hospitals, nurses homes, health centers and allied facilities $2,000,000
The appropriation made by this Act to the Medical Care Commission is specifically for use toward the cost of building and equipping local hospitals, nurses' homes, health centers, and allied facilities, and it shall be available toward the cost of approvable projects in amounts to be determined by the Medical Care Commission, and its use is not conditioned upon appropriations and contributions from the Federal Government. Federal funds made available to the Medical Care Commission on or after July 1, 1951, for matching purposes shall be allocated in the amount necessary up to five hundred thousand dollars ($500,000.00) of said Federal funds to the Board of the North Carolina Sanatorium for the Treatment of Tuberculosis towards the cost of a proposed tuberculosis hospital to be built on the campus of the University of North Carolina at Chapel Hill and to be managed and operated by the Board of the North Carolina Sanatorium for the Treatment of Tuberculosis, and further, if there should be additional Federal funds in excess of the requirements for approvable local projects, the surplus may be applied by the Commission, in accordance with the priority schedule, toward the cost of approvable State-owned hospital projects.

STATE COMMISSION FOR THE BLIND .................$ 130,000

For the following purpose:

1. Pre-conditioning Center for the Blind ..........$ 405,000
   Less: Appropriation provided in the Permanent Improvement Fund of 1947 ................. 275,000

Sec. 5. That the Director of the Budget is hereby authorized and empowered to make transfers and changes between the appropriations made in this Act, within the appropriations made to each agency, to provide changes to permit completion of the projects as described in the appropriations. Upon application of the governing body of a spending agency of the State, the Director of the Budget when recommended by the Advisory Budget Commission is empowered to authorize transfers and changes from appropriations made in this Act, within the appropriations made to each agency, to provide for projects for which no specific appropriations have heretofore been made.

Sec. 6. That the several institutions, departments and agencies of the State are hereby fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grants in aid for the construction of the several purposes mentioned in this Act and to receive and expend the same in accordance with the terms of such grants and in conformity with the laws of this State, and may employ architects, engineers, and make all necessary contracts in connection with the said projects, and shall have further authority to acquire the necessary sites for the construction of such improvements. The Governor, or such agency or person as may be designated by him, is fully authorized and empowered to make applications to and receive such grants in aid as may be made by any agency or agencies of the United States of America for the construction and renovation of buildings and improvements referred to in this Act, and equipping the same and acquiring sites therefor.
Sec. 7. There is hereby appropriated to the State Hospitals Board of Control the sum of seven hundred fifty thousand dollars ($750,000.00) for the purpose of building, constructing and equipping a psychiatric section or wing for the teaching hospital of the University of North Carolina at Chapel Hill. The funds for this appropriation shall be derived from any unexpended balances and any unencumbered funds remaining in the object of appropriation for the State Hospital at Raleigh, designated as “Admissions and Hospital Building—$1,000,000” as set forth in Chapter 662 of the Session Laws of 1947, and designated as “Hospital and Admissions Building: (a) Building—$1,381,000 less: 1947 appropriation—$771,175—609,825 as appears in Chapter 1248 of the Session Laws of 1949; and also from any unexpended funds or balances and unencumbered funds or balances remaining in the object of appropriation for the State Hospital at Morganton designated as “Hospital and Admissions Wards (capacity 260)—$800,000” which appears in Chapter 662 of the Session Laws of 1947, and which also appears and is designated as “Hospital and Admissions Building: (a) Building—$1,300,000; (b) Equipment—$81,000—Total—$1,381,000—less: 1947 appropriation—$800,000—581,000” as appears in Chapter 1248 of the Session Laws of 1949; and also from any funds remaining unexpended and unencumbered from the State Hospital at Butner derived from the sale of surplus property of said institution. A sufficient amount of the above balances and unencumbered funds and funds from the sale of property is hereby appropriated and reappropriated to the extent and amount of $750,000 to build said psychiatric ward under the joint supervision and control of the State Hospitals Board of Control and the University of North Carolina and to be operated co-operatively by said State Hospitals Board of Control and the University of North Carolina, and the Assistant Director of the Budget is hereby authorized and empowered to withdraw from the above unexpended balances and unencumbered funds and from the funds derived from the sale of property, in his discretion from each of said funds and unencumbered balances, a sufficient amount to constitute the above appropriation and the total amount of appropriations for permanent improvements appearing in §2 of Chapter 662 of the Session Laws of 1947 and the object of appropriation for the State Hospital at Morganton and the State Hospital at Raleigh appearing therein, as well as the total appropriation appearing in §2 of Chapter 1248 of the Session Laws of 1949, as well as the object of appropriation appearing therein for the State Hospital at Morganton and the State Hospital at Raleigh, are hereby amended to the extent necessary to constitute the above appropriation of $750,000 for the building, constructing and equipping of said psychiatric section or wing.

Sec. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 925

CHAPTER 996

AN ACT TO CONSOLIDATE THE CHARTER OF THE TOWN OF APEX, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Apex, North Carolina, within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Apex, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Apex shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Apex by this Section:

1. To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

2. To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof,

3. To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

4. To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

5. To organize and administer public libraries.

6. To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriated to the exercise of such powers, it is intended that the Town of
Apex shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows: 2,690 feet East, West, North, and South from a point marking a point where the center line of Center Street crosses the center line of the main tract of the Seaboard Air Line Railway and shall run with the four cardinal points of the compass.

Sec. 4. Board of Commissioners. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for two years and until his successor is elected and qualified. The members of the board of commissioners shall serve for a term of four (4) years, provided that at the election to be held in May of 1951 that the two (2) commissioners receiving the largest number of votes shall serve for four (4) years and the other three (3) commissioners so elected shall serve for a term of two (2) years. Thereafter all commissioners duly elected shall serve for a term of four (4) years or until their successors are duly elected and qualified. The term of office of the mayor and members of the board of commissioners shall begin on the first day of June next following their election. If a vacancy occurs in the office of mayor or board of commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. Provided, however, that the present mayor and members of the board of commissioners shall continue to receive the same salary until the same is changed as herein outlined. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of the members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Commissioners. On the first day of June following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be
there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or a committee thereof may by a three-fifths vote of all the members authorize an executive meeting.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of June following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners Rules. The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances
shall be: "Be it ordained by the Board of Commissioners of the Town of Apex."

Sec. 10. When Ordinances and Resolutions Take Effect—Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of commissioners except as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Election Regulations. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Nominations. Any qualified elector of the Town of Apex may become a candidate for mayor or the board of commissioners by filing with the town clerk not earlier than ninety days nor later than twelve days before the election a statement of such candidacy in substantially the following form which shall be furnished by the town clerk:

I, ........................................, hereby certify that I have been a resident of North Carolina for at least the twelve months preceding the date of the
election as set forth below and that I have been a resident of the Town of Apex for at least four months preceding this date and that I qualify in all other respects as a candidate for municipal office.

I hereby give notice that I am a candidate for the office of mayor, commissioners, (strike out one) to be voted upon at the municipal election for the Town of Apex to be held on Tuesday, the ....... day of May, 19........

I hereby request that my name be printed on the official ballot as a candidate for the office of mayor, commissioner (strike out one).


Signed


Address

The town clerk shall take and preserve each statement of candidacy as part of the permanent records of the municipality. Any candidate may withdraw his statement of candidacy not later than the last day for filing such statements as required by this charter.

Sec. 15. Ballots. The full names of candidates nominated for mayor of the Town of Apex or board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of Mayor and Board of Commissioners. All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected, their terms of office to be in accordance with Section 4 of this charter.

ADMINISTRATIVE SERVICE

Sec. 17. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such other oaths as they may deem necessary.

Sec. 18. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commission-
ers and perform such other duties as may be required by law or the board of commissioners.

Sec. 19. Duties of Town Attorney. The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least one year. He shall be the chief legal adviser of and attorney for the town and all departments and officer thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners; to give advice in writing, when so requested, to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of commissioners he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 20. Duties of Town Accountant. The town accountant, if any, shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required by ordinance or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, pay rolls, and other evidences of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and board of commissioners and to take monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.
Sec. 21. Duties of Town Tax Collector. Tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 22. Duties of Town Treasurer. The treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Sec. 23. Custody of Town Money. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor or the mayor pro tem and countersigned by the town clerk.

Sec. 24. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 25. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000), shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 26. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.
Sec. 27. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town or posted in five or more public places within the town at least ten days before its passage by the board of commissioners.

Sec. 28. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published or posted immediately upon completion.

MISCELLANEOUS PROVISIONS

Sec. 29. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 30. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 31. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Apex and will faithfully discharge the duties of the office of ___________________________ ."

Sec. 32. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 33. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall
supersede all laws and ordinances not consistent herewith, insofar as the Town of Apex is affected thereby.

Sec. 34. Repealing Clause. The following laws are hereby repealed: Chapter 52 of the Private Laws of N. C., 1872-73; Chapter 271 of the Public Laws of N. C., 1891; Chapter 359 of the Private Laws of N. C., 1899; Chapter 160 of the Private Laws of N. C., 1911; Chapter 412 of the Private Laws of N. C., 1907; Chapter 357 of the Private Laws of N. C., 1907; Chapter 239 of the Private Laws of N. C., 1913 (Regular Session); Chapter 163 of the Public-Local and Private Laws of N. C., 1939 (Extra Session of 1938, Regular Session 1939).

All laws and clauses of laws omitted from this section and in conflict with the provisions of this Act are also hereby repealed.

Sec. 35. This Act shall be in full force and effect from and after its ratification. Provided that the mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 974 CHAPTER 997

AN ACT RELATING TO THE HOURS IN WHICH BEER MAY BE SOLD AND CONSUMED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-141 is rewritten to read as follows:

"18-141. Sale and consumption of beer during certain hours prohibited. No beer shall be sold between the hours of 11:45 P. M. and 7:30 A. M., nor shall any beer be consumed in any place where beer is sold between the hours of 12 o'clock midnight and 7:30 A. M."

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 on and after May 1, 1951.

In the General Assembly read three times and ratified this the 14th day of April, 1951.

H. B. 975 CHAPTER 998

AN ACT RELATING TO THE WHOLESALE DISTRIBUTION OF BEER.

The General Assembly of North Carolina do enact:

Section 1. That Article 11 of Chapter 18 of the General Statutes is hereby amended by adding a new Section to be designated as G. S. 18-128.1, and to read as follows:

"Nothing in this Article shall prevent bottlers, manufacturers or wholesalers of beer, who have complied with Article 12 of Chapter 18 of the General Statutes, from bottling, manufacturing, possessing, transporting or selling beer as a wholesaler to any person, firm or corporation who has complied with the provisions of Article 12 of Chapter 18 of the General Statutes."
Sec. 2. All laws and clauses of laws in conflict herewith 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 14th day of April, 1951.

H. B. 979

CHAPTER 999

AN ACT RELATING TO PETITIONS FOR ELECTIONS ON BEER AND WINE SO AS TO SIMPLIFY THE PROCEDURE FOR SUCH ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 18-124, subsection (c) by adding at the end thereof the following:

"That the signatures on said petition shall be in the genuine handwriting of the signers, and said petition shall show opposite the name of each signer the correct precinct in which petitioner last voted. Failure to comply with any of the provisions herein shall disqualify the name of said petitioner."

Sec. 2. Amend G. S. 18-124, subsection (d) by striking out and rewriting to read as follows:

"Time of calling election. The county board of elections shall upon request, prepare and furnish petition forms to any person wishing to circulate a petition calling for an election on beer or wine or both. The board of elections, having had a request for petition forms, shall date such forms and the petition must be completed and returned to the board of elections within ninety (90) days from date of delivery to petitioner. Failure to return such petition in ninety (90) days shall render the same void. It shall also be the duty of the board of elections, upon release of petition forms, to give public notice of the fact that such petition is being circulated. Whenever a petition for an election is presented to the county board of elections, pursuant to the provisions of this article, said board shall within thirty (30) days call the election petitioned for."

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. None of the provisions of this Act shall apply to Moore County until 120 days after ratification.

Sec. 5. 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 April, 1951.
H. B. 1061  CHAPTER 1000
AN ACT CREATING A CIVIL SERVICE COMMISSION FOR EM-
PLOYEES OF THE CITY OF ASHEVILLE IN THE STREET, SANI-
TARY, WATER, PARK MAINTENANCE, GARAGES, MUNICIPAL
AUDITORIUM AND FIREMEN AT CITY BUILDING, AND PRE-
SCRIBING THE DUTIES, RESPONSIBILITIES, QUALIFICATIONS
AND RIGHTS OF THE EMPLOYEES THEREIN.
The General Assembly of North Carolina do enact:
Section 1. Short Title. This Act shall be known and may be cited as
"The Classified Employees Civil Service Act of the City of Asheville".
Sec. 2. Definitions. The following terms where used in this Act shall
have the following meanings, except where the context of the Act clearly
indicates a different meaning:
(a) "Commission" or "Civil Service Commission" shall mean the Civil
Service Commission defined in, and constituted pursuant to, the provisions
of Section 3 of this Act.
(b) "Commissioner" shall mean a member of the Civil Service Com-
mission.
(c) "Classified Services" shall mean all departments, divisions of de-
partments, units, offices and other administrative and service subdivisions
of the City of Asheville, the offices, positions, jobs, trades, and assign-
ments in which are to be classified pursuant to the provisions of Section
7 of this Act, being the administrative and service subdivision of the City
of Asheville, the employees of which are made subject to the provisions
of this Act by virtue of Section 4 thereof.
(d) "Employees in Classified Service" shall mean all employees of the
City of Asheville employed by or assigned to work in the street, sanitary
and water departments of said city; all employees of the City of Ashe-
ville assigned to the maintenance and operation of city parks; all em-
ployees of the City of Asheville assigned to work in or upon the Asheville
Municipal Auditorium; all employees of the City of Asheville, including
repairmen, mechanics, attendants and others, assigned to work at the Ashe-
ville municipal garages; and all firemen, fire tenders and boiler tenders
assigned to work in the Asheville City Hall.
(e) "Resident of the City of Asheville" shall mean any person main-
taining a residence within the corporate limits of the City of Asheville.
(f) "Appointment" shall mean and include all means of selecting,
appointing or employing a person to hold any office, place, position, or
employment subject to the provisions of this Act.
Sec. 3. There is hereby created in the City of Asheville, a Municipal
Corporation of the State of North Carolina, a Civil Service Commission
for the employees herein named, which commission shall be composed of
three members:
One member of the commission hereby created shall be appointed by
the governing body of the City of Asheville; one member shall be elected
by the employees of the classified services in a joint election, and the per-
sion receiving a majority of the votes of the employees in the classified
services shall be declared elected to serve as such member. Within 10 days after their appointment and selection, the member appointed by the governing body of the City of Asheville and the member elected by a majority vote of the classified services shall then select a third person, and the person agreed upon by them shall constitute the third member of said Civil Service Commission. Provided, however, that if the two members appointed and elected as aforesaid shall fail to agree upon a third person within 10 days after they have both been appointed and elected, then and in that event the governing body of the City of Asheville shall forthwith appoint a committee of four councilmen to meet and confer with a committee of four representatives of the classified services elected for such purpose by the employees of the classified services. This joint committee shall meet at an agreeable time and place within 10 days after it is constituted and shall select a person who shall be the third member of said commission.

The three members appointed to said commission in the manner herein prescribed shall serve in that capacity for a period of three years or until their successors are appointed and qualified. The method of selection of their successors shall be the same as that herein prescribed for appointment, election, and selection of the original three members of said commission. In the event of the death, resignation or disqualification of any member of the said commission, his successor shall be appointed, elected or selected in the same manner that said member was appointed, elected or selected: To the end that, should the member appointed by the governing body die, resign, or be disqualified, then and in that event the governing body of the City of Asheville shall appoint his successor; should the member elected by the classified services die, resign or otherwise be disqualified, then and in that event the employees of said classified services by a majority vote shall elect his successor; or in the event the third member of said commission should die, resign or otherwise be disqualified, then and in that event the two remaining commissioners shall select and appoint his successor by agreement or otherwise as hereinbefore provided.

Each member of the commission shall receive for his services the sum of ten dollars ($10.00) per diem for each day in attendance upon meetings of the commission, not in excess of three per month, to be paid out of the general fund of the City of Asheville. No person shall be appointed a member of the commission who has not been a citizen of the United States, an elector of Buncombe County and a resident of the City of Asheville, North Carolina, for at least one year immediately preceding such appointment; and no person shall be appointed a member of the commission or serve on the commission who is an elected official of the City of Asheville, the director or assistant director of any administrative department of the City of Asheville, or an employee in the classified services. Any member of such commission may be removed from office by the governing body of the City of Asheville for incompetency, dereliction of duty or malfeasance in office, or for other good cause: Provided, however, that written notice stating the cause for such removal shall first be served upon the offending member, who shall thereafter be allowed 10 days within which to demand public hearing before the governing body;
otherwise said hearing and all right of appeal to be deemed waived and any removal order thereafter entered to be final; public hearing, if demanded, to be transcribed, with right of appeal to Superior Court on the record and transcript thereof, provided notice of appeal and stay of order of removal are entered within 10 days after the decision of the governing body is rendered; and provided further that no appeal shall lie to the Superior Court except upon the grounds that the order of removal made by the governing body was not made in good faith and for cause.

Sec. 4. Municipal Employees Subject to this Act. The provisions of this Act shall apply to all employees employed by or assigned to work in the street, sanitary and water departments of the City of Asheville; all employees of the City of Asheville assigned to the maintenance or operation of city parks; all employees assigned to work in or upon the Asheville Municipal Auditorium; and all employees assigned to work at the Asheville municipal garages. Provided, however, that employees of administrative and service departments of the City of Asheville not otherwise subject to this Act may qualify for classification and become subject to this Act in the manner hereinafter set forth; in which event the employees of said departments shall be classified by the Civil Service Commission, shall be subject to the terms and provisions and entitled to the benefits of this Act, and in all elections subsequent to qualification, shall be entitled to vote as employees of classified services in the election of a member to represent the employees of classified services on the Civil Service Commission.

To qualify for classification and to become subject to this Act, a majority of the employees in any administrative or service department of the City of Asheville not otherwise subject to this Act may petition the governing body of the City of Asheville to be classified; the governing body shall investigate and confirm said petition; and on the fourth regular meeting of said governing body after the date on which said petition is made and filed, said governing body shall report its findings and adopt a resolution granting or denying said petition, a copy of which resolution, together with a copy of the petition, shall be delivered to the chairman of the Civil Service Commission. Immediately upon receipt of said resolution and petition the Civil Service Commission shall undertake to classify the offices, positions, jobs, trades and assignments in the administrative or service department affected, and within 30 days thereafter all employees in said administrative or service department on the date the petition was filed shall become employees in classified services and subject to the terms and provisions and entitled to the benefits of this Act.

In no event, however, shall directors or administrative heads of departments, the City Manager, or municipal employees subject to the Police and Firemen's Civil Service Act of 1947 become members of the classified services subject to the terms and provisions of this Act.

Sec. 5. Functions and Duties of the Civil Service Commission. As soon as constituted in the manner prescribed in Section 3 of this Act, the commission shall organize by electing one of its members chairman and shall hold regular meetings at least once a month thereafter, and shall hold such additional meetings as may be required for the proper discharge
of its duties. The members of the commission shall devote due time and
attention to the performance of the duties hereinafter specified and im-
posed upon them by this Act. Two members of the commission shall con-
stitute a quorum for all purposes, and the votes of any two members of
the commission concurring shall be sufficient for a decision on all matters
and the transaction of all business to be decided or transacted by the
commission under and by virtue of the provisions of this Act. They shall
appoint an executive secretary, who shall keep the records of the commis-
sion, preserve all reports made to it, superintend and keep a record of all
examinations held under its direction, and perform such other duties as
the commission may prescribe.

The executive secretary shall receive a reasonable and adequate salary
to be set by the governing body of the City of Asheville, which salary
shall be paid monthly out of the general fund of the City of Asheville.

In addition to his duties as executive secretary to the Civil Service
Commission, the executive secretary, at the request of the Asheville Police
and Firemen's Civil Service Commission, may be assigned by order of the
governing body to serve as executive secretary to the Asheville Police and
Firemen's Civil Service Commission. In which event, he shall perform
such duties as the Asheville Police and Firemen's Civil Service Commis-

sion may direct, provided such duties are not inconsistent and do not con-

flict with his duties as executive secretary to the Civil Service Commis-

sion created by this Act.

It shall be the duty of the Civil Service Commission:

(a) To make suitable rules and regulations not inconsistent with the
provisions of this Act. Such rules and regulations shall provide in de-
tail the manner in which examinations may be held, and appointments,

promotions, transfers, reinstatements, demotions, suspensions, and dis-

charges shall be made. Such rules and regulations may be changed from
time to time. The rules and regulations and all amendments thereto shall
be printed, mimeographed, or multigraphed for free public distribution.

(b) All tests shall be practical, and shall consist of subjects which
will fairly determine the capacity of persons examined to perform the
duties of the position to which appointment is to be made, and may in-
clude tests of physical fitness and manual skill. Common laborers may
be required to take only an oral test to prove experience and character.

(c) The rules and regulations adopted by the commission shall provide
for a credit of ten per cent (10%) in favor of all applicants for appoint-
ment under civil service, who in time of war, or in any expedition of the
Armed Forces of the United States, have served in and been honorably
discharged from the Armed Forces of the United States, including the
Army, Navy, and Marine Corps. These credits apply to entrance examina-

tions only.

(d) The commission shall make investigations concerning and report
upon all matters touching the enforcement and effect of the provisions of
this Act, and the rules and regulations prescribed hereunder; inspect all
institutions, departments, offices, places, positions and employments
affected by this Act; and ascertain whether this Act and all such rules
and regulations are being obeyed. Not only must these investigations be
made by the commission aforesaid, but the commission shall make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the claimed necessity for such investigation. In the course of such investigation the commission, or a designated commissioner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts pertaining to the investigation, and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for depositions in civil actions in the Superior Court of North Carolina; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as oaths administered in the Superior Court, and the failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed contempt in violation of this Act, and punishable as such, upon trial and conviction in a court of competent jurisdiction.

(e) Hearings and Investigations; How Conducted. All hearings and investigations before the commission, or a designated commissioner, shall be governed by this Act and by the rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearings, or in the manner of taking testimony before the commission, or a designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided however, no order, decision, rule or regulation made by any designated commissioner conducting any hearings or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(f) The commission shall prepare a roster of the employees in classified services as herein defined and shall maintain a copy thereof on display on the bulletin board in the classified service affected showing the names, ranks and numbers of the employees in their proper order by reason of seniority established by continuous service in said department. Terms of leaves of absence granted by the commission hereby created upon recommendation of the director of the department (or foreman of a department in which authority is delegated to a foreman) shall not forfeit the seniority of the member granted leave under this Act nor be charged against such member in his order of seniority.

(g) To provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof establish eligible lists for the various classes of positions, and to provide that employees laid off because of curtailment of expenditures, reductions in force and for like causes, shall be the last person or persons, including probationers, that have been employed. Such removal shall be accomplished by laying off in numerical order, commencing with the last man employed within the classified service, until such necessary reductions shall have been accomplished; provided, further, that in the event that the employees in the classified
services shall be again increased in numbers, the employees laid off shall be reinstated before any new appointments to said classified services shall be made.

(h) When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the person or persons highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment lists of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(i) To keep such records as may be necessary for the proper administration of this Act.

(j) The commission shall on or before the 30th day of January, of each year, submit to the Mayor for transmission to the city council a report showing its actions, the rules in force, the practical effect thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act. The mayor may require a report from the commission at any other time.

Sec. 6. Appointments, Promotions, Discharges, etc., How Made. All appointments to and promotions in the classified services shall be made on the basis of seniority, qualification, fitness, efficiency and previous work performance which shall be determined by open competitive examination and impartial investigation. To this end all applicants shall take an open competition examination as provided for in subsection (b) of Section 5 of this Act, and those members making a passing grade of 70 shall be declared eligible for each position or promotion. A list of those passing the mental examination shall be made in which the order of appointment shall be governed by the order of seniority within a class of all applicants passing said examination, to the end that the person making a passing grade with the greatest seniority within a class shall be number one on the eligible list for appointment; the person with the second greatest seniority, shall be number two on the list of eligibles within a class, and so on down their respective sequence of seniority; and the same shall be their relative standing in order for appointment.

Sec. 7. It shall be the duty of and the commission is hereby vested with the power and authority, as soon as practicable after being inducted into office, to establish job classifications among the various departments and employees affected by the provisions of this Act, using as a guide job classifications adopted by Civil Service Commissions in other municipalities in the U. S., and by way of illustration but not restriction as to other classifications the following shall be made: Foreman, truck drivers, mechanics, machine operators, cement finishers, brick and rock layers, skilled labor, semi-skilled labor and common labor.

Sec. 8. Adoption and Induction of Present Employees into Civil Service for the Benefit of Public Service and to Prevent Delay, Injury or Interruption Therein by Reason of Enactment. All persons holding positions or employment in the classified services, including the foremen thereof when this Act takes effect, who have served in such position a period of at
least six months last past continuously, are hereby declared eligible for permanent appointment under Civil Service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into Civil Service, into the place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under Civil Service after examination and investigation, subject, however, to removal for cause as hereinafter provided.

Sec. 9. Applicants.

(a) Citizenship. An applicant for a position of any kind under Civil Service must be a citizen of the United States of America, who can read and write the English language, and must have been a resident of the City of Asheville for at least one year preceding the date of application, and a qualified voter thereof, if of voting age.

(b) Character and Fitness. An applicant for a position or employment of any kind under Civil Service must be in ordinary good health, of good moral character, and of temperate and industrious habits; and qualified for such employment; these facts to be ascertained in such manner as the commission may deem advisable.

Sec. 10. Tenure of Office of Civil Service Employees, and Causes and Manner of Discharge. Any person holding office, place, position or employment in any of the classified services and subject to the provisions of this Act, may be removed, discharged, suspended without pay, demoted, reduced in rank, or deprived of vacation privileges or other special privileges for any one or more of the following reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, refusal to perform reasonable work to which assigned or any other act of omission or commission in the course of the employment tending to injure the public service.

(b) Willful failure on the part of the employee (1) to conduct himself in a proper manner consistent with established standards of the position or office to which assigned; or (2) willful failure to do the work to which assigned; or (3) any other willful violation of the provisions of this Act or the rules and regulations adopted hereunder;

(c) Conviction of a felony or a misdemeanor involving moral turpitude while an employee in classified service indicating personal characteristics or propensities which would render him unfit to hold the position, office, or employment to which assigned.

(d) Any other act or failure to act which in the judgment of the Civil Service Commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Sec. 11. Removal. No person in the classified civil service who shall have been permanently appointed or inducted into Civil Service under provisions of this Act, shall be removed, suspended, or discharged except for cause, and only upon the written accusation of the employing power, a citizen, or a taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate copy thereof
filed with the commission. The director or foreman if such authority is delegated, may orally suspend, discharge or remove a member of his department pending the confirmation of the suspension, discharge or removal by the regular appointing power under this Act, but written report of such suspension, discharge or removal shall be made to the commission. Any person so removed, suspended or discharged, may within 10 days from the time of his removal, suspension or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation the commission may, if in its judgment the evidence is sufficient, affirm the removal, suspension or discharge, or if it shall find that the removal, suspension, or discharge was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement, if the commission in its discretion so provides, shall be retroactive, and shall entitle such person to pay or compensation from the time of such removal, suspension or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension or discharge, may modify the order of removal, suspension or discharge by directing a suspension, without pay, for a given period, and subsequent restoration of duty, grade or pay; the findings of the commission shall be certified, in writing, to the employing authority of the city, and shall be forthwith enforced by such officer.

All investigations made by the commission or a designated commissioner, pursuant to the provisions of this Section, shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings, including the commission's findings of fact and its final order. The final order shall be signed by not less than two commissioners indicating concurrence therein. From said final order the accused may appeal to the Superior Court of Buncombe County, which appeal shall be taken within 10 days after the entry of such order by serving the commission with a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such order, be filed by the commission in such court. The commission shall, within 10 days after the filing of such notice, make, certify, and file such transcript with such court. The Superior Court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of the removal, discharge or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.
Sec. 12. Duties of all Officers and Employees to Assist the Commission. It shall be the duty of all officers and employees of the City of Asheville, to aid in all proper ways in carrying out the provisions of this Act, and such rules and regulations as may from time to time be prescribed by the commission hereunder and to afford the commission, its members and employees, reasonable facilities and assistance including opportunity to inspect all books, papers, documents, and accounts applying to or in any way pertaining to any and all offices, places, positions and employment, subject to civil service, under this Act, and also to produce said books, papers, documents, and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

Sec. 13. Appointments to Vacant Positions; Certification from Lists. Whenever a position in the classified service becomes vacant, the governing body of the City of Asheville, or an administrative officer thereof to whom the power of employment has been delegated shall make requisition upon the commission for the name and address of a person eligible for employment thereto, the commission shall certify the name of the person who is willing to accept employment and is highest on the eligible list for the class to which the vacant position has been allocated. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on the list held appropriate for such class and if more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The City of Asheville shall forthwith employ such person or persons to fill such vacant position or positions. The governing body of the City of Asheville may delegate the power to appoint or employ an employee under this Act to the city manager or a director, superintendent, or foreman of a department and such city manager, director, superintendent or foreman may act in the requisition and employment of the employee for and on behalf of the governing body of the City of Asheville; and wherever the term "the Governing Body" is hereafter used, it shall be construed to include the city manager, director, superintendent or foreman of a department delegated the power to appoint or employ and shall not be construed to restrict the governing body's power to delegate this authority.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the governing body, and said governing body shall forthwith appoint the person so certified to said position.

The governing body shall, upon proper certification by the commission of the eligibility of an applicant for any position in the classified service, be empowered to employ such person to said position for a period of six months, during which time such applicant shall be on probation and subject to removal for just cause shown at any time during said six months period; or if the governing body shall in its discretion deem such probationer unfit and unsatisfactory for such position, then and in that event such person on probation may be dismissed or transferred on probation to another classification on probation without prejudice to the seniority status.
of such applicant. Whatever action may be taken by said governing body with respect to such applicant or probationer shall not be reviewable by the commission. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the City of Asheville, then and in that event the commission shall certify to the governing body of the City of Asheville the name of the next person on the eligible list as the same shall appear from the records of the commission.

Sec. 14. Creation of Employments and Fixing of Compensation. Nothing contained in this Act shall infringe upon the power and authority of the governing body of the City of Asheville to fix the salaries and compensation, hours of labor and work assignments of all persons employed hereunder and the provisions of this Act shall not apply to casual laborers or employees, who may be employed in time of emergency, such as fire, flood, inclement weather, including snow falls and ice conditions, nor to seasonal employees hired for temporary employment during the summer season, but whenever a person is on the certified list for employment and available in the proper classification such person shall have priority over one who is not, except casual summer employees at the City Parks.

Sec. 15. Leave of Absence. Leave of absence without pay may be granted by the commission upon the recommendation of the director superintendent, or foreman of a department. The Civil Service Commission may require that all temporary employment caused by leave of absence be made from the eligible list of the classified service by requisition and certification in the same manner as other appointments; all temporary appointees to serve on probation as otherwise herein provided.

Sec. 16. False Marking, Grading, etc., Prohibited. No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of the commission or of this Act, or falsely mark, grade, estimate or report upon the examination of proper standing of any person examined registered or certified pursuant to the provisions of this Act, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered, or certified or persuade any other person or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered. Any commissioner violating the provisions of this Article shall be guilty of a misdemeanor and shall be subject to removal from the Civil Service Commission pursuant to the provisions of Section 3 of this Act.

Sec. 17. Political Activities Prohibited.
(a) No person shall be appointed or promoted to, demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified services.
(c) No person shall use or promise to use directly or indirectly, any official or political authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified services or to secure or attempt to secure an increase in pay or other advantage in employment for any person, for the purpose of influencing the vote or political action of such person, or for any other consideration.

(d) No employee in the classified service, and no member of the commission shall, directly or indirectly, pay or promise to pay, secure or promise to secure any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution from any employee in the classified services.

(e) No employee in the classified service, and no member of the commission, shall be a member of any national, state or local committee of a political party, or an office or member of a committee of a political club, or a candidate for nomination or election to any public office, or take any part in the management or affairs of any political party or in any political campaign, except to exercise his rights as a citizen privately to express his opinion and to cast his vote.

(f) It shall be the duty of the Civil Service Commission to supervise the execution of the foregoing Civil Service provisions of this Act and the rules made thereunder, and it shall be the duty of all persons under the provisions of this Act, to comply with such rules and to aid in their enforcement.

Sec. 18. The failure on the part of the governing body of the City of Asheville to comply with the terms of this Act, shall be considered a violation of this Act and be punishable as such.

Sec. 19. The governing body of the City of Asheville shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons coming within the purview of this Act; and the failure on the part of the governing body to do so, shall be considered a violation of this Act, and shall be punishable as such.

Sec. 20. The governing body of the City of Asheville is hereby vested with the authority and is directed to appropriate from the general funds of said city, a sum sufficient to carry out the purposes of this Act, and within 30 days after the ratification of this Act, the governing body of the City of Asheville, as provided in Section 3 hereof, shall appoint its members of the Civil Service Commission and shall notify all employees of the classified services as herein defined of the passage of this Act and shall call an election within 30 days from the ratification of this Act, on a day certain with the hours fixed and afford the employees an opportunity to cast their ballots for the member to represent them on the Civil Service Commission, such election to be held free from any molestation or influence on the part of the governing board or any of its appointive officers and
the failure on the part of the said governing body so to do, shall be deemed a violation of this Act by the members thereof and shall be punishable as such.

Sec. 21. It shall be the duty of the commission appointed subject to the provisions of this Act, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this Act, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission or any individual member thereof, to do so, shall be deemed a violation of this Act, and shall be punishable as such.

Sec. 22. Violation of this Act a Misdemeanor; Penalty. Any person who shall wilfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for not longer than one year, or by both such fines and imprisonment. The Superior Court shall have jurisdiction of all offenses defined by this Act.

Sec. 23. Constitutionality of Act. If any Section, subsection, subdivision, sentence, clause or phrase of this Act for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Sec. 24. Repeal of Conflicting Acts. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 25. 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 April, 1951.

H. B. 1129

CHAPTER 1001

AN ACT TO CREATE A COMMISSION TO BE KNOWN AS THE NEWPORT TOWNSHIP ZONING COMMISSION, WHICH SHALL HAVE CERTAIN AUTHORITY IN PORTIONS OF NEWPORT TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a zoning commission to be known as the Newport Township Zoning Commission.

Sec. 2. The Newport Township Zoning Commission shall consist of three members, all of whom live in the area over which this Zoning Commission shall have jurisdiction, each of whom shall serve without compensation for a period of two years or until their successors are appointed and qualified. Each member shall be considered as holding office as a commissioner for special purpose within the meaning of Article XIV, Section 7, of the North Carolina Constitution, and if any officer is appointed, his powers and duties shall be in addition to other powers and duties, and he shall serve as an ex-officio member of the commission.

Sec. 3. The Newport Township Zoning Commission shall have the same powers which are given to the legislative bodies and zoning commis-
sions of cities and incorporated towns by Article 14 of Chapter 160 of the General Statutes: Provided, however, appeals may be had on decisions of the said zoning commission to the board of county commissioners of Carteret County as to any zoning regulations affecting property within the jurisdiction of said zoning commission. The board of county commissioners shall act as a board of adjustment, with the powers and duties prescribed by G. S. 160-178 for boards of adjustment appointed thereunder, and the procedure in such matters shall be as hereby prescribed.

Sec. 4. The Newport Township Zoning Commission shall have jurisdiction over all the area on both sides of U. S. Highway No. 70 from the Newport Township limits to the Carteret-Craven County line for a distance of six hundred (600) feet on either side of the center line of said highway.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 656

CHAPTER 1002

AN ACT TO AMEND CHAPTERS 40 AND 60 OF THE GENERAL STATUTES, RELATING TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN BY GAS COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 40-2 is amended by inserting in line five between the word "products," and the word "lines" the words "pipe lines and mains originating in North Carolina for the transportation, distribution, or both, of gas,"

Sec. 2. Subsection 1 of G. S. 40-2 is amended by inserting in line four between the word "products," and the word "telegraph" the words "pipe lines and mains originating in North Carolina for the transportation, distribution, or both, of gas,"

Sec. 3. G. S. 60-146 is amended by inserting in line six between the word "Carolina," and the word "may" the words "or foreign corporations domesticated under the laws of North Carolina,"

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.
AN ACT TO AMEND ARTICLE II, SECTION 13, OF THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO PROVIDE A MORE EXPEDITIOUS METHOD OF FILLING VACANCIES OCCURRING IN THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. Section 13 of Article II of the Constitution of the State of North Carolina is hereby rewritten so that the same shall hereafter read as follows:

"If a vacancy shall occur in the General Assembly by death, resignation or otherwise, the said vacancy shall be filled immediately by the Governor appointing the person recommended by the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election."

Sec. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after the ratification of this Act.

Sec. 3. The electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed: "For amendment to fill a vacancy occurring in the General Assembly by death, resignation or otherwise by immediate appointment of the Governor, upon the recommendation of the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election," and those opposed shall vote a ballot on which shall be written or printed: "Against amendment to fill a vacancy occurring in the General Assembly by death, resignation or otherwise by immediate appointment of the Governor, upon the recommendation of the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election."

Sec. 4. The election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the 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, and the same shall be in force, and every part thereof, from and after the date of such certification.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. 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 April, 1951.
CHAPTER 1004

AN ACT RELATING TO THE COMPENSATION OF RETIRED JUSTICES OF THE SUPREME COURT AND JUDGES OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-50 be, and the same is hereby, amended by adding at the end of said Section the following:

"Where any Justice of the Supreme Court or any Judge of the Superior Court (regular or special) heretofore has retired, under the provisions of any statute or law authorizing such retirement at the time, and such act of retirement has been recognized and approved by the Governor and the assistant to the director of the budget, such judge shall be entitled to receive the retirement pay provided by G. S. 7-51, notwithstanding the circumstance that such retired judge, by reason of the nature and cause for his retirement, or by reason of his physical condition, cannot be assigned to hold terms of court or perform other judicial functions; and the State auditor is authorized to issue vouchers to such retired judge for the retirement payment provided in G. S. 7-51."

Sec. 2. G. S. 7-51 is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 7-51. Salaries of Resigned or Retired Justices of the Supreme Court and Judges of Superior Courts. Every Justice of the Supreme Court and regular or special Judge of the Superior Court who has heretofore resigned during his term of office or retired from office at the end of his term, or who shall hereafter resign or retire during his term of office or at expiration of his term, who has attained the age of sixty-five (65) years at the date of his resignation or retirement, and who has served for fifteen (15) years on the Supreme Court or on the Superior Court, or on the Supreme and Superior Courts combined, or twelve (12) consecutive years on the Supreme Court, or who, while serving on the Supreme Court, has attained the age of eighty (80) years, shall receive for life two-thirds (2/3) of the annual salary from time to time received by the Justices of the Supreme Court or Judges of Superior Courts, respectively, payable monthly; in addition to the retirement pay provided in this Section, each emergency Judge of the Superior Court shall be paid by the State fifty dollars ($50.00) for each week of any regular term of court held by such emergency judge, together with his actual expenses: Provided, that any such justice or judge, who has or shall have served as such for twenty-four years or longer (whether continuously or not) shall be entitled to all of the benefits of this Section from and after the date of his resignation or retirement, and shall also be subject to the other provisions of this Section."

Sec. 3. Article 7 of subchapter 2 of Chapter 7 of the General Statutes is hereby amended by adding a new Section to said Article which shall be designated as Section 7-51.1 and which shall appear after Section 7-51, and which new Section shall read as follows:
"Sec. 7-51.1. Salaries of Justices or Judges Retired Because of Accident or Disease. Every Justice of the Supreme Court and regular or special Judge of the Superior Court who has served eight (8) years or more on either the Supreme or Superior Court, without regard to the age of such justice or judge, and while still in active service thereon, shall have become totally disabled, through accident, physical impairment or disease, to perform efficiently the duties of his office and who resigns by reason of such disability or retires at the end of his term, shall receive for life two-thirds (2/3) of the annual salary from time to time received by the Justices of the Supreme Court or Judges of the Superior Court, respectively, payable monthly, but such judge shall not be required to qualify or serve as an emergency judge. Whenever hereafter such Justice of the Supreme Court or regular or special Judge of the Superior Court shall claim to be entitled to be retired on account of total disability, through accident, physical impairment or disease, to perform efficiently the duties of his office, the Governor and Council of State, acting together, shall, after notice and opportunity for hearing is given such justice or judge, by a majority vote of said body, determine and find the facts with respect thereto from the evidence offered, which shall be filed with the Council of State, and enter upon the minutes of the Council of State such findings. The findings so made shall be conclusive as to such matters and determine the right of the justice or judge to the retirement benefits hereunder. If thereafter such justice or judge regains his mental or physical faculties to such an extent that he can perform the functions and duties of the office of justice or judge in the capacity of limited service, then such justice or judge may perform the duties of emergency judge as provided by G. S. 7-50. The Governor and Council of State, acting together upon their own motion, or upon petition of any such justice or judge asking to be restored to limited service, and after notice and opportunity for hearing is given such justice or judge, shall, by a majority vote of said body, determine and find the facts with respect thereto from the evidence offered, which shall be filed with the Council of State, and enter upon the minutes of the Council of State such findings. The findings so made shall be conclusive as to such matters and determine the right of the justice or judge to perform limited service as herein provided."

Provided further, that subsequent to the end of the term during which the said judge or justice became disabled, if said judge or justice shall regain his mental or physical faculties in full, then the Governor and Council of State, acting together, upon their own motion, and after a hearing and determination that such judge or justice has fully recovered, shall file such findings with the Council of State, and thereafter, said judge or justice shall no longer be eligible to serve as an emergency judge or to receive the retirement benefits provided in this Section. The findings so made shall be conclusive as to the right of said judge or justice to continue to serve as an emergency judge or to receive the retirement benefits referred to herein.

Sec. 4. Article 7 of subchapter 2 of Chapter 7 of the General Statutes is hereby amended by adding thereto a new Section to be designated as
Section 7-51.2, and which shall appear immediately after Section 7-51.1, and which shall read as follows:

“Sec. 7-51.2. Retired Justices and Judges Subject to Assignment as Emergency Judges. All Justices of the Supreme Court and Judges of the Superior Court and regular or special judges who are retired hereunder or under any other provision of law previously enacted shall be subject to the assignment as emergency judges by the Chief Justice of the Supreme Court of North Carolina, except justices or judges retired under the provisions of G. S. 7-51.1 who have not been restored to duty for limited service, and when so assigned, shall perform all the duties and shall have all powers which are now or may hereafter be conferred upon emergency judges of the State of North Carolina.”

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 65

CHAPTER 1005

AN ACT AMENDING THE LAWS RELATING TO PROOF OF SERVICE AND PROOF OF PUBLICATION OF NOTICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-102 is hereby amended by rewriting the Section to read as follows:

“G. S. 1-102. Proof of Service. Proof of service of summons or service by publication must be—

(1) By the return of the sheriff or other proper officer; or
(2) By affidavit of publication, as provided by G. S. 1-600; or
(3) By the written admission of the party to be served; or
(4) By the written acceptance of service, which acceptance may be made in or outside the State, and such acceptance of service signed and acknowledged before some person authorized to take acknowledgments, shall constitute entry of appearance for all purposes.”

Sec. 2. Article 5 of Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 1-599 to be numbered G. S. 1-600, and to read as follows:

“G. S. 1-600. Proof of Publication of Notice in Newspaper; Prima Facie Evidence.

(a) Publication of any notice permitted or required by law to be published in a newspaper may be proved by a printed copy of the notice together with an affidavit made before some person authorized to administer oaths, of the publisher, proprietor, editor, business or circulation manager, advertising, classified advertising or any other advertising manager, or foreman of the newspaper, showing that the notice has been printed therein and the date or dates of publication. If the newspaper is published by a corporation, the affidavit may be made by one of the persons here-
inbefore designated or by the president, vice president, secretary, assistant 
secretary, treasurer, or assistant treasurer of the corporation.

(b) Such affidavit and copy of the notice shall constitute prima facie 
evidence of the facts stated therein concerning publication of such notice.

(c) The method of proof of publication of a notice provided for in this 
Section is not exclusive, and the facts concerning such publication may be 
proved by any competent evidence.”

Sec. 3. G. S. 28-48 is hereby amended to read as follows:

directed to be posted or published in pursuance of G. S. 28-47, with an 
affidavit, taken before some person authorized to administer oaths, of one 
of the persons authorized by G. S. 1-600 (a), to make affidavit, to the ef-
fect that such notice was published for six weeks in said newspaper, or an 
affidavit stating that such notices were posted, shall be filed in the office of 
the clerk by the executor, administrator or collector. The copy of the 
notice together with such affidavit shall be deemed a record of the court, 
and a copy thereof, duly certified by the clerk, shall be received as prima 
facie evidence of the fact of publication in all the courts of this State.”

Sec. 4. G. S. 55-121 is hereby amended by striking out the words “the 
manager or publisher of such newspaper” in line 42, and by inserting in 
lieu thereof the words “one of the persons authorized by G. S. 1-600 (a), 
to make affidavit,”, and by striking out the words “the manager or pub-
lisher of the newspaper in which publication is made.” in lines 57, 58 and 
59, and by inserting in lieu thereof the words “one of the persons author-
ized by G. S. 1-600 (a) to make affidavit.”.

Sec. 5. All laws and clauses of laws in conflict with this Act are 
hereby repealed.

Sec. 6. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th 
day of April, 1951.

S. B. 71  

CHAPTER 1006

AN ACT TO AMEND CHAPTER 10 OF THE GENERAL STATUTES 
RELATING TO NOTARIES PUBLIC.

The General Assembly of North Carolina do enact:

Section 1. G. S. 10-4 is hereby amended by rewriting the Section to 
read as follows:

“10-4. Powers of Notaries Public. (a) Subject to the exception stated 
in subsection (c), a notary public commissioned under the laws of this 
State acting anywhere in this State may—

(1) Take and certify the acknowledgment or proof of the execution or 
signing of any instrument or writing except a contract between a husband 
and wife governed by the provisions of G. S. 52-12;

(2) Take affidavits and depositions;

(3) Administer oaths and affirmations, including oaths of office, except 
when such power is expressly limited to some other public officer;
(4) Protest for nonacceptance, or nonpayment, notes, bills of exchange and other negotiable instruments; and
(5) Perform such acts as the law of any other jurisdiction may require of a notary public for the purposes of that jurisdiction.
(b) Any Act within the scope of subsection (a) performed in another jurisdiction by a notary public of that jurisdiction has the same force and effect in this State as fully as if such Act were performed in this State by a notary public commissioned under the laws of this State.
(c) A notary public who, individually or in any fiduciary capacity, is a party to any instrument, cannot take the proof or acknowledgment of himself in such fiduciary capacity or of any other person thereto.
(d) A notary public who is a stockholder, director, officer, or employee of a corporation is not disqualified to exercise any power, which he is authorized by this Section to exercise, with respect to any instrument or other matter to which such corporation is a party or in which it is interested unless he is individually a party thereto."

Sec. 1½. This Act does not apply to pending litigation.

Sec. 2. By inserting a new sentence immediately following the first sentence in G. S. 52-12, to read as follows:
"Such examination or certifying officer must be a Justice of the Supreme Court, a Judge of the Superior Court, a Clerk, Assistant Clerk, or Deputy Clerk, of the Superior Court or a justice of the peace."

Sec. 3. G. S. 10-5 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 85

CHAPTER 1007

AN ACT TO AUTHORIZE LOCAL SCHOOL ADMINISTRATIVE UNITS TO USE TAX FUNDS OR OTHER FUNDS AVAILABLE TO PROVIDE THE NECESSARY FACILITIES TO MAKE POSSIBLE REALISTIC TRAINING FOR VOCATIONAL BUILDING TRADES CLASSES INCLUDING CARPENTRY, BRICKLAYING, PLUMBING, PAINTING, AND OTHER TRADES REPRESENTED IN THE CONSTRUCTION OF A COMPLETE BUILDING.

WHEREAS, there is a recognized need for skilled workers for the building trades throughout the State; and
WHEREAS, the vocational instruction conducted in senior high schools is a contributing agent in the training of building tradesmen whereby the period of apprenticeship may be shortened; and
WHEREAS, it is a requirement, when vocational funds are used for the teaching of building trades classes, that at least three hours daily be used in learning by doing practical work; and
WHEREAS, it is possible, under present circumstances, to provide this type of training only by practice projects; and
WHEREAS, the training could be made much more effective and realistic if the training could be given on a practical project, which can be provided only by the planning and construction of a complete building, such as a dwelling house or other small structure; Now, therefore, The General Assembly of North Carolina do enact:

Section 1. Local school administrative units are authorized to use local tax funds or other local funds available for the support of vocational education to purchase suitable building sites on which dwellings or other buildings are to be constructed by vocational building trades classes. Such school administrative units are authorized to use such funds to pay any fees necessary in securing and recording deeds to such property and to purchase all materials needed to complete the construction of buildings by vocational building trades classes: Provided, however, that the cost of materials for any one project shall not exceed $7,000.00 and not more than one project may be undertaken within one school year.

Sec. 2. Local school administrative units are authorized to expend such funds in acquiring skilled services, including electrical, plumbing, heating, sewer, water, transportation, grading and landscaping needed in the construction and completion of buildings beyond those which can be supplied by the students in such vocational trades classes.

Sec. 3. When any such building is completed, the governing body of the local school administrative unit, upon finding that such building is not needed for public school purposes, shall sell the same at public auction after due advertisement of said property for the period of time and in like manner as to places and publication in newspapers as now prescribed for sales of real estate under deeds of trust and if no raised or increased bid is made within ten (10) days after the date of sale, the chairman and secretary of the governing body of such unit may execute a deed to the purchaser. The proceeds from the sale of such projects may be kept in a revolving fund by said unit to be used in succeeding years to finance similar building projects; provided the governing board of the administrative unit may allocate from the profits from such projects funds to purchase equipment needed by the building trades classes. In case this type of activity is abandoned, the moneys accumulated shall be paid into the school fund of the county or city administrative unit from which the original appropriation was made. After the sale of any such property, as herein provided for, has been had and in the opinion of the governing board the amount offered for the property, either at the first or any subsequent sale, is inadequate, then, upon a finding of such fact by the board, the said board is authorized to reject such bid.

Sec. 4. Five persons residing within the administrative unit shall be appointed by the governing board of the administrative unit to serve as an advisory committee on the construction of projects described in this Act.

Sec. 5. No project of a nature described in this Act shall be undertaken without the approval of a majority of the advisory committee referred to in Section 4.
Sec. 6. Nothing in this Act shall be construed as limiting or prohibiting any projects now being carried on in vocational departments and utilizing resources or funds not specifically mentioned herein.

Sec. 6½. This Act shall not apply to Guilford, Rockingham, Rutherford, Durham Counties.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 87

CHAPTER 1008

AN ACT TO AMEND G. S. 36-19 AS TO THE FILING OF ANNUAL ACCOUNTS BY CHARITABLE TRUSTS EXEMPTING CHURCHES, HOSPITALS, EDUCATIONAL INSTITUTIONS AND OTHER INCORPORATED RELIGIOUS AND CHARITABLE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 36-19 be, and the same hereby is amended, by adding at the end of said Section the following:

"This Section shall not apply to real or personal property granted by deed, will or otherwise in trust or any other manner for the use and benefit of churches, hospitals, educational institutions and organizations or other incorporated or unincorporated religious and charitable institutions; provided, however, all trusts for the benefit of churches, hospitals and charitable institutions may be required to file such account upon the request of the Clerk of the Superior Court or the verified written request of an interested citizen when in the opinion of the Clerk of the Superior Court such request is bona fide and the interest of the public would be promoted by the filing of such report."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 98

CHAPTER 1009

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ELECTION LAWS.

The General Assembly of North Carolina do enact:

Section 1. That Section 163-20 of the General Statutes of North Carolina be amended by changing the words "five dollars" in line 4 thereof to "seven dollars"; and by changing the words "six dollars" in lines 5 and 7 thereof to "ten dollars".

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Sec. 2. That Section 163-117 of the General Statutes of North Carolina be amended by adding a new paragraph at the end of said Section to read as follows:

"This subchapter shall not apply to the nomination of candidates for Presidential Electors. Presidential Electors shall be nominated in a State Convention of each political party as defined in Section 163-1 unless otherwise provided by the plan of organization of such political party. One Presidential Elector shall be nominated from each Congressional District and two from the State at large."

Sec. 3. That Section 163-119 of the General Statutes of North Carolina be amended by adding a new sentence to the end of the last paragraph thereof to read as follows:

"No person shall be permitted to file as a candidate of any political party in a party primary when such person, at the time of filing his or her notice of candidacy, is registered on the registration book as an affiliate of a different political party from that party in whose primary he or she is now attempting to file as a candidate. Any unregistered person who desires to become a candidate in a party primary may do so if such person signs a written pledge with the chairman along with the filing form that he or she will, during the registration period just prior to the next primary, register as an affiliate of the political party in whose primary he or she now intends to run as a candidate."

Sec. 4. This Act shall be in full force and effect from and after its ratification.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 108

CHAPTER 1010

AN ACT TO DEFINE THE DUTIES OF THE STATE AUDITOR.

The General Assembly of North Carolina do enact:

Section 1. Section 147-58 of the General Statutes is hereby repealed and in lieu thereof said Section shall be rewritten so as to read as follows:

"G. S. 147-58. Duties and Authority of the Auditor. The duties and authority of the State Auditor shall be as herein set out:

1. The Auditor shall be responsible for keeping a record of the appropriations, allotments, expenditures, and revenues of each State department, institution, board, commission, officer, or other agency in any manner handling State funds. These records shall be kept in summary form, or in as much detail as the Auditor may deem advisable.

2. The Auditor shall have the exclusive power and authority to issue all warrants for the payment of money upon the State Treasurer; and it shall be the Auditor's duty, before issuing the same, to examine the laws authorizing the payment thereof, and satisfy himself of the correctness of the accounts of persons applying for warrants. He shall also file in his office the voucher upon which the warrant is drawn and cite the law upon
said warrant. When considered expedient, due to its size or location, a department or institution may make expenditures through a disburse-
ing account with the State Treasurer; provided that all deposits in disbursement accounts shall be by Auditor's warrant, or otherwise, when approved by the Auditor; and further provided that copy of each voucher making with-
drawals from this account, together with such supporting data as may be required by the Auditor shall be forwarded to the Auditor monthly or otherwise when required by the Auditor.

3. The Auditor shall audit annually, and at such other times as may be deemed expedient, the accounts of every State department, officer, board, commission, institution, or other agency, having the responsibility for the handling of any State funds. The Auditor shall, at such times as may be deemed expedient, audit all funds held by any institution or State agency or any funds under the control of the administration of any institution or agency except athletic funds. The Auditor shall, at such times as may be deemed expedient, audit the records of all performances staged on State property under direction of any State agency or wherein any State agency shares in a percentage of gross admission receipts. The Auditor may audit at such times as he deemed expedient the accounts of any private or semi-
private agency receiving State aid; provided this shall not affect the opera-
tion and validity of Section 143-20 of the General Statutes.

If the Auditor shall at any time discover any unauthorized, illegal, irreg-
ular, or unsafe handling or expenditure of State funds, or if at any time it shall come to his knowledge that any unauthorized, illegal, irregular, or unsafe handling or expenditure of State funds is contemplated but not con-
summated, in either case, he shall forthwith lay the facts before the Governor.

4. The Auditor shall make special investigations upon commission from the Governor.

5. Upon completion of each audit and investigation, the Auditor shall prepare a report of his findings and recommendations. He shall furnish one copy to the Budget Bureau, one copy to the head of the agency to which the report pertains, and copies to such persons as he may deem advisable.

6. The Auditor shall keep an account between the State and the Treas-
urer, and therein charge the Treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn or paid by him.

7. The Auditor shall examine as often as may be deemed necessary the accounts of the debits and credits in the bank book kept by the Treasurer, and if he discovers any irregularity or deficiency therein, unless the same be rectified or explained to his satisfaction, to report the same forthwith, in writing to the Governor.

8. The Auditor shall require, when deemed necessary, all persons who have received moneys or securities, or have had the disposition or manage-
ment of any property of the State, to render statements thereof to him; and all such persons shall render such statements at such time and in such form as he shall require.
9. The Auditor shall require all persons who have received any moneys belonging to the State, and who have not accounted therefor, to settle their accounts; upon failure of any person to settle accounts, the Auditor is authorized and directed to call the matter to the attention of the Attorney General and furnish such information as he may direct.

10. The Auditor shall liquidate the claims of all persons against the State, in cases where there is sufficient provision of law for the payment thereof; and where there is no sufficient provision, to examine the claim and report the fact, with his opinion thereof, to the General Assembly.

11. The Auditor shall report to the Governor annually, and to the General Assembly at the beginning of each biennial session thereof, a complete statement of the funds of the State, of its revenues and of the public expenditures during the preceding fiscal year.

12. The Auditor may examine the accounts and records of any bank or trust company relating to transactions with the State Treasurer, or with any State department, institution, board, commission, officer, or other agency, or he may require banks doing business with the State to furnish him information relating to transactions with the State or State agencies.

13. The Auditor and his authorized agents shall have access to and may examine all books, accounts, reports, vouchers, correspondence, files, records, money, investments, and property of any State department, institution, board, commission, officer, or other agency as it relates to the handling of State funds. Every officer or employee of any such agency having such records or property in his possession or under his control shall permit access to and examination of them upon the request of the Auditor or any agent authorized by him to make such request. Should any officer or employee fail to perform the requirements of this Section, he shall be guilty of a misdemeanor. The Auditor and his authorized agents are authorized to examine all books and accounts of any individual, firm, or corporation only insofar as it relates to transactions with any department, board, officer, commission, institution, or other agency of the State; provided that such examination shall be limited to those things which might relate to irregularities on the part of any department, board, officer, employee, commission, institution or other State agency.

14. The Auditor shall supervise the bookkeeping and accounting system in use by any of the State departments, boards, officers, commissions, institutions and agencies. The Auditor may, as often as he deems advisable, make a detailed examination of such bookkeeping and accounting system in use and advise them of necessary improvement in the accounting procedure. Any State department, board, commission, institution, or agency which plans to change its accounting system must first submit their plan to the Auditor and the Director of the Budget and obtain approval in accordance with provision of G. S. 143-22. In devising systems of accounting, the Auditor and Director of the Budget shall take into consideration the checks and balances necessary to safeguard the receipt, disbursement, and custody of State funds.

15. Should any of the officers and/or employees of a State department or institution refuse or neglect to adopt such system of accounting as the
Auditor and the Director of the Budget may devise, adopt, and promulgate, then upon suit of the Attorney General a writ of mandamus will lie to compel such adoption, and it shall be the duty of the Attorney General to forthwith institute such suit in any such case.

16. The Auditor, or his deputy, while conducting an examination authorized by these Sections, shall have the power to administer oath to any person whose testimony may be required in any such examination, and to compel the appearance and attendance of such person for the purpose of such an examination. If any person shall willfully swear falsely in such an examination, he shall be guilty of perjury.

17. The Auditor may appoint a deputy Auditor to perform any duties pertaining to the office, and he may appoint a deputy Auditor for any specific purpose; provided that any deputy so appointed shall not be authorized to transfer authority to any other person.

18. Nothing under this Article shall be construed to affect the right of the Director of the Budget to require information from State agencies as set out in Section 143-9.

Sec. 2. G. S. 143-106 and G. S. 143-107 are hereby repealed and in lieu thereof the said Sections are hereby rewritten so as to read as follows:

"G. S. 143-106. Blank forms of licenses, etc., to be delivered to State Auditor; monthly report to Auditor; spoiled and damaged forms. The Auditor shall have the authority to require State departments and institutions to furnish him with complete information as to all blank forms of licenses, tags, or certificates received by them. At his request, the State departments or agencies issuing and delivering licenses, tags, or certificates shall furnish the Auditor with complete copies or lists of such issuances. If there be any of such blank license forms, tags, or certificates spoiled or in any way damaged so as to be incapable of being used, all such spoiled license forms, tags, or certificates shall be kept by such department or agency subject to the audit and inspection of the Auditor. Any license forms, tags, or certificates being used by the department or agency as a printer's copy, or in any other way being used for a sample, shall be first marked "void" in bold letters on the face of the form. These voided licenses or certificates shall be presented to the Auditor or his representatives before being released. The Auditor may, at his discretion, allow the use of unnumbered license forms or certificates provided the number and amount is entered thereon by an accounting or bookkeeping machine meeting his approval."

Sec. 3. G. S. 147-60 is hereby repealed and in lieu thereof the said Section is hereby rewritten so as to read as follows:

"G. S. 147-60. Surrender of barred warrant; issue of new warrant. Any person, firm or corporation holding a warrant drawn by the Auditor which cannot be paid because of the provisions of Section 147-59 and 147-61 of the General Statutes of North Carolina may present the same to the Auditor, and upon satisfactory proof that such person, firm or corporation is the owner thereof and is entitled to have and receive the proceeds of such warrant and that the obligations for which the warrant is drawn is a subsisting obligation against the State of North Carolina, may surrender said
warrant to the Auditor and cancel the same, whereupon the Auditor is authorized and empowered to issue another warrant for like amount in lieu thereof; or in his discretion, he may validate the original warrant."

Sec. 4. Nothing contained in this Act shall be construed to be in conflict with the Executive Budget Act, General Statutes 143-1 through 143-47 and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. 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 April, 1951.

S. B. 159

CHAPTER 1011

AN ACT TO PROVIDE FOR REFUNDS OF MOTOR VEHICLE TAXES OVERPAID AND TO FIX A METHOD FOR RECOVERING OVERPAYMENTS OF TAXES.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 20 of the General Statutes by inserting therein two new Sections, to follow Section 20-91 and to read as follows:

"Section 20-91.1. Taxes to be paid; suits for recovery of taxes. No court of this State shall entertain a suit of any kind brought for the purpose of preventing the collection of any tax imposed in this Article. Whenever a person shall have a valid defense to the enforcement of the collection of a tax assessed or charged against him or his property, such person shall pay such tax to the proper officer, and notify such officer in writing that he pays the same under protest. Such payment shall be without prejudice to any defense or rights he may have in the premises, and he may, at any time within 30 days after such payment, demand the same in writing from the Commissioner of Motor Vehicles; and if the same shall not be refunded within 90 days thereafter, may sue such official in the courts of the State for the amount so demanded. Such suit must be brought in the Superior Court of Wake County, or in the county in which the taxpayer resides.

"Section 20-91.2. Overpayment of taxes to be refunded with interest. If the Commissioner of Motor Vehicles discovers from the examination of any report, or otherwise, that any taxpayer has overpaid the correct amount of tax (including penalties, interest and costs, if any), such overpayment shall be refunded to the taxpayer within 60 days after it is ascertained together with interest thereon at the rate of six per cent (6%) per annum: Provided, that interest on any such refund shall be computed from a date ninety (90) days after date tax was originally paid by the taxpayer. Provided, further, that demand for such refund is made by the taxpayer within three years from the date of such overpayment or the due date of the report, whichever is later."

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 14th day of April, 1951.

S. B. 179  
CHAPTER 1012  
AN ACT TO ESTABLISH A LAW LIBRARY FOR THE PUBLIC OFFICIALS AND COURTS IN LINCOLN COUNTY.

WHEREAS, a library is deemed a necessity for the use of the officials of Lincoln County and of the courts held in said county; and

WHEREAS, it is desired to provide for the proper equipment, books and records necessary and requisite and for the proper support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Bar Association of Lincoln County and their successors in office, be, and they are hereby, constituted the custodian of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the County of Lincoln and the use of the officials of said county and the courts held therein.

Sec. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Lincoln and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Sec. 3. The Clerk of the Superior Court of Lincoln County shall be, and he is hereby, constituted to act as librarian of said library without compensation. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the custodian hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of the said library.

Sec. 4. In order to provide a fund for the extension, maintenance and support of the said library the sum of one dollar ($1.00) shall be taxed as costs and collected by the Clerk of the Superior Court in each and every case tried and disposed of in the Superior Courts of Lincoln County after the effective date of this Act, except in cases in which said county is adjudged to pay all costs, and shall be set apart in a fund to be known and designated as a library fund, and said fund shall be deposited by the Clerk of the Superior Court in a bank designated for that purpose, and shall be used solely for the purpose of the extension, maintenance and operation of the said library.

Sec. 5. That it shall also be the duty of the Clerk of the Recorder's Court of Lincoln County, after the effective date of this Act, to collect from the defendant in each and every case finally disposed in his court, except in cases in which Lincoln County is adjudged to pay all costs, the sum of one dollar ($1.00) which amount shall be immediately paid over to the Clerk
of the Superior Court of Lincoln County to supplement the aforesaid library fund, and which shall be expended in the way and manner provided in this Act.

Sec. 6. That from the funds so collected from time to time as provided in Sections 4 and 5 of this Act it shall be the duty of the Clerk of the Superior Court of Lincoln County to purchase and pay for such volumes and sets of books as shall be recommended and agreed upon from time to time by the Chairman of the Board of Commissioners of Lincoln County, the Clerk of the Superior Court of said county, and a committee to be appointed annually by the Lincoln County Bar Association. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Lincoln County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Sec. 7. That all laws and clauses of laws in conflict herewith regarding the disposition of costs received by the office of the Clerk of the Superior Court of Lincoln County are hereby repealed.

Sec. 8. That this Act shall be in force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 183

CHAPTER 1013

AN ACT TO REDUCE THE WEIGHT TOLERANCE ALLOWED TRUCKS ON THE HIGHWAYS OF THE STATE OF NORTH CAROLINA AND TO PROVIDE PUNISHMENT AND IMPOSE PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, under part 9 of Chapter 20 of the General Statutes, as amended, particularly under G. S. 20-116, the State Highway and Public Works Commission has heretofore been granted the full and unrestricted power and authority to establish load limitations for the use of light traffic roads, and

WHEREAS, such authority includes the authority of such Commission to establish load limitations on county roads, farm to market roads, and on other roads of the secondary system, and

WHEREAS, such authority includes the power to regulate the maximum load, size and/or width of trucks and busses using such roads, and in their discretion, to grant special permits for vehicles of excessive size or weight for seasonal operations under G. S. 20-119, and

WHEREAS, the General Assembly does now desire to provide methods of adequate enforcement for the limitations established on the use of such roads by the provision of fair and reasonable penalties without undue hardship on any highway users, and

WHEREAS, the General Assembly does now wish to reaffirm and clarify the aforementioned authority of the said State Highway and Public Works Commission, and

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WHEREAS, the General Assembly does hereby express its determination to authorize the State Highway and Public Works Commission and the Department of Motor Vehicles to enforce the restrictions on the use of highways as shall be established by them to the end that the entire primary and secondary road system of the State may be preserved to the greatest extent consistent with their fair use by all members of the public, and

WHEREAS, the State Highway and Public Works Commission, in a public statement has declared, "It is not the policy of the Commission to construct roads which will be less serviceable to agriculture and industry than the same roads were before they were improved.": Now, therefore, The General Assembly of North Carolina do enact:

Section 1. Amend Section 20-96 of the General Statutes (1949 Cumulative Supplement) by striking out of lines 18 and 19 of said Section the words "carrying an overload in excess of one ton"; and by striking out of line 27 of said Section the words "with more than one ton"; and by striking out of line 29 of said Section the words "more than one ton."

Sec. 1½. Further amend Section 20-96 of the General Statutes (Cumulative Supplement) by striking out in lines 20, 21, 22 and 23 the following: "In addition to the normal tax levied in this Article, an additional tax of ten dollars ($10.00) for each thousand pounds in excess of the licensed weight of such vehicle", and substitute in lieu thereof the penalties prescribed in Section 6 of this Act.

Sec. 2. Section 20-96 of the General Statutes (1949 Cumulative Supplement) is hereby amended by inserting a new sentence in said Section, to follow the numerals "20-118" in line 30, to precede the last sentence of said Section and to read as follows:

"Any resident or nonresident owner of a vehicle that is found in operation on a highway designated by the State Highway and Public Works Commission as a light traffic highway and along which signs are posted showing the maximum legal weight on said highway with a load in excess of the weight posted for said highway, shall be subject to the penalties provided in Section 6 of this Act."

Sec. 3. Further amend Section 20-96 of the General Statutes (1949 Cumulative Supplement) by adding at the end thereof a new paragraph to read as follows:

"Any peace officer who discovers a property hauling vehicle being operated on the highways with an overload as described in this Section or which is equipped with improper registration plates is hereby authorized to seize said property hauling vehicle and hold the same until the overload has been removed or proper registration plates therefor have been secured and attached thereto. Any peace officer seizing a property hauling vehicle under this provision, may, when necessary, store said vehicle and the owner thereof shall be responsible for all reasonable storage charges thereon. When any property hauling vehicle is unloaded or partially unloaded under this provision, the removed load shall be cared for by the owner or operator of the vehicle without any liability on the part of the officer or of the State or any municipality because of damage to or loss of such removed load."
Sec. 4. Amend Section 20-118.1 of the General Statutes (1949 Cumulative Supplement) by adding at the end thereof the following:

"Any person who refuses to permit a vehicle being operated by him to be weighed as in this Section provided or who refuses to drive said vehicle upon the scales provided for weighing for the purpose of being weighed, shall be guilty of a misdemeanor."

Sec. 5. Rewrite the first sentence of the last paragraph of Section 20-118 of the General Statutes (1949 Cumulative Supplement) to read as follows:

"Any vehicle or combination of vehicles may exceed the weight limitations hereinbefore set out by not more than five per centum (5%), except that the gross weight on any one axle of any vehicle when the wheels attached to said axle are equipped with high-pressure, solid rubber or cushion tires shall not exceed 16,000 pounds and the gross weight on any one axle of a vehicle when the wheels attached to said axle are equipped with low-pressure pneumatic tires shall not exceed 18,000 pounds."

Sec. 6. Amend Section 20-118 of the General Statutes (1949 Cumulative Supplement) by adding at the end thereof a new paragraph to read as follows:

"For each violation of this Section, the owner of the vehicle shall pay to the department a penalty for each pound of weight of such vehicle and load in excess of the weight (including the 5%) fixed by this Section for such vehicle and its load, in accordance with the following schedule: For the first 2,000 pounds or any part thereof 1c per pound. For the next 3,000 pounds or any part thereof 2c per pound. For each pound in excess of 5,000 pounds 5c per pound."

Sec. 7. Amend Section 20-176 of the General Statutes by striking out of line 15 of subsection (b) the figures "20-118."

Sec. 7A. The State Highway and Public Works Commission is hereby authorized and empowered to fix higher weight limitations at reduced speeds for vehicles used in transporting property when the point of origin or destination of the motor vehicles is located upon any light traffic highway, county road, farm to market road, or any other roads of the secondary system only and/or to the extent only that the motor vehicle is necessarily using said highway in transporting the property from the bona fide point of origin of the property being transported or to the bona fide point of destination of said property and such weights may be different from the weight of those vehicles otherwise using such roads.

Sec. 8. Subdivision (1) of Section 20-118 of the General Statutes (1949 Cumulative Supplement) and all other laws and clauses of laws in conflict with this Act are hereby repealed; provided nothing in this Act shall conflict with or repeal G. S. 20-119.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 254  CHAPTER 1014
AN ACT TO REPEAL G. S. 106-25 AND G. S. 106-26, RELATING TO FARM CENSUS REPORTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-25 is amended by striking out that portion of said Section appearing after the "period" in line eleven and before the word "the" in line thirteen and to substitute in lieu thereof the following:

"The board of county commissioners may appoint any person to collect such information."

Sec. 2. G. S. 106-26 is amended by striking out the words and figures "ten cents (10c)" appearing in line six and substituting in lieu thereof the words and figures "twenty cents (20c)".

Sec. 3. It shall be the duty of the county farm and home demonstration agents and vocational teachers to cooperate with the persons designated to obtain the information required by G. S. 106-25 and G. S. 106-26, and particularly to inform the farmers as to the advisability and necessity for obtaining the information necessary to carry out the purposes enumerated in G. S. 106-25 and G. S. 106-26.

Sec. 4. There is herewith appropriated an additional sum of thirty-four thousand dollars ($34,000.00) for each year of the biennium to carry out the provisions of G. S. 106-26.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. 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 April, 1951.

S. B. 305  CHAPTER 1015
AN ACT FOR THE CREATION AND ENFORCEMENT OF RIGHTS AND REMEDIES IN THE INTEREST OF PERSONS WHO SUSTAIN DAMAGES RESULTING FROM THE NEGLIGENT OPERATION OF MOTOR VEHICLES BY MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of any incorporated city or town, by securing liability insurance as hereinafter provided, is hereby authorized and empowered, but not required, to waive its governmental immunity from liability for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by an officer, agent or employee of such city or town when acting within the scope of his authority or within the course of his employment. Such immunity is waived only to the extent of the amount of the insurance so obtained. Such immunity shall be deemed to have been waived in the absence of affirmative action by such governing body.
Sec. 2. The contract of insurance purchased pursuant to this Act must be one issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State, and must by its terms adequately insure such city or town against any and all liability for any damage by reason of death, or injury to person or property, proximately caused by the negligent operation of any motor vehicle by an officer, agent or employee of such city or town when acting within the scope of his authority or within the course of his employment. Any company or corporation which enters into a contract of insurance as above described with an incorporated city or town, by such act, waives any defense based upon the governmental immunity of the incorporated city or town from liability.

Every incorporated city and town is authorized and empowered to pay, as a necessary expense, the lawful premiums for such insurance out of the general tax revenues or other appropriate funds of such incorporated city or town.

Sec. 3. Any person sustaining damage, or in case of death, his personal representative, may sue an incorporated city or town insured as provided by this Act for the recovery of such damages in any court of competent jurisdiction in this State, in the county where such city or town is located; and it shall be no defense to any such action that the operation of such motor vehicle by such officer, agent or employee, was in pursuance of a governmental, municipal, or discretionary function of said city or town if, and to the extent, such city or town has insurance coverage as provided by this Act.

Except as hereinbefore expressly provided, nothing in this Act shall be construed to deprive any city or town of any defense whatsoever to any such action for damages, or to restrict, limit or otherwise affect any such defense, which said city or town may have at common law or by virtue of any Statute (whether general, special, private or local); and nothing in this Act shall be construed to relieve any person sustaining damages, or any personal representative of any decedent, from any duty to give notice of such claim to the incorporated city or town, or to commence any civil action for the recovery of damages, within the applicable period of time prescribed or limited by Statute.

Sec. 4. An incorporated city or town may incur liability pursuant to this Act only with respect to a claim arising after such city or town has procured liability insurance pursuant to this Act and during the time when such insurance is in force.

Sec. 5. No part of the pleadings which relate to or alleges facts as to a defendant's insurance against liability shall be read or mentioned in the presence of the trial jury in any action brought pursuant to this Act. Such liability shall not attach unless the plaintiff shall waive the right to have all issues of law or fact relating to insurance in such an action determined by a jury and such issues shall be heard and determined by the judge without resort to a jury and the jury shall be absence during any motions, arguments, testimony or announcement of findings of fact or conclusions of law with respect thereto unless the defendant shall ask for a jury trial thereon.
No plaintiff to an action brought pursuant to this Act nor counsel, nor witness therefor, shall make any statement, ask any question, read any pleadings or do any other act in the presence of the trial jury in such case so as to indicate to any member of the jury that the defendant's liability would be covered by insurance, and if such is done order shall be entered of mistrial.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 306

CHAPTER 1016

AN ACT TO PROVIDE AN ADEQUATE CIVIL DEFENSE PROGRAM FOR THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act may be cited as "North Carolina Civil Defense Act of 1951."

Sec. 2. Definitions. As used in this Act: (a) "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage or other hostile action.

(b) "Local Organization for Civil Defense" shall mean an organization created in accordance with the provisions of this Act by State or local authority to perform local civil defense functions.

(c) "Mobile Support Unit" shall mean an organization for civil defense created in accordance with the provisions of this Act by State or local authority to be dispatched by the Governor to supplement local organizations for civil defense in a stricken area.

(d) "Political Subdivision" shall mean counties and incorporated cities and towns.

Sec. 3. State Civil Defense Agency. (a) The State Council of Civil Defense, hereinafter called the "Civil Defense Agency", created by North Carolina Emergency War Powers Proclamation No. XVII, shall continue to function as the Civil Defense Agency of this State, which council is composed, ex officio, of the following membership:

1. The Governor, as Chairman.
2. Commissioner of Motor Vehicles, as Executive Vice-Chairman.
3. Executive Secretary of the State Board of Health.
4. The Chancellor of the North Carolina State College of Agriculture and Engineering.

5. Director of the State Bureau of Investigation.

The Director of Civil Defense, hereinafter referred to as the "Director", shall be a full-time administrative officer, appointed by the State
Council of Civil Defense, with the approval of the Governor, and his salary shall be fixed by said Council with the approval of the Governor but not to exceed eight thousand dollars ($8,000) per annum.

(b) The Director, with the consent of the council, may employ such technical, clerical, stenographic and other personnel and may make such expenditures within the appropriation therefor.

(c) The Director and other personnel of the Civil Defense Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other State agencies.

(d) The Director, subject to the direction and control of the Governor, shall be the administrative officer of the Civil Defense Agency and shall be responsible to the Civil Defense Agency and the Governor for carrying out the program for civil defense of this State. He shall coordinate the activities of all organizations for civil defense within the State, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states and of the Federal Government, and shall have such additional authority, duties, and responsibilities authorized by this Act as may be prescribed by the Governor.

(e) Civil Defense Powers of the Governor. (a) The Governor shall have general direction and control of the Civil Defense Agency, and shall be responsible for the carrying out of the provisions of this Act, and in the event of disaster beyond local control, due to hostile action, may assume direct operational control over all or any part of the civil defense functions within this State.

(f) In performing his duties under this Act and to effect its policy and purpose, the Governor is authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Act within the limits of the authority conferred upon him herein, with due consideration of the plans of the Federal Government, which rules and regulations shall be available to the public generally at the office of the Clerk of the Superior Court in each county and in each local Civil Defense Office.

(2) To prepare a comprehensive plan and program for the civil defense of this State, such plan and program to be integrated into and coordinated with the civil defense plans of the Federal Government and of other states to the fullest possible extent, and to coordinate the preparations of plans and programs for civil defense by the political subdivisions of this State, such plans to be integrated into and coordinated with the civil defense plan and program of this State to the fullest possible extent, within the provisions of this Act.

(3) In accordance with such plan and program for the civil defense of this State, to ascertain the requirements of the State or the political subdivisions thereof for food or clothing or other necessities of life in the event of attack and, within the appropriation therefor, to plan for and procure supplies, medicines, materials, and equipment, and to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of civil defense.
organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

(4) To delegate any administrative authority vested in him under this Act, and to provide for the sub-delegation of any such authority.

(5) To cooperate and coordinate with the President and the heads of the Armed Forces, the civil defense agency of the United States, and other appropriate Federal officers and agencies, and with the officers and agencies of other states and local units of government in matters pertaining to the civil defense of the State and Nation.

(6) By and with the consent of the Council of State to make appropriations from the Contingency and Emergency Fund for the purpose of matching Federal aid grants for the purposes outlined in this Act.

Sec. 4. In performing his duties under this Act, the Governor is further authorized and empowered in the event of a declaration of war by the Congress of the United States or when the Governor and Council of State acting together shall find that there is imminent danger of hostile attack upon the State of North Carolina:

(1) To make such studies and surveys of the industries, resources, and facilities in this State as may be necessary to ascertain the capabilities of the State for civil defense, and to plan for the most efficient emergency use thereof.

(2) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Act and with the orders, rules and regulations made pursuant thereto, which officers and agencies shall comply with such directions.

(3) To employ such measures and give such directions to the State or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of this Act or with the findings or recommendations of such boards of health by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise.

(4) On behalf of this State to enter into reciprocal aid agreements or compacts with other states and the Federal Government, either on a state wide basis or local political subdivision basis or with a neighboring state or province of a foreign country. Such mutual aid arrangements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies; engineering services; emergency housing; police services, National or State Guards while under the control of the State; health, medical and related services; fire fighting, rescue, transportation, and construction services and equipment; personnel necessary to provide or conduct these services; and such other supplies, equipment, facilities, personnel, and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units; and on such terms and conditions as are deemed necessary.

Sec. 5. Mobile Support Units. (a) The Governor or his duly designated representative is authorized to create and establish such number of
Mobile Support Units as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the Federal Government and of other States. He shall appoint a commander for each such Unit who shall have primary responsibility for the organization, administration and operation of such Unit. Mobile Support Units shall be called to duty upon orders of the Governor and shall perform their functions in any part of the State, or, upon the conditions specified in this Section, in other states.

(b) Whenever a Mobile Support Unit of another state shall render aid in this State pursuant to the orders of the Governor of its home state and upon the request of the Governor of this State, this State shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such Mobile Support Unit while rendering such aid, and for all payments for death, disability or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid: Provided, that the laws of such other state contain provisions substantially similar to this Section or that provisions to the foregoing effect are embodied in a reciprocal mutual-aid agreement or compact or that the Federal Government has authorized or agreed to make reimbursement for such mutual aid as above provided.

(c) No personnel of Mobile Support Units of this State shall be ordered by the Governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this Section or unless the reciprocal mutual aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the Federal Government by law or agreement.

Sec. 6. Local Organization for Civil Defense. (a) Each political subdivision of this State is hereby authorized to establish a local organization for civil defense in accordance with the State civil defense plan and program. Each local organization for civil defense shall have a Director who shall be appointed by the governing body of the political subdivision, who may be paid in the discretion of the governing body of the political subdivision, and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such governing body. Civil defense directors appointed by the governing bodies of counties shall coordinate the activities of all civil defense organizations within such county, including the activities of civil defense organizations of cities and towns within such counties. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of Section 8 of this Act. Municipalities are hereby authorized to make appropriations for the purposes outlined in this Section subject to the procedure and limitation established for appropriating municipal funds by the General Statutes.
(b) In carrying out the provisions of this Act each political subdivision, in which any disaster due to hostile action as described in Section 2(a) hereof occurs, shall have the power and authority to:

1. To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster resulting from enemy attack, and to direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans set by the Federal and State civil defense agencies;

2. To appoint, employ, remove, or provide, with or without compensation, air-raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian-defense workers;

3. To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

4. Subject to the order of the Governor, or the chief executive of the political subdivision, to assign and make available for duty, the employees, property, or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for civil-defense purposes and within or outside of the physical limits of the subdivision.

Sec. 7. Mutual Aid Agreements. (a) The Director of each local organization for civil defense may, in collaboration with other public and private agencies within this State, develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The director of each local organization for civil defense may, subject to the approval of the Governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

Sec. 8. Appropriations and Levy of Taxes: Authority to Accept Services, Gifts, Grants and Loans. (a) The performance by political subdivisions of this State of any or all of the functions authorized by this Act to be so performed as hereby declared to be for a public purpose, and the expenditure of funds therefor is for a necessary expense and the levy of taxes therefor is for a special purpose. Each political subdivision is hereby authorized, in accordance with the procedure and limitations established for the expenditure of public funds by local units of government by the General Statutes, for the purpose of performing such functions, in addition to all other taxes authorized by law, and each political subdivision may make appropriations and expend funds to perform any or all of such functions or to carry out the purposes of this Act. In addition thereto, appropriations may be made by political subdivisions, for the pur-
poses above described, immediately following the effective date of this Act, such appropriations to be made from surplus funds or any other available funds not otherwise appropriated.

(b) Whenever the Federal Government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for the purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its governing body, may accept such offer and upon such acceptance the Governor of the State or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any of the agency making the offer.

(c) Whenever any person, firm or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision acting through its governing body, may accept such offer and upon such acceptance the Governor of the State or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision, and subject to the terms of the offer.

Sec. 9. Utilization of Existing Services and Facilities. In carrying out the provisions of this Act, the Governor and the governing bodies of the political subdivisions of the State are authorized to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the State and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are authorized to cooperate with and extend such services and facilities to the Governor and to the civil defense organizations of the State upon request.

Sec. 10. Civil Defense Personnel. (a) No person shall be employed or associated in any capacity in any civil defense organization established under this Act who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States, or has ever been a member of the Communist Party. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I ..........................................., do solemnly swear (or affirm) 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; and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I ever knowingly been, a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the State Civil Defense Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence, so help me God”.

(b) No person shall be barred from holding office in any capacity under this Act by reason of the prohibition against double office holding.

Sec. 11. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 12. This Act and all powers conferred by it shall expire and become null and void and all civil defense organizations created under the provisions hereof shall be disbanded on March 1, 1953. On said date all authority for whatever purpose herein contained or granted shall absolutely cease to exist.

Sec. 13. There is hereby appropriated for the purposes of this Act the sum of thirty-nine thousand five hundred thirty-four dollars ($39,534.00) for the fiscal year 1951-1952 and the sum of thirty-four thousand dollars ($34,000.00) for the fiscal year 1952-1953, said sums to be expended under the direction and supervision of the Assistant Director of the Budget.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 316

CHAPTER 1017

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO APPROPRIATE FUNDS FOR THE PURPOSE OF SUPPLEMENTING THE RETIREMENT BENEFITS RECEIVED BY CERTAIN EMPLOYEES OF THE TOWN OF WILSON.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Wilson is hereby authorized to appropriate funds for the purpose of supplementing the Retirement Benefit granted to any employee of the Town of Wilson by the Local Governmental Employee's Retirement System or the Law
Enforcement Officers' benefit and Retirement Fund: Provided, however, that the supplement paid to an employee of the Town of Wilson shall, in case he (or she) is also a beneficiary of the Local Governmental Employees' Retirement System, be computed as if such employee were receiving his full retirement allowance without option.

"Whenever an employee of the Town of Wilson, by reason of age or permanent disability, shall retire and is entitled to receive and shall receive service retirement benefits from the North Carolina Local Governmental Employees Retirement System or the North Carolina Law Enforcement Officers' Retirement System, the City Manager of the Town of Wilson shall be and he is hereby authorized to supplement such benefits, out of funds appropriated or to be appropriated by the board of commissioners for that purpose, within but not to exceed the limits as follows:

(a) An employee with less than ten (10) years employment by the town: No supplement.

(b) An employee with ten (10) years or more but not exceeding fifteen (15) years employment by the town: A supplement which added to the monthly retirement benefit received from either of the retirement systems above mentioned is equal to thirty per cent (30%) of the average annual salary paid such employee during the period of five (5) years immediately preceding his retirement.

(c) An employee with fifteen (15) or more but not exceeding twenty (20) years employment by the town: A supplement which added to the monthly retirement benefit received from either of the retirement systems above mentioned is equal to forty per cent (40%) of the average annual salary paid such employee during the period of five (5) years immediately preceding his retirement.

(d) An employee with more than twenty (20) years employment by the town: A supplement which added to the monthly retirement benefit received from either of the retirement systems above mentioned is equal to fifty percent (50%) of the average annual salary paid such employee during the period of five (5) years immediately preceding his retirement."

Sec. 2. Any employee receiving a supplemental retirement benefit from the town shall hold himself subject to call for further employment in case of an emergency or in an advisory capacity if his services shall be necessary in the opinion of the City Manager of the Town of Wilson.

Sec. 3. All funds appropriated by virtue of this Act shall be budgeted in the same manner as other funds and shall be paid such employees on a monthly basis.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
CHAPTER 1018

AN ACT TO ESTABLISH A SPECIAL COMMISSION FOR THE PURPOSE OF MAKING A STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE IN THE STATE OF NORTH CAROLINA AND SUBMITTING A REPORT TO THE 1953 SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, conditions require a study of procedure and practice of and before administrative agencies in the State of North Carolina; and

WHEREAS, it is considered advisable to name a special commission to study the problems involved and to report thereon to the next session of the General Assembly: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby established a special commission of seven members to be composed of citizens of the State selected without regard to political affiliation. Two of the members of said commission shall be appointed by the President of the Senate, three shall be appointed by the Speaker of the House of Representatives, one shall be appointed by the Governor and the other shall be the Attorney General or some person designated by him from his staff. Notification of appointment shall be made through the office of the Governor. Vacancies caused by death, resignation or otherwise shall be filled by appointment by the one who appointed the member causing the vacancy. The members shall elect a chairman and secretary from among themselves. The commission shall hold such meetings as it may prescribe by the vote of its members. Such meetings may be called by the chairman or by any two members of the commission upon notice and in such manner as may be fixed by the vote of its members. At least one public hearing shall be held upon any recommendations or proposals prior to submission thereof to the Governor on or before December 1, 1952. The commission shall give such notice of a hearing or hearings as it may deem proper and appropriate.

Sec. 2. The commissions shall make a study of the various practices and procedures before the various State administrative agencies and shall prepare statement and report outlining such practices and procedures as now exist and shall in addition thereto make any recommendations which it deems desirable looking toward a simplification or uniformity therein or recommendations for changes therein. Said report and recommendations shall be transmitted to the Governor on or before December 1, 1952.

Sec. 3. The commission may employ the Institute of Government, or individuals, or request the use of research facilities of the various institutions of the State in connection with the work of the commission.

Sec. 4. The members of the commission shall be paid the sum of $7.00 per day and such necessary travel and other expenses as are connected with their duties.

Sec. 5. In employing assistance, the Commission shall pay such compensation and expenses as may be fixed by the Director of the Budget and Council of State and the Superintendent of Buildings and Grounds
shall provide suitable office space and equipment. All expenses of the com-
mission shall be paid from the Contingency and Emergency Fund.

Sec. 6. The term of service of the members of the commission herein
provided for shall continue until the filing of the report of the commission
and its recommendations to the Governor as provided for heretofore.

Sec. 7. All laws and clauses of laws in conflict with this Act are
hereby repealed.

Sec. 8. This Act shall become effective June 1, 1951.

In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

S. B. 329

CHAPTER 1019

AN ACT TO AMEND CHAPTER 108, ARTICLE 3, OF THE GENERAL
STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR RE-
COVERY OF OLD-AGE ASSISTANCE PAYMENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 3 of Chapter 108 of the General Statutes of North
Carolina is hereby amended by adding additional Sections as follows:

"108-30.1. Lien on real property. There is hereby created a general
lien, enforceable as hereinafter provided, upon the real property of any
person who is receiving or who has received old-age assistance, to the ex-
tent of the total amount of such assistance paid to such recipient from
and after October 1, 1951. Before any application for old-age assistance
is approved under the provisions of this Article, the applicant shall agree
that all such assistance paid to him shall constitute a claim against him
and against his estate, enforceable according to law by any county paying
all or part of such assistance. Such agreement may be contained in the
application signed by the applicant. Any time after the approval of an
old-age assistance grant, a statement showing the name of the recipient
and the date of approval of the application shall be filed in the office of
the Clerk of the Superior Court in each county in which such recipient
then owns or later acquires real property. The statement shall be filed
in the regular lien docket and shall be cross indexed showing the name of
the county filing said statement as claimant and the name of the recipient
as owner. From the time of filing, such statement shall be and constitute
due notice of a lien against the real property then owned or thereafter
acquired by the recipient and lying in such county to the extent of the
total amount of old-age assistance paid to such recipient from and after
October 1, 1951. The lien thus established shall take priority over all other
liens subsequently acquired and shall continue from the date of filing until
satisfied: Provided, that no action to enforce such lien may be brought
more than ten years from the last day for which assistance is paid nor
more than one year after the death of any recipient; Provided further, that
no execution in enforcement of the lien shall be levied upon any real prop-
erty, so long as such property is occupied as a homesite by the surviving
spouse or by any minor dependent child of such recipient."
"The State Board of Public Welfare shall furnish to the county superintendent of public welfare forms to be used which shall contain such information as is required to carry out the provisions of this Section and such other information as may be prescribed by the said board.

"Each county department of public welfare shall notify all persons shown of record to be recipients of old-age assistance as of the date of notice that all old-age assistance grants paid from and after October 1, 1951, shall constitute a lien against the real property and a claim against the estate of each recipient. The notice may be given by letter mailed to the last known address of each recipient, but the failure to give such notice shall not affect the validity of the lien.

"108-30.2. Claim against estate. Within one year after the death of any person who has received old-age assistance, reimbursement for which has not been made, the county attorney of the county by or through which such assistance was last paid to such person shall file a claim against his estate. The claim shall be for the total amount of old-age assistance paid to or for the benefit of such recipient from and after October 1, 1951, by or through the State and the several counties thereof; and said claim shall have equal priority in order of payment with the Sixth Class under Section 28-105 of the General Statutes: Provided, that no such claim shall be satisfied out of any real property in which the recipient had any legal or equitable interest so long as such property is occupied as a home-site by the surviving spouse or by any minor dependent child of such recipient.

"108-30.3. Funds recovered. The United States and the State of North Carolina shall be entitled to share in any sum collected under the provisions of this Article, and their proportionate parts of such sum shall be determined in accordance with the matching formulas in use during the period for which assistance was paid to the recipient. The county enforcing the claim as herein provided and any other county within the State which has paid old-age assistance to such recipient shall share proratably in any sum collected. All sums collected shall be deposited in the county old-age assistance fund and a report of such deposit made to the State Board of Public Welfare. All sums to which the United States or the State of North Carolina may become entitled under the provisions of this Article shall be promptly paid or credited. All such sums to which the State may become entitled shall be deposited in the State Old-Age Assistance Fund and shall become a part of that fund.

"All necessary costs incurred in the collection of any claim shall be borne proratably by the United States, the State, and the county in proportion to the share of the sum collected to which each may be entitled: Provided, that neither the United States nor the State shall in any instance be chargeable for cost in excess of the sum received by it from the claim."

The County Welfare Department shall within 60 days after the death of the person receiving such assistance notify the county attorney of the death of such person.
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 full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 346

CHAPTER 1020

AN ACT TO ENABLE STATE EMPLOYEES TO PARTICIPATE VOLUNTARILY IN THE U. S. TREASURY’S PAY ROLL SAVINGS PLAN FOR THE PURCHASE OF U. S. SAVINGS BONDS ON A SYSTEMATIC PARTIAL PAYMENT BASIS.

The General Assembly of North Carolina do enact:

Section 1. That the Governor may, with the approval of the Council of State, authorize any or all of the departments, institutions, and agencies of the State to establish a voluntary pay roll deduction plan for the purchase of U. S. Savings Bonds by State employees, and to set up the necessary machinery for carrying out the purposes of this Act.

Sec. 2. Funds may be allotted out of the Contingency and Emergency Appropriation to defray the necessary expenses incurred by departments, institutions and agencies financed out of the General Fund of the State, and departments, institutions and agencies financed out of Special Funds or entirely from receipts shall defray the necessary expenses incurred without expense to the General Fund of the State.”

Sec. 3. That any of the employees of the State of North Carolina may voluntarily enter into written agreement with heads of the department or institution or agency where employed, which has adopted the pay roll Savings Plan, to authorize deductions from his or her salary of certain designated sums to be invested in United States Savings Bonds of the kind and type specified in such agreement.

Sec. 4. That upon the execution of such agreement by any State employee with the State department, institution or agency where employed, the department, institution or agency is authorized and empowered to deduct the sum specified in said agreement from the weekly or monthly salary of such employee, and to show deduction on all pay rolls similar to withholding tax, retirement, insurance, hospitalization, etc. Such sums shall be held until sufficient moneys have accumulated to the credit of each individual sufficient to purchase a bond, and such sum shall be invested in United States Savings Bonds, for and on behalf of such employee, and the bonds shall be delivered to the employee as soon as practical. Provided that no coercion of any sort shall be exercised to require any person to participate.

Sec. 5. That such agreement may be cancelled by the employee executing the same upon giving written notice to the head of the department, institution or agency where employed not later than the 15th day of the month in which he or she desires such agreement to be terminated, and the head of the department, institution or agency may cancel any
agreement, herein provided for, upon giving ten days' written notice to the affected employee. Upon the termination of the agreement the head of the department, institution or agency is hereby authorized to refund any amount of money held for the employee.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. 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 April, 1951.

S. B. 372 \(\text{CHAPTER 1021}\)

\(\text{AN ACT TO PREVENT INJURY TO DEER OR BEAR ON WILDLIFE MANAGEMENT AREAS.}\)

WHEREAS, the Wildlife Resources Commission is charged with the duty of promoting game conservation and preservation, is managing wildlife preserve areas for the purpose of providing public hunting and game for redistribution to sections of the State where game has been depleted; and

WHEREAS, the Wildlife Resources Commission administers a number of such Wildlife Management Areas in which it has sought to produce an adequate supply of game so as to improve hunting conditions and so that other areas may also be restocked to further increase and improve hunting; and

WHEREAS, the success of this program has been seriously impaired by the depredations of dogs roaming at large in such areas, which dogs are either homeless, or are owned by or are under the control of irresponsible persons: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 67-14 is hereby amended by adding a subsection at the end thereof, to be numbered 67-14.1, and to read as follows:

"67-14.1. (a) Any dog which trails, runs, injures or kills any deer or bear on any Wildlife Refuge, Sanctuary or Management Area, now or hereafter so designated and managed by the Wildlife Resources Commission, during the closed season for hunting with dogs on such Refuge or Management Area, is hereby declared to be a public nuisance, and any wildlife protector or other duly authorized agent or employee of the Wildlife Resources Commission may destroy, by humane method, any dog discovered trailing, running, injuring or killing any deer or bear in any such area during the closed season therein for hunting such game with dogs, without incurring liability by reason of his act in conformity with this Section."

'(b) Any unmuzzled dog running at large upon any Wildlife Refuge, Sanctuary, or Management Area, when unaccompanied by any person having such dog in charge, shall be seized and impounded by any wildlife protector, or other duly authorized agent or employee of the Wildlife Resources Commission.
(c) The person impounding such dog shall cause a notice to be published at least once a week for two successive weeks in some newspaper published in the county wherein the dog was taken, or if none is published therein, in some newspaper having general circulation in the county. Such notice shall set forth a description of the dog, the place where it is impounded, and that the dog will be destroyed if not claimed and payment made for the advertisement, a catch fee of $1.00 and the boarding, computed at the rate of fifty cents (50c) per day, while impounded, by a certain date which date shall be not less than 15 days after the publication of the first notice. A similar notice shall be posted at the courthouse door.

(d) The owner of the dog, or his agent, may recover such dog upon payment of the cost of the publication of the notices hereinbefore described together with the catch fee of $1.00 and the expense, computed at the rate of fifty cents (50c) per day, incurred while impounding and boarding the dog.

(e) If any impounded dog is not recovered by the owner within 15 days after the publication of the first notice of the impounding, the dog may be destroyed in a humane manner by any wildlife protector or other duly authorized agent or employee of the North Carolina Wildlife Resources Commission, and no liability shall attach to any person acting in accordance with this Section.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 407

CHAPTER 1022

AN ACT TO APPROPRIATE FUNDS FOR THE PURPOSE OF REPAIRING AND RENOVATING THE LABOR BUILDING AND FACILITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State to the Board of Public Buildings and Grounds the sum of one hundred sixty thousand dollars ($160,000.00) to be expended by said Board in renovating and repairing the Labor Building and the facilities and fixtures therein situated.

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 14th day of April, 1951.
S. B. 438  

CHAPTER 1023

AN ACT TO AMEND SECTION 20-38 OF THE GENERAL STATUTES TO CLASSIFY CERTAIN CARRIERS OF THE UNITED STATES MAIL AS PRIVATE HAULERS RATHER THAN CONTRACT HAULERS.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (1) of Subsection (r) of G. S. 20-38, as the same appears in the 1949 Supplement to the General Statutes, is hereby amended by adding the following at the end of the last paragraph of said subdivision:

"Provided, further, that, for the duration of any contract for carrying the United States mail in force at the time this proviso becomes effective, the term "for hire" shall not include any motor vehicle whose sole operation in carrying the property of others is limited to the transportation of the United States mail pursuant to such a contract."

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 14th day of April, 1951.

S. B. 443  

CHAPTER 1024

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO TURN INTO THE GENERAL FUND CERTAIN DELINQUENT TAXES COLLECTED, EXCEPT TAXES LEVIED FOR SCHOOL PURPOSES AND DEBT SERVICE.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Brunswick County is authorized and empowered, in its discretion, to turn into the General Fund of the County the proceeds of all uncollected taxes which may be hereafter collected for the year 1948, and all prior years: Provided, however, that all the taxes levied and collected for said years, for school purposes and debt service, shall be paid over to the Board of Education of Brunswick County, and into the debt service account as provided for in said levies.

Sec. 2. That all delinquent taxes for the year 1949 and for each subsequent year, after having been delinquent for a period of two years from and after their due date, shall, when collected, be turned into the General Fund of Brunswick County, except the levies for school purposes and debt service.

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

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 460  
CHAPTER 1025
AN ACT MAKING IT UNLAWFUL TO OBTAIN, PROCURE, OR POSSESS FEDERAL LICENSE TO MANUFACTURE, PURCHASE OR HANDLE INTOXICATING LIQUOR IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. It is unlawful for any person, firm, partnership, or corporation to procure, obtain, possess, purchase, permit to be issued, or to have issued to any person a license, permit stamp or other authorization from the Government of the United States to manufacture, sell, possess, transport, handle or purchase intoxicating liquors in the State of North Carolina; and upon conviction or confession any such person, firm, partnership, or corporation shall be guilty of a misdemeanor punishable in the discretion of the court: Provided, this Act shall not apply to the Department of Defense and agencies of the Armed Services operating thereunder, nor to any agency, department, official or agent of the State of North Carolina or any other person or persons engaged in any activity or transactions authorized under the Beverage Control Act of 1939 as amended or alcoholic beverage control laws of this State.

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 465  
CHAPTER 1026
AN ACT TO AMEND ARTICLE 2 OF CHAPTER 106 OF THE GENERAL STATUTES, RELATING TO THE MARKETING OF FERTILIZER.

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of G. S. 106-50.3 as it appears in the 1949 Cumulative Supplement to the General Statutes, is stricken out and the following substituted in lieu thereof:

“(e) The term “fertilizer material” means any substance containing nitrogen, phosphoric acid, potash, or any other recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers. Not included in this definition are all types of animal and vegetable manures.”

Sec. 2. G. S. 106-50.3, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by adding at the end thereof the following subsections:

“(o) The term “unmanipulated manures” means substances composed primarily of excreta, plant remains or mixtures of such substances which have not been processed in any manner.

“(p) The term “manipulated manures” means substances composed primarily of excreta, plant remains or mixtures of such substances which have been processed in any manner, including the addition of plant foods, drying, grinding and other means.
“(q) In "manipulated manures" the minimum percentages of total nitrogen, available phosphoric acid, and soluble or available potash are to be guaranteed, and the guarantee being stated in multiples of half (.50) percentages.”

Sec. 3. Subsection (a) of G. S. 106-50.4, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended by inserting in line one thereof between the words "fertilizer" and "shall" the words "and manipulated manure".

Sec. 4. Subsection (a) (4)B of G. S. 106-50.4, as it appears in the 1949 Cumulative Supplement to the General Statutes, is stricken out and the following substituted in lieu thereof:

"B. In mixed fertilizer (branded for tobacco):

Field Fertilizer
Total Nitrogen ............................................ per cent
(Optional) nitrogen in the form of nitrate ......... per cent
percentage of total in multiples of five.
Water insoluble nitrogen .............................. per cent
percentage of total in multiples of five.
Available phosphoric acid ........................... per cent
Soluble or available potash ......................... per cent
Maximum chlorine ...................................... per cent
Total magnesium oxide ............................... per cent

Plant Bed Fertilizer
Total nitrogen ............................................ per cent
(Optional) nitrogen in the form of nitrate ......... per cent
percentage of total in multiples of five.
(Optional) water insoluble nitrogen .............. per cent
percentage of total in multiples of five.
Available phosphoric acid ........................... per cent
Soluble or available potash ......................... per cent
Maximum chlorine ...................................... per cent
Total magnesium oxide ............................... per cent

All fertilizer branded for tobacco must contain magnesium equivalent to a minimum of two per cent magnesium oxide for field fertilizer, and one per cent magnesium oxide for plant bed fertilizer. Whether the fertilizer is acid-forming or non-acid forming.

The potential basicity or acidity expressed as equivalent of calcium carbonate in multiples of five per cent (or one hundred pounds per ton only.)"

Sec. 5. G. S. 106-50.4, as it appears in the 1949 Cumulative Supplement to the General Statutes is amended by adding the following after subsection (a) (4) C:

"D. In manipulated manures.
Total Nitrogen ............................................ per cent
Available phosphoric acid ........................... per cent
Soluble or available potash ........................ per cent
(The manures from which nitrogen, phosphoric acid, and potash are derived)"
Sec. 6. Subsection (a) (7) of G. S. 106-50.4, as it appears in the 1949 Cumulative Supplement to the General Statutes, is stricken out and the following substituted in lieu thereof:

"(7) Borax may be claimed as an ingredient of mixed fertilizers. If claimed, it shall be guaranteed in terms of pounds of borax (Na₂B₄O₇·10H₂O) per 100 pounds of fertilizer and in increments of ½, ¼, and multiples of ½ pound per 100 pounds of fertilizer. The guarantee will be considered both a minimum and a maximum guarantee. The analysis guarantee shall be on a separate tag as prescribed by the Commissioner."

Sec. 7. G. S. 106-50.10, as it appears in the 1949 Cumulative Supplement to the General Statutes, is stricken out and the following substituted in lieu thereof:

"G. S. 106-50.10. No superphosphate containing less than eighteen per cent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen, available phosphoric acid, and soluble or available potash totals less than twenty per cent may be offered for sale, sold, or distributed in this State except for one grade of tobacco plant bed fertilizer in which the sum of the guarantees for total nitrogen, available phosphoric acid, and soluble or available potash shall not total less than sixteen per cent and except for complete field fertilizer containing twenty-five per cent or more of their nitrogen in water insoluble form of plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble or available potash need not total more than eighteen per cent."

Sec. 8. The second paragraph of G. S. 106-50.11, as it appears in the 1949 Cumulative Supplement to the General Statutes, is stricken out and the following substituted in lieu thereof:

"it is provided, however, that any distributor may be permitted to sell one but not exceeding one grade of specialty fertilizer not on the current approved list. The Commissioner may, in his discretion, require a sample label to be submitted before registering such fertilizer."

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. 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 April, 1951.

S. B. 479

CHAPTER 1027

AN ACT TO AMEND CERTAIN SECTIONS OF THE SCHOOL LAWS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 115-85, line forty-two, after the word "publication" and before the word "for" by inserting the words "once a week".

Sec. 2. Amend G. S. 115-104 by adding at the end of said Section the following: "In case of like vacancy in the office of city superintendent such vacancy shall be filled by the city board of trustees, or other school governing body, of a city administrative unit. During the time any county
or city superintendent is on an approved leave of absence, without pay, an acting superintendent may be appointed in the same manner to serve during the interim period, which appointment shall be subject to the same approvals and to the same educational qualifications as provided for under G. S. 115-353. In case such position is not filled immediately on a permanent or temporary basis or in case of absence of a superintendent on account of illness or other approved reason, the respective boards by resolution duly adopted and recorded in the minutes of such board may assign to an employee of such school board, with the approval of the State school authorities, any duty or duties of such superintendent which necessity requires be performed during such time: Provided, that if the duty of signing warrants and checks is so assigned, said board shall give proper notice immediately to State and local disbursing officials.

Sec. 3. Amend G. S. 115-146 by adding at the end of said Section the following: “Provided, that any superintendent, principal, teacher or other school employee employed in the public schools of North Carolina, who knowingly and willfully makes or procures another to make any false report or records, requisitions, or pay rolls, respecting daily attendance of pupils in the public schools of North Carolina, pay roll data sheets or other reports made or required to be made to any board or officer in the performance of their duties shall be guilty of a misdemeanor and upon conviction fined or imprisoned in the discretion of the court and the certificate of such person to teach in the public schools of North Carolina shall be revoked by the State Superintendent of Public Instruction.”

Sec. 3½. Amend G. S. 115-353 by adding in the third paragraph thereof after the words “and biennially thereafter during the month of April, the various county boards of education” the words, “named by the General Assembly which convened in January of such year.”

Sec. 4. Amend G. S. 115-363, subsection (a), by striking out after the word “disapprove” in line twelve the remainder of the sentence and inserting in lieu thereof the words “the same as to its financial soundness.”

Sec. 5. Amend G. S. 115-366, paragraph one, line five, after the word “duties” and before the semicolon in said line, by inserting the words “as to such funds”; and further amend said Section by inserting in line eleven, paragraph two, after the word “duties” and before the words “in such” the words “as to such school funds.”

Sec. 6. Amend G. S. 115-369, subsection two, paragraph two, by inserting in line three of said paragraph after the word “with” and before the word “the” the following: “the chairman and the secretary of the school governing body of the school administrative unit, the county auditor,” and by adding at the end of said paragraph after the words “June 30th.” the following sentence: “By October 1st after the close of the school year, a condensed statement of the report on the audit shall be published in some newspaper published in the county, or posted at the courthouse door if no newspaper is published in such county.”

Amend G. S. 115-369, subsection three, by adding at the end of this subsection the following: “Such annual audits shall be completed as near to the close of the year as practicable and copies of said audit filed with
the chairman and the secretary of the administrative unit in which the school is located and the State Board of Education not later than October 1st after the close of the fiscal year on June 30th."

Amend G. S. 115-369, subsection four, by striking out all of the first paragraph of said subsection, including said subsection number and title, and by adding at the beginning of the second paragraph of subsection four the following: "4. Payment of audit costs.—"

Sec. 7. Amend G. S. 115-31.23 in line four after the comma following the figures "1949" and before the word "all" in line five by striking out the following: "and before January 1, 1951.".

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect on and after July 1, 1951, except Sections three and seven which shall be in full force and effect from and after ratification of this Act.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 480 CHAPTER 1028
AN ACT TO DISPENSE WITH JURY TRIALS IN THE RECORDER'S COURT OF MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after May 1, 1951, there shall be no jury trials in the Recorder's Court of Moore County in criminal actions, but any person convicted of any criminal offense in said court of which said court may have jurisdiction may appeal from said conviction and sentence to the Superior Court of Moore County where the case shall be tried de novo as by law provided.

Sec. 2. That this Act shall apply only to Moore County and the Recorder's Court therein.

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 from and after May 1, 1951. In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 493 CHAPTER 1029
AN ACT TO AMEND CHAPTER 550, PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE SALARIES OF THE JUDGE AND PROSECUTING ATTORNEY OF THE WAKE FOREST RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 550 of the Public-Local Laws of 1937 be, and the same is hereby, amended by striking out the entire first sentence of Section 3 of said Act and inserting in lieu thereof the following:
"That the salary of the recorder shall not be fixed at less than nine hundred dollars ($900.00) per annum, nor more than eighteen hundred dollars ($1,800.00) per annum; that the salary of the prosecuting attorney shall not be fixed at less than nine hundred dollars ($900.00) per annum, nor more than eighteen hundred dollars ($1,800.00) per annum, each of said salaries payable monthly by the Municipality of Wake Forest."

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 497

CHAPTER 1030

AN ACT TO ESTABLISH A MEAT GRADING PROGRAM FOR NORTH CAROLINA.

WHEREAS, promotion of the livestock industry in North Carolina is deemed to be in the public interest, because it affords means for developing a better balanced system of agriculture, for increasing farm income and thereby improving the State's general economic situation; and

WHEREAS, expansion of livestock production in North Carolina is now retarded by the lack of an adequate market for top grade beef animals; and

WHEREAS, an important factor contributing to this lack of an adequate market is the absence of a State-administered system for grading meat products; and

WHEREAS, many North Carolina slaughterers and processors, most of them operating small to medium size plants, do not enjoy a sufficient volume of business to warrant employment of federal meat graders and, therefore, are at a disadvantage in competing with packing houses in other states which sell on a grade basis, enabling them to command higher prices for their products and to pay premium prices for the better grades of slaughter animals; and

WHEREAS, the inability of many North Carolina meat processing plants to brand their products with standard grades prevents them from obtaining contracts to supply the meat requirements of certain State institutions which advertise for bids on a grade basis; and

WHEREAS, the establishment of an official State meat grading system will tend to encourage livestock production, promote better local livestock markets and increase meat processing within the State, and at the same time provide the people of the State with a better local supply of meats of established quality: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Short Title. The short title of this Act shall be "The North Carolina Meat Grading Law".

Sec. 2. Definitions. For the purpose of this Act, the following words, names and terms shall be construed respectively as follows:

(a) "Plant" means any person, firm or corporation engaged in slaughtering, packing or processing meat.
(b) "Distributor" means any person, firm or corporation engaged in selling, handling or distributing meat.

(c) "Plant or Distributor's Permit" means authority granted by the commissioner to produce, handle, sell or distribute meat which is graded according to the provisions of this Act.

(d) "Grader's Permit" means authority granted by the commissioner to any person to grade meat in any plant or for any distributor holding a plant or distributor's permit.

(e) "Grader" means any person holding a grader's permit.

(f) "Meat" means beef, lamb or pork.

(g) "Commissioner" means Commissioner of Agriculture of North Carolina.

Sec. 3. Program Inaugurated. The Department of Agriculture shall inaugurate and conduct a program for the grading of meat which is slaughtered, processed or distributed in this State.

Sec. 4. Program Shall Be Voluntary. No plant or distributor is required to participate in this program, but any plant or distributor may participate so long as said plant or distributor meets the requirements for a permit as provided by this Act and continues to comply with those and other requirements which may be promulgated by the Board of Agriculture.

Sec. 5. Issuance of Plant or Distributor's Permits.

(a) Any plant which produces satisfactory evidence to the commissioner that it holds a grade-A health rating by the North Carolina Department of Public Health, both as to its plant proper and surrounding premises, and that it has the facilities to provide for both ante and post-mortem inspection of meat by a veterinarian or some other person acting under the supervision of a veterinarian, shall, upon application to the commissioner, and the payment of a fee of one dollar ($1.00), be issued a plant or distributor's permit to grade meat as provided by this Act.

(b) Any distributor who produces satisfactory evidence to the commissioner that the meat which is handled by him is slaughtered, processed or produced under conditions which would satisfy the requirements set out in subsection (a) of this Section shall, upon the payment of one dollar ($1.00), be issued a plant or distributor's permit to grade meat as provided by this Act.

Sec. 6. Revocation of Plant or Distributor's Permit. Any plan or distributor's permit may be revoked or suspended by the commissioner if the holder of such permit fails to continue to comply with the requirements for obtaining such permit, or any other rules, regulations and standards of the Department of Agriculture or any law of this State relating to the handling of meat, but no permit shall be revoked without due notice to the holder thereof and an opportunity for the holder to be heard.

Sec. 7. Grader's Permits. A grader's permit, subject to the provisions of this Act, shall be issued by the commissioner when sufficient proof is presented to him to satisfy him that the person applying for such permit is of good moral character and has had sufficient training and experience to qualify him to grade meat, and when such applicant has paid to the Department of Agriculture the sum of one dollar ($1.00).
Sec. 8. Revocation of Grader's Permit. Any grader's permit shall be revoked or suspended when it shall appear to the commissioner that the holder of such permit has violated any rule, regulation or standard of the Department of Agriculture or any law of North Carolina relating to the handling of meat, but no permit shall be revoked without proper notice to the holder thereof and an opportunity for him to be heard.

Sec. 9. Supervision of Program. The Department of Agriculture, upon receiving a request from a plant holding a plant permit, shall inaugurate and supervise a grading program for said plant.

Sec. 10. Grades. Each plant or distributor holding a plant or distributor's permit and participating in a meat grading program authorized by this Act shall cause all graded meat handled by it to be classified in the following grades: "prime", "choice", "good", "commercial", "cutter", "utility" and "canner". These designations may be made only by a person holding a grader's permit and the standards of quality which are required to make up these grades shall be the same as those used by the Federal meat grading agency to classify meats in these same grades.

Sec. 11. All Meat to be Stamped. Each plant or distributor holding a plant or distributor's permit shall, after a grader has determined the grade of any piece of meat handled by said plant or distributor, cause to be stamped on that piece of meat the grade name, the letters "N.C.D.A." and a letter, number or symbol to be assigned by the Department of Agriculture in order to identify the plant or distributor handling that piece of meat.

Sec. 12. Roller Stamps to be Rented. Each plant or distributor holding a plant or distributor's permit shall obtain from the North Carolina Department of Agriculture one or more sets of roller stamps and shall pay a rental fee not in excess of the amount required to procure and supply these stamps. These roller stamps shall remain the property of the Department of Agriculture and shall be returned to the Department of Agriculture upon the suspension or revocation of the plant or distributor's permit or upon the request of the commissioner.

Sec. 13. Roller Stamps, Contents Of. These roller stamps shall contain the letters "N.C.D.A." and a number, letter or other symbol to identify the plant or distributor using said stamp. The stamps shall also contain the words "prime", "choice", "good", "commercial", "utility", "cutter" and "canner" respectively.

Sec. 14. Reports by Plants or Distributors. Plants or distributors holding meat grading permits shall make reports regarding the number of animals slaughtered, number of animals graded, the grades within which these animals were classified and the origin of these animals, and such other information as the commissioner may deem proper. These reports shall be filed when requested by the commissioner and on the forms to be supplied by him.

Sec. 15. Fees. The commissioner is authorized to establish a uniform system of fees to be charged by the Department of Agriculture and these fees shall be charged for services performed in the administration of this Act.
Sec. 16. Rules and Regulations. The Board of Agriculture is authorized, after public hearing following due public notice, to promulgate such rules, regulations, definitions and standards as may be necessary to carry out the provisions of this Act. The violation of any of the provisions of this Act, or any of the rules and regulations promulgated hereunder, shall constitute a misdemeanor and shall be punished in the discretion of the court.

Sec. 17. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 18. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 509

CHAPTER 1031

AN ACT TO AMEND G. S. 94-4 RELATING TO APPRENTICESHIP FOR THE PURPOSE OF PROVIDING ON-JOB TRAINING NECESSARY FOR EMERGENCY AND CRITICAL CIVILIAN PRODUCTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 94-4 is hereby amended by striking out the colon appearing after the word “chapter” in the twenty-second line of said Section and by inserting after the word “chapter” and before the word “provided” in the said twenty-second line the following: “, including other on-job training necessary for emergency and critical civilian production:”.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 517

CHAPTER 1032

AN ACT TO AMEND CHAPTER 118 OF THE GENERAL STATUTES SO AS TO INCLUDE WITHIN ITS PROVISIONS SANITARY DISTRICTS, SCHOOL DISTRICTS, RURAL FIRE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS HAVING A REGULARLY ORGANIZED FIRE DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 118 of the General Statutes is amended by adding a new Section immediately following G. S. 118-1, to be designated as G. S. 118-1.1, and to read as follows:

“G. S. 118-1.1. As used in this Chapter, the words “city”, “cities”, “town” or towns” shall also include and mean sanitary districts, school districts, rural fire districts and any other political subdivisions of the State having an organized fire department.

“Whenever the clerk of any city or town is required to perform any act pursuant to this Chapter, clerk shall mean the person so designated by the governing body or committee where there is no clerk.”
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 14th day of April, 1951.

S. B. 523  
CHAPTER 1033
AN ACT TO AMEND CHAPTER 824, OF THE SESSION LAWS OF 1947, RELATING TO THE ALCOHOLIC BEVERAGES CONTROL BOARD AND THE CONTROL AND SALE OF ALCOHOLIC BEVERAGES IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 824 of the Session Laws of 1947 is amended by adding at the end thereof a sentence to read as follows:

"In lieu of the per diem and mileage provided for in this Section, the Alcoholic Beverages Control Board is authorized to fix the compensation and mileage of the chairman of said board in such an amount as it may deem just and proper."

Sec. 2. Subsection (1) of Section 5 of Chapter 824 of the Session Laws of 1947 is amended by inserting between the word "profits" and the word "shall" in line two of said subsection the words and punctuation: "; before deduction and payment of the eight and one-half per cent (8½%) of State tax prescribed by G. S. 18-45,".

Sec. 3. Subsection (1) of Section 5 of Chapter 824 of the Session Laws of 1947 is amended by adding at the end thereof a new paragraph to read as follows:

"Notwithstanding any public, public-local, or special act to the contrary, no salaried law enforcement officer of Halifax County shall be entitled to receive from public funds any reward or seizure fee for the capture of any whiskey distillery or the seizure of any illegal whiskey or for the capture of any person or persons engaged in the illegal possession, manufacture, sale, or possession for the purpose of sale of intoxicating whiskey. Nothing in this paragraph shall prohibit the taxing of such rewards or seizure fees in the bill of costs and collecting and paying the same to such officers in those cases where the defendant is convicted or pleads guilty and is adjudged to pay and does pay the fine and costs."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.
S. B. 526  CHAPTER 1034
AN ACT TO AMEND G. S. 115-361 RELATING TO LOCAL SUPPLEMENTARY SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-361 is hereby amended by striking out the words and figures "one thousand (1,000)" as they appear in lines 9 and 10 of that Section, and inserting in lieu thereof the words and figures "five hundred (500)".

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 531  CHAPTER 1035
AN ACT TO AMEND SECTION 130-39 OF THE GENERAL STATUTES RELATING TO THE POWERS OF SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Subsection 17. (a) of Section 130-39 of the General Statutes, the same being subsection 19(a) in Section 1 of Chapter 1133 of the 1949 Session Laws of North Carolina, is hereby amended to read as follows:

17 (a) To require any person, firm or corporation owning, occupying or controlling improved real property within the district to connect with either, or both, the water or sewage systems of the district. This subsection shall be inapplicable unless the health of the people residing within the district is endangered or jeopardized by the failure to connect to either, or both, of said water or sewage systems.

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 April, 1951.

S. B. 545  CHAPTER 1036
AN ACT TO AMEND G. S. 105-391 RELATING TO THE PROCEDURE FOR FORECLOSURE OF TAX LIENS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-391 is hereby amended by striking out in line three of paragraph (n) the reference "§§ 1-327, 1-328" and in line eight of paragraph (q) the reference "§ 45-28" and inserting in each place in lieu thereof the words "Article 29A of Chapter 1".

Sec. 2. All sales or resales heretofore held pursuant to G. S. 105-391 where the advertisement was in accordance with G. S. 1-327 and 1-328, as provided by such Sections prior to their repeal, are validated to the same
extent as if such advertisement were in accordance with Article 29A of Chapter 1 of the General Statutes, and all such sales, where the provisions of G. S. 45-28 as to resales, as provided by such Section prior to its repeal, were followed, are validated to the same extent as if the resale procedure provided for in Article 29A of Chapter 1 of the General Statutes had been followed.

Sec. 2½. The provisions of this Act validating and ratifying sales heretofore made shall not apply to any case now pending where an attack is being made on sales heretofore made because of the failure to properly advertise such sales.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 546

CHAPTER 1037

AN ACT TO AMEND G. S. 131-31 RELATING TO BOARDS OF MANAGERS OF COUNTY TUBERCULOSIS HOSPITALS AS THE SAME APPLIES TO WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-31, as the same applies to Wake County, is hereby rewritten to read as follows:

“G. S. 131-31 Board of Managers; Term of Office; Compensation. For each hospital so established, the board of county commissioners shall, by a majority vote, elect a board of managers to consist of three members, of whom one shall be a member of said board of commissioners and shall be chairman of said board of managers. Neither of the remaining two members of said board of managers shall be a member of the board of county commissioners. The chairman and the other two members of said board of managers shall be elected for terms of four years each. In all counties having a health officer, such health officer shall be ex officio one of the three members of the said board of managers, and the Superintendent of the Wake County Tuberculosis Sanitarium shall be ex officio another member of the three member board of managers, and these two ex officio members, together with the person elected from the membership of the board of county commissioners, shall constitute the three member board of managers, each of whom shall be entitled to a vote in all matters coming before the board. Women shall be eligible to said board of managers and all members of the board of managers shall serve without compensation: Provided, that this Act shall not affect the present term of office of any member of the board of managers elected prior to the passage of this Act, but as to such members this Act shall become effective as their present terms of office respectively expire.”

Sec. 2. The first board of managers elected pursuant to this Act shall consist of three members as follows: The Wake County Health Officer, who shall serve ex officio; the Superintendent of the Wake County Tubercu-
culosis Sanitarium, who shall serve ex officio, and John P. Swain, a member of the Wake County Board of County Commissioners.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 548  CHAPTER 1038

AN ACT PROVIDING FOR APPEALS FROM JUDGMENTS IN COURTS INFERIOR TO THE SUPERIOR COURT INVOKING SUSPENDED SENTENCES OF SUCH COURTS.

The General Assembly of North Carolina do enact:

Section 1. In all cases where a suspended sentence theretofore entered in a court inferior to the Superior Court is invoked by the court inferior to the Superior Court, the defendant shall have the right to appeal therefrom to the Superior Court, and, upon such appeal, the matter shall be heard de novo, but only upon the issue of whether or not there has been a violation of the terms of the suspended sentence: Provided nothing herein shall apply to a person under the supervision of the Probation Commission.

Sec. 2. That 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 upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 549  CHAPTER 1039

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO APPOINT A SPECIAL INVESTIGATING OFFICER FOR THE RECORDER'S COURT OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of New Hanover is hereby authorized, in its discretion, to appoint a Special Investigating Officer for the Recorder's Court of New Hanover County.

Sec. 2. It shall be the duty of the special investigating officer to investigate all cases of nonsupport coming before the Recorder's Court of New Hanover County, together with such other matters pertaining to domestic relations as may be referred to him by the judge or the solicitor of the court; to keep a detailed record of all cases involving domestic relations coming before the court and to report to the court all instances of nonconformance with orders or judgments of the court requiring payment of money for the support of dependents as required under terms of any order or judgment of the court, and to undertake such other investigations and to submit such other reports as may be required of him by the court,
Sec. 3. The special investigating officer shall serve at the pleasure of the board of county commissioners or until his successor is appointed and qualified and shall be paid such compensation as the board of county commissioners may determine and the board is hereby authorized to make necessary appropriations out of the general county fund to pay the salary of the special investigating officer and other incidental expenses necessary to give effect to this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 551

CHAPTER 1040

AN ACT TO REGULATE CERTAIN GAME LAWS IN AVERY, MITCHELL, YANCEY, AND MADISON COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person to poison, trap or kill Red Foxes at any time in Avery, Mitchell, Madison or Yancey Counties.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars ($25.00), nor more than fifty dollars ($50.00), or imprisoned for not more than 30 days.

Sec. 3. This Act shall apply to Avery, Mitchell, Yancey and Madison Counties.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 552

CHAPTER 1041

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF ROBBINSVILLE TO PAY OUT OF THE GENERAL FUND OF SAID TOWN THE BALANCE DUE ON COMBINATION TOWN HALL AND FIRE STATION.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the Town of Robbinsville is hereby authorized and empowered to pay out of the general fund of said town the sum of seven hundred seventeen dollars and forty-four cents ($717.44), which represents the amount due on a note executed to obtain funds for the construction of a fire station and town hall.

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 14th day of April, 1951.

S. B. 561  
CHAPTER 1042
AN ACT TO AMEND SECTION 20-139 OF THE GENERAL STATUTES TO PROHIBIT THE OPERATION OF MOTOR VEHICLES UNDER THE INFLUENCE OF NARCOTIC DRUGS OR INTOXICANTS ON CHURCH AND ORPHANAGE GROUNDS.

The General Assembly of North Carolina do enact:

Section 1. Section 20-139 of the General Statutes is hereby rewritten to read as follows:

"Section 20-139. Operation upon driveways of public or private institutions while under the influence of intoxicating liquors, etc. Any person who shall operate a motor vehicle over any drive, driveway, road, roadway, street or alley upon the grounds and premises of any public or private hospital, college, university, school, orphanage, church or any of the institutions maintained and kept up by the State of North Carolina or any of its subdivisions while under the influence of narcotic drugs or intoxicating liquor, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 20-179."

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 14th day of April, 1951.

S. B. 564  
CHAPTER 1043
AN ACT AMENDING SENATE BILL NUMBER 88 ENTITLED "AN ACT TO REWRITE G. S. 9-21 RELATING TO EXTRA OR ALTERNATE JURORS IN THE TRIAL OF CIVIL AND CRIMINAL CASES IN THE SUPERIOR COURT".

The General Assembly of North Carolina do enact:

Section 1. Senate Bill Number 88, entitled "An Act to Rewrite G. S. 9-21 Relating to Extra or Alternate Jurors in the Trial of Civil and Criminal Cases in the Superior Court", heretofore enacted by the General Assembly of 1951 and ratified on the twenty-first day of February, 1951, is hereby amended by striking out the semicolon appearing after the word "juror" in line 12 of the printed bill and by inserting in lieu thereof a comma, and the following:

"In addition to such unused or unexpended challenges as each party may have left after the selection of the regular trial panel of jurors in the case;".

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 565  CHAPTER 1044
AN ACT RELATING TO MUNICIPAL CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. Any incorporated city or town which owns a cemetery situated outside the corporate limits of said city or town is hereby authorized to exercise the same powers in the same manner and to the same extent with respect to such cemetery as if such cemetery were located within the corporate limits thereof.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 566  CHAPTER 1045
AN ACT TO AMEND SUBCHAPTER IV OF CHAPTER 113 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FISH AND FISHERIES AND REPEALING VARIOUS PUBLIC-LOCAL, SPECIAL AND PRIVATE ACTS RELATING TO COMMERCIAL FISHING.

The General Assembly of North Carolina do enact:

Section 1. Subchapter IV of Chapter 113 of the General Statutes of North Carolina is hereby amended as follows:

Sec. 113-160 is hereby repealed.

Sec. 113-161 is hereby amended by repealing subsection (c), and changing subsection (d) to (c), and changing subsection (e) to (d).

Sec. 113-162 is hereby amended by rewriting said Section so as to read as follows:

"The following license tax is hereby levied annually upon the different fishing appliances used in the waters of North Carolina by residents of the state:

Anchor gill nets, one dollar ($1.00) for each hundred yards or fraction thereof.

Stake gill nets, fifty cents (50c) for each hundred yards or fraction thereof: Provided, that when any person uses more than one such net the tax shall be imposed upon the total length of all nets used and not upon each net separately.

Drift gill nets, one dollar ($1.00) for each hundred yards or fraction thereof."
Pound nets, two dollars ($2.00) on each pound; the pound is construed to apply to that part of the net which holds and from which fish are taken. Submarine pounds, or submerged trap nets, two dollars ($2.00) for each trap or pound.

Seines, drag nets and mullet nets under one hundred yards, one dollar ($1.00) each.
Seines, drag nets and mullet nets over one hundred yards and under three hundred yards, one dollar ($1.00) per hundred yards or fraction thereof.
Seines, drag nets and mullet nets over three hundred yards and under one thousand yards, one dollar ($1.00) per hundred yards or fraction thereof.
Seines, drag nets and mullet nets over one thousand yards, one dollar ($1.00) per one hundred yards or fraction thereof.
Fyke nets, one dollar ($1.00) each.
Motor boats used in hauling nets, five dollars ($5.00) for each boat.
Power boats used in sink net fishing in the Atlantic Ocean, five dollars ($5.00) for each boat.

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.

The following license tax is hereby levied annually upon the different fishing appliances used in the waters of North Carolina by nonresidents of the State:
Anchor gill nets, two dollars ($2.00) for each hundred yards or fraction thereof.
Stake gill nets, one dollar ($1.00) for each hundred yards or fraction thereof: Provided, that when any person uses more than one such net the tax shall be imposed upon the total length of all nets used and not upon each net separately.
Drift gill nets, two dollars ($2.00) for each hundred yards or fraction thereof.
Pound nets, four dollars ($4.00) on each pound; the pound is construed to apply to that part of the net which holds and from which the fish are taken.
Submarine pounds, or submerged trap nets, four dollars ($4.00) for each trap or pound.
Seines, drag nets and mullet nets under one hundred yards, two dollars ($2.00) each.
Seines, drag nets and mullet nets over one hundred yards and under three hundred yards, two dollars ($2.00) per one hundred yards or fraction thereof.
Seines, drag nets and mullet nets over three hundred yards and under one thousand yards, two dollars ($2.00) per one hundred yards or fraction thereof.
Seines, drag nets and mullet nets over one thousand yards, two dollars ($2.00) per one hundred yards or fraction thereof.
Fyke nets, two dollars ($2.00) each.
Motor boats used in hauling nets, ten dollars ($10.00) for each boat.

Power boats used in sink net fishing in the Atlantic Ocean, ten dollars ($10.00) for each boat.

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."

Sec. 113-163 is hereby amended as follows: After the words "On oysters" strike out the words "five dollars" and insert in lieu thereof the words and figures "twenty-five dollars ($25.00) as provided in Article 16-A;", and at the end of the Section add the following:

"An annual license tax for the year beginning January 1st in each year, to be collected by the Commissioner of Commercial Fisheries, is imposed on all nonresident persons or dealers who purchase or carry on the business of canning, packing, shucking, or shipping the sea products enumerated below, as follows: On clams, twenty-five dollars ($25.00); crabs, twenty-five dollars ($25.00); escallops, twenty-five dollars ($25.00); fish, twenty-five dollars ($25.00); shrimp, twenty-five dollars ($25.00)."

"Any person, firm corporation or syndicate engaged in the processing of menhaden fish within the borders of the State of North Carolina, shall pay an annual license tax, to be collected by the Commissioner of Commercial Fisheries, on each plant so operated, as follows: On fish scrap and oil extracting or separating plant, one hundred dollars ($100.00); dehydrating plant, twenty-five dollars ($25.00)."

Sec. 113-164 is hereby repealed.

Sec. 113-165 is hereby amended by adding the following at the end of the Section:

"There shall be levied annually upon each nonresident trawl boat, or boat used for trawling purposes, documented in the customs house, a license tax of three dollars ($3.00) per gross ton, and on each nonresident trawl boat, or boat used for trawling purposes, not documented in the customs house, a license tax of ten dollars ($10.00), and a tax of ten dollars ($10.00) for each net."

Sec. 113-169 is hereby repealed.

Secs. 113-186 and 113-187 are hereby repealed.

Sec. 113-189 is hereby repealed.

Secs. 113-192 and 113-193 are hereby repealed.

Sec. 113-196 is hereby repealed.

Secs. 113-198 and 113-199 are hereby repealed.

Sec. 113-202 is hereby repealed.

Sec. 113-215 is hereby repealed.

Secs. 113-217, 113-218 and 113-219 are hereby repealed.

Secs. 113-227, 113-228 and 113-229 are hereby repealed.

Sec. 113-231 is hereby repealed.

Secs. 113-234, 113-235 and 113-236 are hereby repealed.

Secs. 113-238 through 113-243 are hereby repealed.

Sec. 113-247 is hereby amended by changing the period following the word "months" in the last line thereof, to a semicolon, and by adding the following words: "Provided, however, that the provisions of this Section
shall apply only to inland waters under the jurisdiction of the Wildlife Resources Commission, and shall not apply to any waters classified as Commercial Fishing Waters."

Sec. 113-251 is hereby amended by changing the period following the word "misdemeanor" in the last line thereof, to a colon, and by adding the following words: "Provided, however, that the provisions of this Section shall apply only to inland waters under the jurisdiction of the Wildlife Resources Commission, and shall not apply to any waters classified as Commercial Fishing Waters."

Article 24. Shellfish; Local Laws—Secs. 113-266 through 113-275 are hereby repealed.

Article 25. Commercial Fin Fishing; Local Regulations—Secs. 113-276 through 113-350, and Secs. 113-352 through 113-377 are hereby repealed.

Sec. 2. The following Public, Public-Local, Special and Private Acts are hereby repealed: Chapter 36 of the Public Laws of 1901; Chapter 113 of the Public Laws of 1901; Chapter 260 of the Public Laws of 1901; Chapter 308 of the Public Laws of 1901; Chapter 326 of the Public Laws of 1901; Chapter 370 of the Public Laws of 1901; Chapter 431 of the Public Laws of 1901; Chapter 435 of the Public Laws of 1901; Chapter 475 of the Public Laws of 1901; Chapter 589 of the Public Laws of 1901; Chapter 673 of the Public Laws of 1901; Chapter 702 of the Public Laws of 1901; Chapter 771 of the Public Laws of 1901; Chapter 131 of the Public Laws of 1903; Chapter 414 of the Public Laws of 1903; Chapter 520 of the Public Laws of 1903; Chapter 631 of the Public Laws of 1903; Chapter 650 of the Public Laws of 1903; Chapter 658 of the Public Laws of 1903; Chapter 668 of the Public Laws of 1903; Chapter 732 of the Public Laws of 1903; Chapter 752 of the Public Laws of 1903; Chapter 762 of the Public Laws of 1903; Chapter 86 of the Public Laws of 1905; Chapter 265 of the Public Laws of 1905; Chapter 283 of the Public Laws of 1905; Chapter 351 of the Public Laws of 1905; Chapter 363 of the Public Laws of 1905; Chapter 500 of the Public Laws of 1905; Chapter 560 of the Public Laws of 1905; Chapter 586 of the Public Laws of 1907; Chapter 572 of the Public Laws of 1907; Chapter 690 of the Public Laws of 1907; Chapter 811 of the Public Laws of 1907; Chapter 977 of the Public Laws of 1907; Chapter 426 of the Public Laws of 1909; Chapter 466 of the Public Laws of 1909; Chapter 585 of the Public Laws of 1909; Chapter 755 of the Public Laws of 1909; Chapter 871 of the Public Laws of 1909; Chapter 525 of the Public-Local Laws of 1911; Chapter 547 of the Public-Local Laws of 1911; Chapter 572 of the Public-Local Laws of 1913; Chapter 587 of the Public-Local Laws of 1913; Chapter 402 of the Private Laws of 1913; Chapter 58 of the Public-Local Laws, Extra Session of 1913; Chapter 211 of the Public-Local Laws, Extra Session of 1913; Chapter 30 of the Public Laws of 1915; Chapter 180 of the Public Laws of 1915; Chapter 610 of the Public-Local Laws of 1915; Chapter 599 of the Public-Local Laws of 1917; Chapter 202 of the Public-Local Laws, Extra Session 1920; Chapter 114 of the Public-Local Laws of 1921; Chapter 384 of the Public-Local Laws of 1921; Chapter 432 of the Public-Local Laws of 1921; Chapter 489 of the Public-Local Laws of 1921; Chapter 157 of the Public-Local Laws, Extra Session of 1921; Chapter 130 of the Public-Local Laws of 1923; Chapter
352 of the Public-Local Laws of 1923; Chapter 533 of the Public-Local Laws of 1923; Chapter 548 of the Public-Local Laws of 1923; Chapter 461 of the Public-Local Laws of 1925; Chapter 623 of the Public-Local Laws of 1925; Chapter 228 of the Public-Local Laws of 1927; Chapter 208 of the Public-Local Laws of 1929; Chapter 42 of the Public Laws of 1933; Chapter 51 of the Public Laws of 1933; Chapter 241 of the Public-Local Laws of 1933; Chapter 575 of the Public-Local Laws of 1933; Chapter 365 of the Public-Local Laws of 1935; Chapter 513 of the Public-Local Laws of 1935; Chapter 352 of the Public Laws of 1937; Chapter 266 of the Public-Local Laws of 1937; Chapter 632 of the Public-Local Laws of 1937; Chapter 265 of the Public Laws of 1939; Chapter 138 of the Public-Local Laws of 1939; Chapter 179 of the Public-Local Laws of 1939; Chapter 335 of the Public-Local Laws of 1941; Chapter 221 of the Special Laws of 1947; Chapter 485 of the Special Laws of 1947; Chapter 1017 of the Special Laws of 1947; Chapter 1031 of the Special Laws of 1949.

Provided that any Public, Public-Local, Special or Private law herein repealed may be covered by a regulation of the Board of Conservation and Development to effectuate the same privileges or protection therein provided upon the petition of either the representative or senator from that county or district filed within six (6) months from the date of ratification.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 April, 1951.

S. B. 569

CHAPTER 1046

AN ACT TO AMEND CHAPTER 82 OF THE LAWS OF 1848-9, RELATING TO THE CHARTER OF THE NORTH CAROLINA RAILROAD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 82 of the Laws of 1848-9, as amended, is hereby further amended by adding a new Section at the end thereof to read as follows:

"No stock owned by the State of North Carolina in the North Carolina Railroad Company shall be sold except with the prior consent of the General Assembly."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 570         CHAPTER 1047

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE STATE HOSPITAL AT RALEIGH, THE STATE HOSPITAL AT MORGANTON, THE STATE HOSPITAL AT GOLDSBORO, THE STATE HOSPITAL AT BUTNER AND THE CASWELL TRAINING SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. In addition to any appropriations heretofore made for the institutions hereinafter set forth in Committee Substitute for H. B. 7, the same being entitled: "An Act to Make Appropriations for the Maintenance of the State's Departments, Bureaus, Institutions and Agencies and for Other Purposes," there is hereby appropriated from the General Fund of the State, or from any current surplus or from any other surplus of the general fund, a supplementary appropriation for the institutions set forth below and in the amounts and for the fiscal years designated below as follows:

<table>
<thead>
<tr>
<th>Institution</th>
<th>1951-52</th>
<th>1952-53</th>
</tr>
</thead>
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<tr>
<td>State Hospital at Raleigh</td>
<td>$60,000</td>
<td>$55,000</td>
</tr>
<tr>
<td>State Hospital at Morganton</td>
<td>45,000</td>
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<tr>
<td>State Hospital at Goldsboro</td>
<td>39,000</td>
<td>30,000</td>
</tr>
<tr>
<td>State Hospital at Butner</td>
<td>72,000</td>
<td>75,000</td>
</tr>
<tr>
<td>Caswell Training School</td>
<td>34,000</td>
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</tr>
</tbody>
</table>

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 574         CHAPTER 1048

AN ACT AMENDING G. S. 165-5 RELATING TO THE MEMBERSHIP OF THE NORTH CAROLINA VETERANS COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 165-5 is hereby amended by striking out in lines 9, 10, and 11 of subsection 1 thereof, as the same appears in the 1949 Cumulative Supplement to the General Statutes of North Carolina, the following language: "nor receive compensation, per diem or other expenses for services rendered”.

Sec. 2. G. S. 165-5 is hereby further amended by inserting after the word "Members" in line one of subsection 6 thereof, as the same appears in the 1949 Cumulative Supplement to the General Statutes of North Carolina, the following: "and ex officio members”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
AN ACT AMENDING GENERAL STATUTES 113-8 IN RESPECT TO THE POWERS AND DUTIES OF THE BOARD OF CONSERVA- 
TION AND DEVELOPMENT.

The General Assembly of North Carolina do enact:

Section 1. Amend 113-8 of G. S. of 1943 as amended by adding at the end thereof a new subsection 113-8.1 which shall read as follows:

“Any person, firm, or corporation utilizing waters of North Carolina taken from the streams, rivers, creeks or lakes of the State in such an amount as to substantially reduce the volume or flow thereof for the purpose of irrigation shall before utilizing this resource in this manner make application to the director of the Department of Conservation and Development for a permit for such use. Such person, firm, or corporation shall file with the Department of Conservation and Development a proposed irrigation plan and survey. The director of Conservation and Development is hereby authorized to investigate such a plan as to safety and public interest and to approve plans and specifications and issue permits”.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

AN ACT TO AMEND GENERAL STATUTES 115-46 TO INCREASE THE PAY OF MEMBERS OF THE BOARD OF EDUCATION OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Add at the end of General Statutes 115-46 the following: “except the Board of Education of Forsyth County may fix the compensation of each member at not to exceed fifteen dollars ($15.00) per diem but the total compensation shall not exceed forty-five ($45.00) in any one month.”

Sec. 2. This amendment shall apply only to Forsyth County, North Carolina.

Sec. 3. The compensation herein provided for the members of the Board of Education of Forsyth County shall be effective July 1, 1951.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.
S. B. 585

CHAPTER 1051

AN ACT TO FIX THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY AND TO PROVIDE FOR THE CONTINUATION OF A SPECIAL TRUST FUND CREATED BY CHAPTER 147, SESSION LAWS 1943.

The General Assembly of North Carolina do enact:

Section 1. (a) The Clerk of the Superior Court of Forsyth County shall be paid a salary of eighty-five hundred dollars ($8,500.00) per year, effective as of July 1, 1951, payable in twelve equal monthly installments or, at the election of the Forsyth County Board of Commissioners, in twenty-four equal semi-monthly installments, as full compensation for his services as Clerk of the Superior Court, and the same shall be in lieu of any fees and commissions and any other compensation whatever that may come to him by virtue of his office, or by reason of any Public, Public-Local, or Private Act for his services as clerk, and the same shall be in lieu of any and all claims by said clerk to interest received from investments of unallocated funds, or from any other source whatsoever.

(b) All funds now held by Forsyth County in a special trust fund for the Clerk of the Superior Court of Forsyth County pursuant to the provisions of Chapter 147, Session Laws 1943 shall continue to be held by Forsyth County in said special trust fund as hereinafter provided. All interest and dividends received from investments of unallocated funds and collected after January 1st, 1951 by the Clerk of the Superior Court shall be paid over by said clerk to Forsyth County to be invested in said special trust fund as hereinafter provided. All funds now held by Forsyth County in said special trust fund and all interest and dividends earned and collected from the investment of unallocated funds and paid to Forsyth County after January 1st, 1951 must be held in said special trust fund and must be invested by Forsyth County as provided by law for the investment of funds by guardians and other fiduciaries, and on sufficient proof shown shall be applied to the making of settlement with the creditors of the office of the Clerk of Superior Court of Forsyth County to cover any losses that might occur in the clerk's office not due to the willful misconduct of the clerk, but said Forsyth County shall not be liable for the losses beyond the amount in said special trust fund. The special trust fund hereinafore provided for shall terminate upon the qualification of a Clerk of the Superior Court other than W. E. Church, the present incumbent, and the balance on deposit in said special trust fund upon the retirement of said clerk shall belong to Forsyth County and shall be transferred to its general fund discharged of the trust. A similar special trust fund shall be set up in the same manner and on the same terms and conditions, and from the same source, as herein set out for the use and benefit of each succeeding clerk.

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 from and after its ratification. In the General Assembly read three times and ratified, this the 14th day of April, 1951.
CHAPTER 1052
AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Register of Deeds of Forsyth County shall be paid a salary of six thousand dollars ($6,000.00) to become effective July 1, 1951, payable in twelve equal monthly installments or at the election of the Forsyth Board of County Commissioners in twenty-four semi-monthly installments as full compensation for his services as Register of Deeds of Forsyth County and the same shall be in lieu of any fees and commissions and any other compensation whatever that may come to him by virtue of his office.

Sec. 2. That 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 on and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 587
CHAPTER 1053
AN ACT TO FIX THE SALARY AND EXPENSES OF THE SHERIFF OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Sheriff of Forsyth County shall be seven thousand five hundred ($7,500.00) dollars per year, effective as of July 1, 1951, payable in 12 equal monthly installments or, at the election of the Forsyth County Board of Commissioners, in 24 equal semi-monthly installments.

Sec. 2. The Sheriff of Forsyth County shall continue to receive $1,500.00 a year for expenses as is now provided by law, in addition to the salary of $7,500.00 provided for in this Act, the expenses to be payable in 12 equal monthly installments or, at the election of the Forsyth County Board of Commissioners, in 24 equal semi-monthly installments.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act to be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 588
CHAPTER 1054
AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN WILSON COUNTY IN THE SECOND JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Wilson County in the Second Judicial District is rewritten to read as follows:

1047
“Wilson—Fourth Monday before the first Monday in March, to continue for two weeks, the first week to be for the trial of civil cases only and the second week to be for the trial of criminal cases only; ninth Monday after the first Monday in March, to continue for two weeks, for the trial of criminal cases only; eleventh Monday after the first Monday in March, for one week, for the trial of civil cases only; sixteenth Monday after the first Monday in March, for one week, for the trial of civil cases only; first Monday in September, for one week, for the trial of civil or criminal cases, or both; third Monday after the first Monday in September, for one week, for the trial of criminal cases only; fourth Monday after the first Monday in September, for one week, for the trial of civil cases only; seventh Monday after the first Monday in September, for one week, for the trial of criminal cases only; eighth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only; thirteenth Monday after the first Monday in September, for one week, for the trial of civil or criminal cases, or both. During the years 1951 and 1952, the following terms of court shall also be held in Wilson County: Fifth Monday before the first Monday in March, for one week, for the trial of civil cases only; first Monday before the first Monday in September, for one week, for the trial of civil cases only.”

“In case of conflict of any of the regularly established terms of the courts of the Second Judicial District with the terms above set out, the said terms of court here established shall be considered special terms, and the Chief Justice of the Supreme Court shall assign a regular, special or emergency judge to hold such said special term.”

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 591

CHAPTER 1055

AN ACT RELATING TO THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the general primary election to be held in Haywood County in 1952, there shall be nominated for membership on the County Board of Education one resident from each of the following five districts:

1. From District Number one, consisting of Waynesville Township, Ivy Hill Township, and Jonathan Creek Township, one nominee.

2. From District Number Two, consisting of Pigeon Township, East Fork Township and Cecil Township, one nominee.

3. From District Number Three, consisting of Clyde Township, one nominee.

4. From District Number Four, consisting of Crabtree Township and Iron Duff Township, one nominee.

5. From District Number Five, consisting of Fines Creek Township, White Oak Township, and Cataloochee Township, one nominee.
Beaverdam Township is excluded from the above named districts on account of the fact that it is contained in a city administrative unit with its own board of education.

At said primary election held in 1952, the one receiving the highest number of votes for the office of Board of Education shall be nominated for a term of six years, the two receiving the next highest number shall be nominated for a term of four years, and the two receiving the next highest number of votes shall be nominated for a term of two years. Thereafter, at each general primary election, there shall be nominated a member of the Board of Education from the district of the member whose term expires during the following year, for a term of six years.

The nominations shall be by county-wide vote. The candidate from each of the five districts herein described who receives the highest number of votes shall be nominated for membership on the County Board of Education, and the five candidates so nominated from the five districts shall constitute the five nominees for membership on the Board of Education of Haywood County.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 592

CHAPTER 1056

AN ACT TO AMEND CHAPTER 974 OF THE SESSION LAWS OF 1949, RELATING TO THE CONTROL, SALE AND DISTRIBUTION OF MALT BEVERAGES IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of Section 11 of Chapter 974 of the Session Laws of 1949 is amended by inserting a period following the word "night" in line 8 of said subsection and by striking out the following words in lines 8 and 9 thereof: "when beer is being sold or consumed on such licensed premises."

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 14th day of April, 1951.

S. B. 593

CHAPTER 1057

AN ACT TO AMEND THE PROCEDURE IN THE ADJUDICATION OF SMALL CLAIMS IN THE SUPERIOR COURT FOR FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The procedure for adjudicating small claims in the Superior Court for Forsyth County shall be as herein set forth. A small claim is
defined as an action in which the relief prayed for is a money judgment only and costs of court, in which the sum demanded (exclusive of interest and costs of court) by the plaintiff, defendant or other party does not exceed one thousand dollars ($1,000.00), and in which no jury trial is demanded; it may include the ancillary remedies of claim and delivery and attachment.

Sec. 2. The Clerk of the Superior Court for Forsyth County shall maintain a small claims docket. The clerk shall docket in the small claims docket any action in which the plaintiff in his complaint (or application for extension of time in which to file complaint) demands only a money judgment for a principal amount not in excess of one thousand dollars ($1,000.00), and does not demand a jury trial. No prosecution bond shall be demanded of plaintiff when instituting such action, and he shall be required to advance costs of the clerk's office only as prescribed in the next Section.

Sec. 3. In all small claims actions, the clerk shall require the advance payment of costs by plaintiff, as in other actions, but at one-half the usual amount.

Sec. 4. If any party to such action files an answer or other pleading in which affirmative relief is demanded for other than a money judgment not in excess of one thousand dollars ($1,000.00), the action shall be transferred to the regular civil issue docket; provided such party at the time of filing his pleading advances to the clerk the remaining one-half of court costs not advanced by plaintiff, and also files a prosecution bond for costs payable to the adverse party or parties in the sum of twenty-five dollars ($25.00). The bond, except as herein specified, shall be controlled by the provisions of General Statutes Sec. 1-109. If such party fails to pay such additional advance costs or to file such prosecution bond, the portion of his pleading setting out his claim for affirmative relief shall be stricken on motion or ex mero motu.

Sec. 5. No jury trial shall be had in such small claims action, unless a party thereto shall demand a jury trial in the first pleading filed by him, and shall also comply with the provisions of Section 4 hereof as to advance costs and prosecution bond.

Sec. 6. As to any action within the concurrent jurisdiction of a justice of the peace, summons shall not be issued to run outside the County of Forsyth.

Sec. 7. All appeals from a justice of the peace to the Superior Court shall be tried in the Superior Court by the judge without a jury, unless at the time the appeal is docketed in the Superior Court or within ten days thereafter a party to the action shall file with the clerk a written demand for a jury trial.

Sec. 8. 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 April, 1951.
S. B. 595

CHAPTER 1058

AN ACT TO PERMIT DRAINAGE DISTRICTS TO INVEST SURPLUS FUNDS OR FUNDS NOT IMMEDIATELY NEEDED FOR THE PURPOSES OF THE DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Article 11 of subchapter III of Chapter 156 of the General Statutes is hereby amended by adding immediately after G. S. 156-135 a new Section to be designated as G. S. 156-135.1, which shall read as follows:

"G. S. 156-135.1. Investment of Surplus Funds. Any drainage district organized under the provisions of subchapter III of Chapter 156 of the General Statutes and the governing authority of same is hereby authorized and empowered to invest any surplus funds or any funds not needed for the immediate use of the district in United States bonds or any securities or type of investment in which guardians, executors, administrators and others acting in a fiduciary capacity are authorized to make investments by virtue of Article I of Chapter 36 of the General Statutes as amended."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 596

CHAPTER 1059

AN ACT TO AUTHORIZE THE NORTH CAROLINA INDUSTRIAL COMMISSION TO HEAR AND DETERMINE TORT CLAIMS AGAINST STATE DEPARTMENTS AND AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the State Highway & Public Works Commission, and all other departments, institutions, and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of a negligent act of a State employee while acting within the scope of his employment and without contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted. If the Commission finds that there was such negligence on the part of a State employee while acting within the scope of his employment which was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages which the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of such damages by the department, institution or agency concerned, but in no event shall the amount of damages awarded exceed the sum of eight thousand dollars ($8,000.00).
Sec. 2. Upon determination of said claim the Commission shall notify all parties concerned in writing of its decision and either party shall have seven days after receipt of such notice within which to file notice of appeal with the Industrial Commission. Such appeal, when so taken, shall be heard by the Industrial Commission, sitting as a Full Commission, on the basis of the record in the matter and upon oral argument of the parties, and said Full Commission may amend, set aside, or strike out the decision of the Hearing Commissioner and may issue its own findings of fact and conclusions of law. Upon determination of said claim by the Industrial Commission, sitting as a Full Commission, the Commission shall notify all parties concerned in writing of its decision.

Sec. 3. Either the claimant or the State may, within 30 days of the date of the decision and award of the Full Commission or within 30 days after receipt of such decision and award, to be sent by registered mail but not thereafter, appeal from the decision of the Commission to the Superior Court of the county in which the claim arose. Such appeal shall be for errors of law only under the same terms and conditions as govern appeals in ordinary civil actions, and the findings of fact of the Commission shall be conclusive if there is any competent evidence to support them. Provided, the Commission shall have 60 days after receipt of notice of appeal, properly served on the opposing party and the Industrial Commission, within which to prepare and furnish to the appellant or his attorney a certified transcript of the record in the case for filing in the Superior Court, and the time for docketing said appeal shall not begin to run until this transcript has been furnished to the appellant or his attorney. Either party may appeal from the decision of the Superior Court to the Supreme Court as in ordinary civil actions.

Sec. 4. The appeal from the decision of the Industrial Commission to the Superior Court shall act as a supersedeas, and the State department, institution or agency shall not be required to make payment of any judgment until the questions at issue therein shall have been finally determined as provided in this Article.

Sec. 5. Any claim hereinafter listed, or any other claim hereinafter filed with the Industrial Commission, may be settled upon agreement between the claimant and the department, institution, or agency of the State involved without a formal hearing. Such settlements shall be subject to approval, however, by the office of the Attorney General of North Carolina with reference to all claims against all departments, institutions, and agencies of the State other than the State Highway & Public Works Commission, and settlements of claims against the State Highway & Public Works Commission shall be subject to approval by the Chief Counsel of that department, and all settlements shall be subject to approval by the North Carolina Industrial Commission.

Sec. 6. The members of the Industrial Commission, or a deputy thereof, shall have power to issue subpoenas, administer oaths, conduct hearings, take evidence, enter orders, opinions, and awards based thereon, and punish for contempt. The Industrial Commission is authorized to appoint deputies and clerical assistants to carry out the purpose and intent of
this Act, and such deputy or deputies are hereby vested with the same power and authority to hear and determine tort claims against State departments, institutions, and agencies as is by this Act vested in the members of the Industrial Commission. Such deputy or deputies shall also have and are hereby vested with the same power and authority to hear and determine cases arising under the Workmen's Compensation Act when assigned to do so by the Industrial Commission.

Sec. 7. G. S. 97-79 (b) is stricken out and the following inserted in lieu thereof:

"(b) The Commission may appoint deputies who shall have the same power to issue subpoenas, administer oaths, conduct hearings, take evidence, and enter orders, opinions, and awards based thereon as is possessed by the members of the Commission, and the compensation of such deputy or deputies shall be fixed by the Commission."

The last sentence of G. S. 97-84 is stricken out and the following is inserted in lieu thereof:

"The parties may be heard by a deputy, in which event the hearing shall be conducted in the same way and manner prescribed for hearings which are conducted by a member of the Industrial Commission, and said deputy shall proceed to a complete determination of the matters in dispute, file his written opinion, and cause to be issued an award pursuant to such determination."

Sec. 8. There is hereby appropriated out of the General Fund of the State the sum of twenty thousand dollars ($20,000.00) for the use of the Industrial Commission in defraying salaries, travel, costs, and other expenses incident to carrying out the provisions of this Act during the biennium 1951-1953.

The sum appropriated in this Section shall be used one-half to carry out the provisions of this Act as to claims hereafter filed.

Sec. 9. In all claims listed in Section 13 of this Act, and in all claims which may hereafter be filed against the various departments, institutions, and agencies of the State, the claimant or the person in whose behalf the claim is made shall file with the Industrial Commission an affidavit in duplicate, setting forth the following information:

(a) The name of the Claimant.
(b) The name of the department, institution or agency of the State against which the claim is asserted, and the name of the State employee upon whose alleged negligence the claim is based.
(c) The amount of damages sought to be recovered.
(d) The time and place where the injury occurred.
(e) A brief statement of the facts and circumstances surrounding the injury and giving rise to the claim.

Upon receipt of such affidavit in duplicate, the Industrial Commission shall enter the case upon its hearing docket and shall hear and determine the matter in the county where the injury occurred unless the parties agree that the case may be heard in some other county. All parties shall be given reasonable notice of the date when and the place where the claim will be heard.
Immediately upon docketing the case, the Industrial Commission shall forward one copy of plaintiff's affidavit to the office of the Attorney General of North Carolina if the claim is asserted against any department, institution, or agency of the State other than the State Highway & Public Works Commission. If the claim is asserted against the State Highway & Public Works Commission, one copy of said affidavit shall be forwarded to the Chief Counsel for that department.

Sec. 10. It shall be the duty of the Attorney General to represent all departments, institutions, and agencies of the State other than the State Highway & Public Works Commission in connection with claims asserted against them and to attend all hearings in connection therewith where the amount of the claim, in the opinion of the Attorney General, is of sufficient import to require and justify such appearance. In the event the amount appropriated to the Attorney General's office for travel and subsistence is insufficient to take care of the additional expense incident to attending these hearings, the Governor and Council of State are authorized to pay such additional travel expenses from the Contingency and Emergency Fund.

Sec. 11. All claims against any and all State departments, institutions, and agencies, except the claims enumerated in Section 13 of this Act, shall be forever barred unless a claim be filed with the Industrial Commission within two years after the accident giving rise to the injury and damage, and if death results from the accident, the claim for wrongful death shall be forever barred unless a claim be filed by the personal representative with the Industrial Commission within two years after such death.

Sec. 12. The Industrial Commission is hereby authorized and empowered to adopt such rules and regulations as may, in the discretion of the Commission, be necessary to carry out the purpose and intent of this Act.

Sec. 13. The following claims against the various departments, institutions, and agencies of the State indicated below shall be heard and determined by the Industrial Commission as provided in this Act, and each claimant upon request shall furnish the Industrial Commission the information provided for in Section 9 of this Act, as follows:

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Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. 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 April, 1951.
S. B. 597  

CHAPTER 1060

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wilson County is hereby authorized, in its discretion, to fix a uniform coroner's fee, in an amount of not less than $5.00 nor more than $10.00 per case.

Sec. 2. The Board of County Commissioners of Wilson County is hereby authorized in its discretion to fix the salary of the sheriff at not less than $3,000.00 nor more than $4,800.00 per year, in addition to fees, with an allowance in the discretion of the commissioners not to exceed $100.00 per month for an automobile or travel within the county; and to fix the salary of two deputy sheriffs at not less than $1,800.00 nor more than $3,500.00 per year, each, and to fix the salary of a third deputy sheriff at not less than $1,200.00 nor more than $3,500.00 per year, with an allowance, in the discretion of the commissioners, not to exceed $50.00 per month to each or any of said three deputies for an automobile or travel within the county.

Sec. 3. The Board of County Commissioners of Wilson County is hereby authorized, in its discretion: To fix the salary of the tax collector at not less than $3,000.00 nor more than $3,600.00 per year, and to make such additional allowance for automobile and travel within the county, as it may deem fit, not to exceed $25.00 per month; to fix the salary of one assistant tax collector at not less than $2,000.00 nor more than $2,600.00 per year, and to make such additional allowance for automobile and travel within the county, as it may deem fit, not to exceed $25.00 per month; to fix the salary of another assistant tax collector at not less than $1,800.00 nor more than $2,400.00 per year, but no allowance shall be made for an automobile or travel within the county; and to fix the compensation of such temporary assistants in the office of the tax collector as may be required from time to time, but the total compensation for all such assistants shall not exceed $3,600.00 per year.

Sec. 4. This Act shall apply only to Wilson County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 599  

CHAPTER 1061

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES RELATING TO THE TRIAL OF CASES INVOLVING THE UNLAWFUL TRANSPORTATION OF INTOXICATING LIQUOR IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-6.1, as it appears in the 1949 Cumulative Supple-
merit to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows:

"This Section shall not apply to Mecklenburg County."

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 14th day of April, 1951.

S. B. 602  CHAPTER 1062
AN ACT TO REPEAL CHAPTER 475 OF THE SESSION LAWS OF 1949.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 475 of the Session Laws of 1949, the same being entitled: "AN ACT TO LIMIT THE NUMBER OF SALARIED DEPUTY SHERIFFS IN COLUMBUS COUNTY," be and the same is 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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 604  CHAPTER 1063
AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM TO TRANSCRIBE THE NAMES OF ELECTORS REGISTERED ON THE GENERAL ELECTION REGISTRATION BOOKS IN PRECINCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF WINSTON-SALEM FROM THE GENERAL ELECTION REGISTRATION BOOKS TO THE REGISTRATION BOOKS OF THE CITY AND TO MAKE SUCH ELECTORS ELIGIBLE TO VOTE IN MUNICIPAL PRIMARIES AND ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. This Act shall not apply unless the governing body of the City of Winston-Salem, by resolution duly adopted, determines that it shall be applicable.

Sec. 2. This Act shall apply only to the voting precincts within the corporate limits of the City of Winston-Salem as established by the governing body of the City of Winston-Salem for municipal elections which are coterminous with precincts established by the Forsyth County Board of Elections. Said precincts are hereinafter referred to as "coterminous precincts".

Sec. 3. All persons who are duly registered on the general election registration books of a coterminous precinct, and who are otherwise qualified, shall be entitled to vote in the municipal primaries and elections of the City of Winston-Salem as provided by law.
Sec. 4. Upon demand of the Governing Body of the City of Winston-Salem, the Forsyth County Board of Elections shall make available to the Secretary of the Board of Aldermen of the City of Winston-Salem the general election registration books of each coterminous precinct, and the Secretary of the Board of Aldermen shall have transcribed from said general election registration books into the registration books of the City of Winston-Salem for the corresponding precincts of the city the names of all registered electors shown on said general election registration books who are not already shown on the registration books of the city and shall record in said city registration books opposite each name so transcribed the necessary information as required by law. The Secretary of the Board of Aldermen of the City of Winston-Salem shall supervise the transcribing of the names from the general election registration books into the registration books of the city and shall, upon the completion of such transcription, return the said general election registration books to the Forsyth County Board of Elections.

Thereafter, immediately following each primary and each general or special election held in Forsyth County, the Forsyth County Board of Elections shall make available to the Secretary of the Board of Aldermen of the City of Winston-Salem the general election registration books of each coterminous precinct for such time as may reasonably be necessary for the Secretary of the Board of Aldermen of the City of Winston-Salem to have the names of all new electors registered in each of said precincts transcribed, together with the race, age and residence of such electors, into the proper registration books of the City of Winston-Salem. The Secretary of the Board of Aldermen of the City of Winston-Salem shall cause such information to be properly transcribed into the registration books of the City of Winston-Salem and shall, upon the completion of such transcription, return the general election registration books to the Forsyth County Board of Elections.

Sec. 5. The Forsyth County Board of Elections shall make the general election registration books of all coterminous precincts available to the Secretary of the Board of Aldermen of the City of Winston-Salem for each city primary and for each city election. If any person appears at a polling place on a city primary of election day and contends that such person is registered in one of the coterminous precincts on the general election registration books, and the name of such person does not appear on the registration books of the city, the registrar at such polling place shall ascertain from the Secretary of the Board of Aldermen of the City of Winston-Salem if such person is, in fact, properly registered on the general election registration books and if so, it shall then be the duty of the registrar of the precinct in which such person is so registered to place the name of such person on the city registration books. Within ten days after each such city primary or election, the Secretary of the Board of Aldermen of the City of Winston-Salem shall certify the registration of all such persons to the registrars of their respective precincts. On the day following each such city primary or election, the Secretary of the Board of Aldermen shall return the general election registration books to the Forsyth County Board of Elections.
Sec. 6. Any costs incurred by the Forsyth County Board of Elections in complying with the provisions of this Act shall be borne by the City of Winston-Salem.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 8. 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 April, 1951.

S. B. 605

CHAPTER 1064

AN ACT TO AUTHORIZE THE FORSYTH COUNTY BOARD OF ELECTIONS TO TRANSCRIBE THE NAMES OF ELECTORS REGISTERED ON THE CITY REGISTRATION BOOKS TO THE GENERAL ELECTION REGISTRATION BOOKS OF COTERMINOUS COUNTY PRECINCTS AND TO MAKE SUCH ELECTORS ELIGIBLE TO VOTE IN COUNTY-WIDE PRIMARIES AND GENERAL AND SPECIAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. This Act shall not apply unless the Forsyth County Board of Elections, by resolution duly adopted and filed in the office of the Clerk of the Superior Court of Forsyth County, determines that it shall be applicable.

Sec. 2. This Act shall apply only to the voting precincts within the corporate limits of the City of Winston-Salem as established by the Forsyth County Board of Elections for general elections which are coterminous with precincts established by the governing body of the City of Winston-Salem. Said precincts are hereinafter referred to as "coterminous precincts."

Sec. 3. All persons who are duly registered on the city registration books of a coterminous precinct, and who are otherwise qualified, shall be entitled to vote in the primaries and general and special elections held in Forsyth County as provided by law.

Sec. 4. Upon demand of the Forsyth County Board of Elections, the Secretary of the Board of Aldermen of the City of Winston-Salem shall make available to the Forsyth County Board of Elections the city registration books of each coterminous precinct, and the Forsyth County Board of Elections shall have transcribed from said city registration books into the general election registration books for the corresponding precincts of the county the names of all registered electors shown on said city registration books who are not already shown on the general election registration books and shall record in said general election registration books opposite each name so transcribed the necessary information as required by law. Upon the completion of such transcription, the Forsyth County Board of Elections shall return the said city registration books to the Secretary of the Board of Aldermen of the City of Winston-Salem.

Thereafter, immediately following each municipal primary and election, the Secretary of the Board of Aldermen of the City of Winston-Salem shall
make available to the Forsyth County Board of Elections the city registration books of each coterminous precinct for such time as may be reasonably necessary for the Forsyth County Board of Elections to have the names of all new electors registered in each of the aforesaid precincts transcribed, together with the race, age and residence of such electors, into the proper general election registration books. The Forsyth County Board of Elections shall cause such information to be properly transcribed into the general election registration books and shall, upon the completion of such transcription, return the city registration books to the Secretary of the Board of Aldermen of the City of Winston-Salem.

Sec. 5. The Secretary of the Board of Aldermen of the City of Winston-Salem shall make the city registration books available to the Forsyth County Board of Elections for each primary and for each general and special election held in Forsyth County. If any person appears at a polling place on the day of a general or special election or primary held in Forsyth County and contends that such person is registered in one of the coterminous precincts on the city registration books, and the name of such person does not appear on the general election registration books, the registrar at such polling place shall ascertain from the Forsyth County Board of Elections if such person is, in fact, properly registered on the city registration books and if so, it shall then be the duty of the registrar of the precinct in which such person is so registered to place the name of such person on the general election registration books. Within ten days after each such primary or election, the Chairman of the Forsyth County Board of Elections shall certify the registration of all such persons to the registrars of their respective precincts. On the day following each such primary or election, the Forsyth County Board of Elections shall return the city registration books to the Secretary of the Board of Aldermen of the City of Winston-Salem.

Sec. 6. Any costs incurred by the City of Winston-Salem in complying with the provisions of this Act shall be borne by the Forsyth County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 8. 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 April, 1951.

S. B. 606

CHAPTER 1065

AN ACT TO AUTHORIZE THE DESTRUCTION OF RECORDS OF THE MUNICIPAL COURT OF WINSTON-SALEM MORE THAN TEN YEARS OLD.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Winston-Salem shall have authority, from time to time, to order by appropriate resolution the destruction of any records of the Municipal court of Winston-Salem which are more than 10 years old, when such destruction is recommended by the
judge of said court and by the Chief of Police of the City of Winston-Salem. The records so ordered to be destroyed shall be destroyed by the Clerk of the Municipal Court of Winston-Salem, who shall keep in the files of his office a certified copy of all such resolutions.

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

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 607  CHAPTER 1066

AN ACT FIXING THE SALARIES OF THE CHAIRMAN AND THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the effective date of this Act, the Chairman of the Board of County Commissioners of Rowan County shall receive an annual salary of fifteen hundred dollars ($1,500.00), and all other members of the board shall receive annual salaries of nine hundred dollars ($900.00) each, all such salaries to be paid out of general county funds in monthly installments.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 608  CHAPTER 1067

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO PURCHASE PROPERTY IN THE CITY OF RALEIGH NECESSARY FOR THE ERECTION OF STATE BUILDINGS IN THE VICINITY OF THE CAPITOL SQUARE.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State, upon the recommendation of the Board of Public Buildings and Grounds, are hereby authorized and empowered to purchase such additional lands in the City of Raleigh fronting on the streets surrounding Capitol Square or located near the Capitol Square and convenient to be used for State Buildings which shall be found desirable and necessary by the Board of Public Buildings and Grounds and the Governor and Council of State at a cost not to exceed two hundred twenty-five thousand dollars ($225,000.00). The Governor and Council of State are authorized and empowered to allocate from the contingency and emergency fund such amount as may be available for expenditure in the present biennium or the next succeeding biennium for said purpose or such amount may be allocated by the director of the budget

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from any surplus which may remain in the general fund after the end of the present biennium and after all obligations of the general fund have been fully met to discharge appropriations otherwise made.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 609

CHAPTER 1068

AN ACT TO AMEND H. B. 895, RATIFIED MARCH 30, 1951, RELATING TO THE APPOINTMENT OF JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Chatham County" the name "W. T. Brooks of Bear Creek Township".

Sec. 2. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Forsyth County" the name "E. T. Whitman".

Sec. 3. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Haywood County" the name "J. M. Caldwell".

Sec. 4. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Mecklenburg County" the name "Bloys Britt".

Sec. 5. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "New Hanover County" the name "R. L. Benson".

Sec. 6. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Northampton County" the name "R. L. Colson".

Sec. 7. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Richmond County" the name "R. S. Sherrill, of Wolf Pit Township, for a term of six years".

Sec. 8. Section 1 of House Bill 895, ratified March 30, 1951, is hereby amended by adding under the heading "Wake County" the name "Reece Daniel".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

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CHAPTER 1069
AN ACT RELATING TO THE AD VALOREM TAXATION OF SWEET POTATOES IN STORAGE IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From the assessed valuation for ad valorem property taxes on sweet potatoes and yams stored in Wayne County on January 1, in any year, there may be deducted by the owner thereof all bona fide indebtedness incurred directly for the purchase of said sweet potatoes or yams and for the payment of which the sweet potatoes or yams so purchased are pledged as collateral.

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 14th day of April, 1951.

CHAPTER 1070
AN ACT TO AMEND CHAPTER 1027 OF THE SESSION LAWS OF 1949 RELATING TO THE VACATION OF THE JUDGE AND SOLICITOR OF THE POLICE COURT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1027 of the Session Laws of 1949 is hereby amended by striking out the words and figures “ten (10)” as they appear in the fourth line of said Section, and inserting in lieu thereof the words and figures “twenty (20)”.

Sec. 2. Section 2 of Chapter 1027 of the Session Laws of 1949 is hereby amended by striking out the words and figures “ten (10)” as they appear in the fourth line of said Section, and inserting in lieu thereof the words and figures “twenty (20)”.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

CHAPTER 1071
AN ACT TO AMEND G. S. 153-10, RELATING TO THE AUTHORITY OF COUNTY COMMISSIONERS TO INTERDICT CERTAIN SHOWS, SO AS TO INCLUDE EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The sixteenth sentence of G. S. 153-10 is hereby amended by inserting between the word “Duplin” and “Forsyth”, the word “Edgcomb”.
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 14th day of April, 1951.

S. B. 614  CHAPTER 1072
AN ACT RELATING TO THE COMPENSATION OF THE OFFICIAL COURT REPORTER IN THE THIRD JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Boards of County Commissioners in the Counties of Bertie, Halifax, Hertford, Northampton, Vance and Warren, comprising the third judicial district, are hereby authorized and directed to pay, out of general county funds, to the person or persons designated as official court reporter in the Superior Courts of the third judicial district, a sum not less than seventy-five dollars ($75.00) for each week or portion thereof in which such courts are in session and such reporter is in attendance thereon in discharge of official duties as court reporter, together with mileage at the rate of five cents ($0.05) per mile while traveling in line of official duty.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 616  CHAPTER 1073
AN ACT RELATING TO PUBLICATION OF CERTAIN RECORDS IN Sampson County and Municipalities Therein.

The General Assembly of North Carolina do enact:

Section 1. On or before July 1, 1951, and annually thereafter, the Boards of Commissioners of Sampson County and the governing authority or board of commissioners of each incorporated city or town in Sampson County having a population in excess of eight hundred (800) shall publish in a newspaper published in Sampson County a statement showing the amount of salary, compensation, fees, commissions, and pay fixed for each of the following officers showing the total compensation of every kind whatsoever for the performance of all duties and services for the ensuing fiscal year: Chairman and members of the boards of commissioners, mayor, register of deeds; Clerk of the Superior Court; sheriff; tax collector; delinquent tax collector; tax supervisor; jailer; city clerk; accountant; and attorney. Said statement shall also show the number of assistants, clerks, and employees, if any, provided for each of the above named officers, together with the salary, compensation, fees, commissions, and pay fixed for

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each, and, further, shall show the amount provided or allowed each officer and employee, assistant, and clerk for expenses. In the event the compensation, salary, fees, commission, pay or expense allowance of any such officer, assistant, clerk or employee is increased, the respective boards of commissioners shall immediately publish a statement in the manner herein provided, which statement shall give the name of the officer or other person receiving such increase in salary, compensation, fees, commissions, pay or expense, and the reasons for such increase. The respective accountants or clerks shall furnish their respective boards such information as it may require for the purpose of this Section.

Sec. 2. On or before the first Monday in December, 1951, said boards of commissioners shall prepare or cause to be prepared and posted at the courthouse door and publish in some newspaper published in said county for four weeks a statement showing all salary, fees, compensation, commissions, pay, expense, and allowances of public funds paid to or for the use of each of the said officers, named in Section 1 hereof, including all fees collected by said officials from January 1, 1947, to time of such statement. Such statement shall give the name of the officers, the total amount paid to each individual officer, and shall be itemized as to salaries, fees, commissions, expenses, and allowances. When any amount in addition to salary has been paid to any one of said officers, the statement shall contain a brief explanation of such payment. In addition, the said statement shall include a yearly total for each of the years 1947, 1948, 1949 and 1950 and a total for that part of 1951 from January 1, 1951, to the time of the statements, showing the total cost of the office of each of the above named officers, which totals shall include everything paid to or for the use of such office out of public money under the control of any officer of Sampson County or said municipalities thereof, without regard to the name or designation of the fund from which such payment was made, to the end that the citizens of Sampson County and said municipalities may know and be advised of the costs of each such office. The said accountants or clerks shall furnish to said respective boards such information as it may require for the purposes of this Section. Nothing in this Section shall have the effect of repealing any part of Article 5, Chapter 153 of the General Statutes of North Carolina, but shall be in addition thereto.

Sec. 3. Each member of the Boards of Commissioners of Sampson County or said municipalities thereof who fails or refuses to procure the preparation and publishing of the statements as provided by Sections 2 and 3 of this Act or knowingly procures the preparation or publishing of false or untrue statements in such statements shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
S. B. 617

CHAPTER 1074

AN ACT TO APPROPRIATE FROM THE CONTINGENCY AND EMERGENCY FUND TO THE BUREAU OF INVESTIGATION OF THE STATE DEPARTMENT OF JUSTICE THE SUM OF $10,000.00 TO EMPLOY TWO ADDITIONAL SENIOR INVESTIGATORS.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State are hereby authorized and directed to allocate from the Contingency and Emergency Fund contained in the Biennial Maintenance Appropriation Act for the next biennium the sum of ten thousand dollars ($10,000.00) for each year of the next biennium to the Bureau of Investigation of the State Department of Justice to be expended for the purpose of providing two senior investigators for the said bureau and the necessary travel expenses of such employees.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 618

CHAPTER 1075

AN ACT LIMITING THE AMOUNT OF EXPENDITURE OF PUBLIC FUNDS BY THE BOARD OF EDUCATION OF RANDOLPH COUNTY FOR THE PURPOSE OF PROVIDING WATER AND SEWER SYSTEMS FOR PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. Except as hereinafter provided, it shall be unlawful for the County Board of Education of Randolph County to expend public funds in excess of two thousand dollars ($2,000.00) under any one project or contract for the purpose of extending any public or private water or sewer system so that such extended system will serve any public school in Randolph County; Provided, that upon written request of the County Board of Education of Randolph County, the Randolph County Board of Elections shall, within ninety days of the date of such request, call a special election at which there shall be submitted to the qualified voters of any school district in which any such proposal is pending, the question of approval or disapproval of the extension of any such water or sewer system at a cost in excess of two thousand dollars ($2,000.00), together with the question of what higher limitation shall be imposed. A special registration of voters in any such school district shall be provided for and the election shall be called, advertised and conducted and the results determined, certified and declared in accordance with the general laws governing the conduct of special elections insofar as the same are applicable to the proposed election. If, at any such election a majority of the votes cast by the qualified voters voting therein are cast in favor of exceeding the two thousand dollar ($2,000.00) limitation imposed in Section 1 of this Act, then such limitation shall no longer apply to the proposed extension of such water and sewer system; however, upon the failure of approval of such proposal...
by a majority of those qualified voters voting in such election, such limitation shall remain in full force and effect.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 619 CHAPTER 1076
AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO RELATING TO ELIGIBILITY FOR OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 314 of the Private Laws of North Carolina of 1909 is hereby rewritten to read as follows:

"Sec. 4. That all corporate powers and authority granted to said town shall be vested in and exercised by a mayor and board of commissioners of eight members; that no person shall be eligible to the offices of mayor or commissioner unless he shall be a legally qualified voter and bona fide resident of said town. The mayor shall preside over the meetings of the commissioners and vote in case of a tie only."

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. B. 620 CHAPTER 1077
AN ACT TO APPROPRIATE FROM THE CONTINGENCY AND EMERGENCY FUND TO THE AGRICULTURAL AND TECHNICAL COLLEGE OF NORTH CAROLINA AT GREENSBORO, NORTH CAROLINA, THE SUM OF $50,000.00 TO BE USED FOR THE PURCHASE OF ADDITIONAL LAND.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State are hereby authorized and directed to allocate from the Contingency and Emergency Fund contained in the present Biennial Appropriation Act the sum of fifty thousand dollars ($50,000.00) to The Agricultural and Technical College of North Carolina at Greensboro, North Carolina, to be expended for the purpose of purchasing approximately twenty-one (21) acres of land adjoining property now owned by said college.

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 14th day of April, 1951.
H. B. 38  CHAPTER 1078

AN ACT RELATING TO THE DISTRIBUTION OF THE SURPLUS OF AN ESTATE IN CASE OF INTESTACY BY REWRITING PARAGRAPH THREE OF SECTION 28-149 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 28-149 of the General Statutes of North Carolina is amended by rewriting paragraph 3 thereof to read as follows:

"3. If a married man dies intestate, leaving a wife but no children, the surviving widow shall be allotted the personal estate of the deceased up to but not exceeding ten thousand dollars ($10,000.00) in value after the payment of all debts and the reasonable costs of administration, and the balance of said personal estate shall be distributed one-half thereof to the widow and the other one-half thereof to every of the next of kin of the intestate, who are in equal degree, and to those who legally represent them, provided, however, that if a married man dies testate, leaving a widow but no children, and his wife dissents from the will, then one-half of said personal estate shall be allotted to the widow and the other one-half thereof shall be distributed according to his last will.

"The value of any property to be allotted to the widow under this subsection shall be as contained in the report to and as approved by the Inheritance Tax Division of the North Carolina Department of Revenue."

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 July 1, 1951, and shall apply only to those estates of persons dying on or after said date.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 65  CHAPTER 1079

AN ACT TO AMEND G. S. 115-376, RELATING TO SCHOOL BUS ROUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-376, bus routes, as it appears in the 1949 Cumulative Supplement to the General Statutes, is amended to read as follows: For all public schools to which transportation is now or may hereafter be provided, the State Board of Education in cooperation with the county superintendent of schools, the district school committee, and the district school principal shall establish the route to be followed by each school bus operated as a part of the State public school transportation system. Unless road or other conditions make it inadvisable, school busses shall be routed on State maintained highways so as to get within one mile of all children who live a greater distance than one and one-half miles from the school to which they are assigned. Bus routes shall be established with a view to the needs of the students to the end that the necessity of students waiting on the road for busses in inclement weather be eliminated. All school
bus routes thus established shall be filed with the county board of education prior to the opening of schools, and all changes made therein during the school year shall be filed within 10 days with the county board of education. In case any bus route so established is unacceptable to the district school committee, such committee may appeal to the county board of education. In the event any of said routes are disapproved by the county board of education, and on notice to the State Board of Education, the staff of said board shall restudy the protested routing to the end that a prompt and satisfactory solution to the problem may be found. If the solution is not satisfactory to the county board of education, said board may file notice with the State Board of Education, and a hearing on such appeal shall be had by the State Board of Education within 30 days.

The State shall not be required to provide transportation for children living within one and one-half miles of the school in which provision for their instruction has been made.

School children shall not be transported except to the school to which said child is assigned by the county board of education or the State Board of Education under the provisions of G. S. 115-352.

Where road, geographic, or other conditions make it inadvisable to offer transportation to any school child entitled to attend the school of any particular district, the State Board of Education is authorized to approve the assignment of such child to such other school as the board may approve. In lieu of transportation, the State Board of Education may provide for the payment monthly to the parent or guardian of such child a sum not to exceed $10.00 per month for each school month that such child may attend school outside the district of residence.

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

Sec. 3. The Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th days of April, 1951.

H. B. 74

CHAPTER 1080

AN ACT TO SECURE MORE ACCURATE STATEMENTS OF CASE ON APPEAL IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. That when an appeal in a criminal action is taken to the Supreme Court, and the defendant's attorney has ordered from the court reporter a transcript of the evidence and charge of the court or a transcript of the evidence alone, the court reporter shall furnish to the State Solicitor a copy of the evidence of the case and the charge of the court. The county commissioners shall pay the court reporter for said transcript of the evidence and charge of the court, and the same shall be taxed as costs in said criminal action. Whenever there has been a change of venue, the bill for said copy of the evidence and charge of the court shall be paid by the county commissioners of the county in which the criminal action originated.
Sec. 2. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 76

CHAPTER 1081

AN ACT TO AMEND SECTION 1-183 OF THE GENERAL STATUTES RELATIVE TO MOTIONS FOR NONSUITS IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 1-183 of the General Statutes of North Carolina is hereby amended by rewriting said Section so as to read as follows:

When on trial of an issue of fact in a civil action or special proceeding, the plaintiff has introduced his evidence and rested his case, the defendant may move to dismiss the action, or for judgment as in case of nonsuit. If the motion is allowed the plaintiff may appeal to the Supreme Court and it shall not be necessary for him to take exception to the ruling of the court allowing the motion. If the motion is refused and the defendant does not choose to introduce evidence the jury shall pass upon the issues in the action and the defendant may on appeal to the Supreme Court urge as ground for reversal the trial court's denial of his motion without the necessity of the defendant having taken exception to such denial. If the defendant introduces evidence he thereby waives any motion for dismissal or judgment as of nonsuit which he may have made prior to the introduction of his evidence and cannot urge such prior motion as ground for appeal. Defendant, however, may make such motion at the conclusion of the evidence of both parties irrespective of whether or not he made a motion for dismissal or judgment as of nonsuit theretofore. If the motion is allowed the plaintiff may appeal to the Supreme Court and it shall not be necessary for him to take exception to the ruling of the court allowing the motion. If the motion is refused and after the jury has rendered its verdict the defendant may on appeal urge as ground for reversal the trial court's denial of his motion made at the close of all the evidence without the necessity of the defendant having taken exception to such denial.

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 full force and effect from and after its ratification and shall apply to all civil actions or special proceedings instituted after the ratification of this Act and to all pending civil actions and special proceedings in which the plaintiff shall not have rested his case at the time of the ratification of this Act.

In the General Assembly read three times and ratified, this the 14th days of April, 1951.

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AN ACT TO AMEND THE CONSTITUTION SO AS TO PROVIDE A UNIFORM METHOD FOR FILLING VACANCIES IN CERTAIN STATE OFFICES.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of the State of North Carolina is hereby amended by rewriting the first sentence of Section 25 of Article IV to read as follows:

“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 that is held more than 30 days after such vacancy occurs, when elections shall be held to fill such offices.”

Sec. 2. This amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 4, 1952.

Sec. 3. The electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed, “For amendment providing a uniform method for filling vacancies in certain State offices”; those opposed shall vote a ballot on which shall be written or printed the words, “Against amendment providing a uniform method for filling vacancies in certain State offices.”

Sec. 4. The election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast shall be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of the State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force in every part thereof from and after date of such certification.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. 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 April, 1951.
CHAPTER 1083

AN ACT TO AMEND CHAPTER 15 OF THE GENERAL STATUTES FOR THE PURPOSE OF PROVIDING A REMEDY FOR PERSONS CONVICTED AND IMPRISONED IN THE PENITENTIARY AND PRISONS OF THE STATE, WHO ASSERT THAT RIGHTS GUARANTEED TO THEM BY THE CONSTITUTION OF THE UNITED STATES OR THE STATE OF NORTH CAROLINA, OR BOTH, HAVE BEEN DENIED OR VIOLATED, IN TRIALS OR PROCEEDINGS IN WHICH THEY WERE CONVICTED.

The General Assembly of North Carolina do enact:

Section 1. Chapter 15 of the General Statutes is hereby amended by adding thereto a new Article, which shall be designated as "Art. 22. Review of the Constitutionality of Criminal Trials." and which said Article 22 shall read as follows:


"Sec. 15-217. Institution of proceeding; service of petition upon solicitor. Any person imprisoned in the Penitentiary, Central Prison, common jail of any county or imprisoned in the common jail of any county and assigned to work on the roads and highways of the State under the supervision of the State Highway and Public Works Commission, who asserts that in the proceedings which resulted in his conviction there was a substantial denial of his rights under the Constitution of the United States or of the State of North Carolina, or both, as to which there has been no prior adjudication by any court of competent jurisdiction may institute a proceeding under this Article. The proceeding shall be commenced by filing with the Clerk of the Superior Court of Wake County, or in any county in which the conviction took place, a petition with a copy thereof, verified by affidavit. The petitioner shall serve another copy upon the solicitor of the solicitorial district who prosecutes the criminal docket of the Superior Court of the county in which said petition is filed, and said service of petition shall be by any of the methods provided by law for the service of process or by mailing said petition to the home address of said solicitor by registered mail, with return receipt requested. If said copy of petition is served by registered mail, the return receipt shall be filed with the Clerk of the Superior Court of the county in which said petition is filed. The clerk shall place upon the criminal docket the petition upon his receipt thereof, and after service of the petition upon the solicitor of the district as above provided. No proceeding under this Article shall be commenced more than five years after rendition of final judgment resulting from said conviction, or more than three years after the effective date of this Article, whichever is later, unless the petitioner alleges facts showing that the delay was not due to laches or negligence on his part.

"Sec. 15-218. Contents of petition; waiver of claims not alleged. The petition shall identify the proceeding or trial in which the petitioner was convicted, give the date of the rendition of the final judgment claimed of, and shall clearly set forth the respects with which petitioner's constitutional rights were violated, and that the constitutional questions raised
have not heretofore been raised or passed upon by any court of competent jurisdiction. The petition shall have attached thereto affidavits, records or other evidence supporting its allegations or shall state why the same are not attached. The petition shall also identify any previous proceedings that the petitioner may have taken to secure relief from his conviction. Argument and citations and discussions of authorities shall be omitted from the petition. Any claim of substantial denial of constitutional rights not raised or set forth in the original or any amended petition is waived.

"Sec. 15-219. Petitioner unable to pay costs or procure counsel. If the petition alleges that the petitioner is without funds to pay the costs of the proceeding, and is unable to give a costs bond with sureties for the payment of the costs for the proceeding and is unable to furnish security for costs by means of a mortgage or lien upon property to secure the costs, the court may order that the petitioner be permitted to proceed to prosecute such proceeding without providing for the payment of costs. If the petitioner is without counsel and alleges in the petition that he is without means of any nature sufficient to procure counsel, he shall state whether or not he wishes counsel to be appointed to represent him. If appointment of counsel is so requested, the court shall appoint counsel if satisfied that the petitioner has no means sufficient to procure counsel. The court shall fix the compensation to be paid such counsel which, when so determined, shall be paid by the county in which the conviction occurred.

"Sec. 15-220. Answer of the State; withdrawal of petition; amendments. Within 30 days after the date of the service of the petition upon the solicitor of the district, or within such further time as the court may fix, the solicitor shall answer or move to dismiss on behalf of the State. No other or further pleadings shall be filed except as the court may order on its own motion or on that of either party. The court may, in its discretion, grant leave, at any stage of the proceeding prior to entry of judgment, to withdraw the petition. The court may, in its discretion, make such orders as to amendment of the petition or any other pleading, or as to pleading over, or filing further pleadings, or extending the time for filing any pleading other than the original petition, as shall seem to the court appropriate, just and reasonable.

"Sec. 15-221. Evidence to be received upon hearing. The court may receive proof by affidavits, depositions, oral testimony, or other evidence, and the court shall pass upon all issues or questions of fact arising in the proceeding without the aid of a jury. In its discretion, the court may order the petitioner brought before the court for the hearing. When said hearing is completed, the court shall make appropriate findings of fact, conclusions of law thereon and shall enter judgment upon said hearing. If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings under which the petitioner was convicted, and such supplementary orders as to re-arraignment, retrial, custody, bail or discharge as may be necessary and proper. Such proceeding may be heard by any resident judge of the district or by any regular or special judge holding the courts of the district, and such proceeding may be heard at term, in chambers, or in vacation.
or at any regular or special term of court. If said proceeding is set for hearing at any time other than a regular term of the court of the county in which the petition is filed, then notice of time and place of hearing shall be served upon the solicitor of the district.

"Sec. 15-222. Review by application for certiorari. Any final judgment entered upon such a petition and proceeding may be reviewed by the Supreme Court of North Carolina upon application for a writ of certiorari brought within 60 days from the entry of the judgment in such proceeding. The law of this State governing the application, granting and disposition of writs of certiorari shall be applicable to any application for writ of certiorari brought under the provisions of this Article for the purpose of seeking a review of such judgment or proceeding."

Sec. 2. All law and clauses of laws in conflict with the provisions of 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 14th day of April, 1951.

H. B. 98

CHAPTER 1084

AN ACT REWRITING CHAPTER 89 OF THE GENERAL STATUTES ENTITLED "ENGINEERING AND LAND SURVEYING".

The General Assembly of North Carolina do enact:

Section 1. Chapter 89 of the General Statutes of North Carolina, entitled "Engineering and Land Surveying" is hereby rewritten in its entirety to read as follows:

Chapter 89. Engineering and Land Surveying.
G. S. 89-1. Professional Engineering and Land Surveying.

Short Title: This Article shall be known by the short title of "The North Carolina Engineering and Land Surveying Act."

Definitions: When used in this Article, unless the context otherwise requires:

(a) The term "Professional Engineer" within the meaning and intent of this Act shall mean a person who, by reason of his special knowledge of the mathematical, physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education, and/or practical experience, is qualified to engage in the practice of professional engineering as hereinafter defined, as attested by his legal registration as a professional engineer.

(b) The term "Engineer-in-Training" within the meaning and intent of this Act shall mean a candidate for registration as a professional engineer who is certified as having satisfactorily passed the basic written examination, in the fundamentals of engineering, to be given by the board, as hereinafter provided in this Act. The board is hereby given power to offer this grade of registration, which is designed primarily for graduates just leaving college, when and if the board considers it expedient.
(c) The term "Practice of Professional Engineering" within the meaning and intent of this Act shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures or building incidental to machines, equipment, processes, works or projects, but the practice of engineering under this Act shall not include, the work ordinarily performed by persons who operate or perform routine maintenance on machinery, equipment and structures or of mechanics in the performance of their established functions; the execution of work as distinguished from the planning or design thereof, and the supervision of construction of such work as a foreman or superintendent; services performed by employees of a company engaged in manufacturing operations, or by employees of laboratory research affiliates of such a manufacturing company which is incidental to the manufacture, sales and installation of the products of the company; inspection and service work done by employees of the State of North Carolina, any political subdivision thereof or any municipality therein, and of insurance companies or insurance agents; services performed by those ordinarily designated as chief operating engineer, locomotive, stationary, marine, power plant, or hoisting and portable engine operators, or electrical maintenance or service engineers, or service engineers employed in connection with street lighting, traffic control signals, police and fire alarm systems, waterworks, steam electric and sewage treatment and disposal plants, or the service ordinarily performed by any workman regularly employed as locomotive, stationary, marine, power plant, or hoisting and portable engine operator, or electrical maintenance or service engineer for any corporation, contractor, or employer; services performed by those persons ordinarily designated as supervising engineer, or superintendent of power, or supervising electrical maintenance or service engineers who supervise the operation of, or who operate machinery or equipment, or who supervise the construction of equipment within a plant which is under their own immediate supervision; services of superintendents, inspectors or foremen employed by the State of North Carolina or any political subdivision thereof, or municipal corporation therein, contractors or owners in the construction of engineering works or the installation of equipment.

A person shall be construed to practice engineering, within the intent and meaning of this Act, who practices or offers to practice any branch of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be, or capable of being, an engineer, or through the use of some other title implies that he is an engineer; or who does perform any engineering service or work or professional service recognized by the profession as engineering.

(d) The term "Land Surveyor" as used in this Act shall mean a person who engages in the practice of land surveying as hereinafter defined.
(e) The term "Practice of Land Surveying" within the meaning and intent of this Act includes surveying of areas for their correct determination and for conveyancing, or for the establishment or re-establishment of land boundaries or for the plotting of lands and subdivisions thereof, or the determination of elevations and the drawing descriptions of lands or lines so surveyed.

(f) The term "Board" as used in this Act shall mean the State Board of Registration for Professional Engineers and Land Surveyors provided for by this Act.

G. S. 89-2. Registration Requirements.

In order to safeguard life, health, and property, any person practicing or offering to practice engineering or land surveying in this State shall hereafter be required to submit satisfactory evidence to the Board that he is qualified so to practice, and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice engineering or land surveying in this State, as herein defined, unless such person has been duly registered under the provisions of this Act.

G. S. 89-3. State Board of Registration Created; Powers; Duties; Qualifications and Compensation.

To carry out the provisions of this Act, the State Board of Registration for Professional Engineers and Land Surveyors is hereby created, whose duty it shall be to administer the provisions of this Act. The board shall consist of four registered engineers and one registered land surveyor, appointed by the Governor. Each member of the board shall be a citizen of the United States, a resident of this State, and shall have been a practicing registered engineer, or registered land surveyor, in North Carolina for at least ten years. Each member of the board shall receive ten dollars ($10.00) per diem for attending the sessions of the board or of its committees, and for time spent in necessary travel, and in addition shall be reimbursed for all necessary travel, and incidental and clerical expense incurred in carrying out the provisions of this Act. The term of office of each member of the board shall be for a period of four years and shall terminate on the 31st day of December. Each member shall continue in office after the expiration of his term until his successor shall be duly appointed and qualified. The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board, however, created, shall be filled by appointment by the Governor for the unexpired term. Each member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. Notwithstanding anything herein contained, the present members of the board shall continue in office as members of said board until their present respective terms expire.

The board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted; and

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shall make all bylaws and rules, not inconsistent with law, needed in performing its duty.

The board shall hold at least two regular meetings each year. Special meetings shall be held at such times as the bylaws of the board may provide. Notice of all meetings shall be given in such manner as the bylaws may provide. The board shall elect annually from its members a chairman, a vice-chairman, and a secretary. The secretary shall receive compensation at a rate to be determined by the board. A quorum of the board shall consist of not less than three members.

G. S. 89-4. Secretary, Duties and Liabilities; Expenditures.

The secretary of the board shall receive and account for all moneys derived from the operation of this Act, and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund, to be known as the “Fund of the Board of Registration for Professional Engineers and Land Surveyors,” which fund shall be continued from year to year separate and apart from all other moneys in the State Treasury, and shall be drawn against only for the purposes of this Act as herein provided. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensation, shall be paid out of said fund on the warrant of the Auditor of the State, issued on requisition signed by the chairman and secretary of the board; Provided however, that at no time shall the total of warrants issued exceed the total amount of funds accumulated under this Act. The secretary of the board shall give a surety bond satisfactory to the State Treasurer, conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the board.

G. S. 89-5. Records and Reports of Board; Evidence.

The board shall keep a record of its proceedings and a register of all applicants for registration, showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein, and a copy duly certified by the secretary of the board under seal shall be admissible in evidence as if the original were produced. A roster showing the names and places of business and of residence of all registered professional engineers and land surveyors shall be prepared by the secretary of the board during the month of January of each year; such roster shall be printed by the board out of the fund of the said board as provided in G. S. 89-4. and distributed as set forth in the bylaws. On or before the first day of March of each year the board shall submit to the Governor a report of its transactions for the preceding year, and shall file with the Secretary of State a copy of such report, together with a complete statement of the receipts and expenditures of the board, attested by the affidavits of the chairman and the secretary, and a copy of the said roster of registered professional engineers and registered land surveyors.

G. S. 89-6. Certification by Board; Qualification Requirements.
The board shall issue a certificate of registration on application thereof on prescribed form, and on the payment of a total fee of twenty-five dollars ($25.00) by engineers, or the payment of a fee of ten dollars ($10.00) by land surveyors, or the payment of a fee of ten dollars ($10.00) by engineers-in-training:

(a) To any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this Act; or

(b) To any person who holds an unexpired certificate of registration issued to him by proper authority in any State or Territory of the United States in which the requirements for the registration of engineers or land surveyors are of a standard satisfactory to the board: Provided, however, that the engineering registration board of said states and territories shall grant full and equal reciprocal registration rights and privileges to North Carolina registrants: Provided, however, that no person shall be eligible for registration or certification who is under twenty-one years of age; who is not a citizen of the United States; who does not speak and write the English language; and, who is not of good character and repute, provided no applicant shall be refused the right to examination without being given opportunity to appear before the board and present evidence in support of his application.

(c) Unless disqualifying evidence be before the board in considering an application, filled out as set forth in the bylaws, the following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer or land surveyor or for certification as an engineer-in-training, respectively:

(d) As a professional engineer:

(1) Graduation in an engineering curriculum of four scholastic years or more from a school or college approved by the board, satisfactorily passing such basic examination as required by the board, and a specific record of an additional four years or more of progressive experience in engineering work indicating that the applicant is competent to practice engineering (in counting years of experience, the board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering), providing that in a case where the evidence presented in the application does not appear to the board conclusive nor warranting the issuing of a certificate of registration, the applicant shall be required to present further evidence for the consideration of the board, and shall also be required to pass satisfactorily an additional oral or written examination, or both, covering those portions of his engineering experience as the board may determine; or

(2) Graduation in a curriculum from a secondary school or equivalent, and a specific record of ten years or more of progressive experience in engineering work indicating that the applicant is competent to practice engineering, as further evidence of engineering ability, the applicant shall be required to pass satisfactorily such oral or written examination, or both, as required by the board; or

(3) A specific record of fifteen years or more of lawful experience in progressive engineering work indicating that the applicant is competent to
practice engineering and provided the applicant is not less than thirty-five years of age.

(e) As a land surveyor:

(1) Graduation in an engineering curriculum of four scholastic years from a school or college approved by the board, including the completion of approved courses in surveying; as further evidence of surveying ability the applicant shall be required to pass satisfactorily such oral or written examination, or both, as the board may determine; and, an additional one year or more of experience in land surveying; or

(2) A specific record of five years or more of progressive experience in land surveying and the applicant shall be required to pass satisfactorily such oral or written examination, or both, in surveying, as the board may determine; or

(3) A specific record of ten years or more of lawful experience in land surveying of a character satisfactory to the board and provided the applicant is not less than thirty years of age.

(f) As an engineer-in-training:

(1) Graduation in an engineering curriculum of four scholastic years or more from a school or college approved by the board, and satisfactorily passing such basic engineering examination as required by the board; or

(2) A specific record of four years or more of progressive experience in engineering work and satisfactorily passing such basic engineering examination as required by the board.

(g) In considering the qualifications of applicants, teaching of advanced engineering subjects may be construed as engineering experience.

G. S. 89-7. Qualifications; Expiration and Renewal of Certificate.

The satisfactory completion of each year of a curriculum in engineering of a school or college approved by the Board, may be considered as equivalent to a year of experience in G. S. 89-6. Graduation in a curriculum other than engineering from a college or university approved by the board may be considered as equivalent to two years of experience in G. S. 89-6: Provided, however, that no applicant shall receive credit for more than four years of experience in evaluating his undergraduate educational record.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuing of a certificate, may present further evidence for consideration of the board.

In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant; the applicant may appeal the action of the board, filing such appeal with the board within thirty days, or with the Superior Court as provided in G. S. 89-8 hereof in the event of revocation.

A candidate failing in examination may apply for a re-examination at the expiration of six months, without payment of additional fee.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal, and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the
board to notify by mail every person, except engineers-in-training, registered or certified hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of expiration of said certificate. Renewal shall be effected at any time during the month of January by the payment of a fee of five dollars ($5.00) to the secretary of the board. Failure on the part of any registrant to renew his certificate annually in the month of January, as required above, shall not deprive such person of the right of renewal thereafter, but the fee paid for the renewal of a certificate after the month of January shall be increased 10 per cent for each month or fraction of a month that payment for renewal is delayed: Provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

G. S. 89-8. Revocation of Certificates; Hearing; Appeal; Re-issuance of Certificate.

The board shall have the power to revoke the certificate of registration of any engineer or land surveyor registered hereunder who is found guilty of any fraud or deceit, gross negligence, gross incompetency, or gross misconduct in obtaining a certificate of registration, or in the practice of engineering or land surveying. Any person may prefer charges of fraud, deceit, negligence, incompetency or misconduct against any engineer or land surveyor registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board and held in the county in which said charges originated. A copy of the charges, together with a notice of the time and place of hearing shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service cannot be effected thirty days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel, and to cross-examine witnesses against him, and to produce evidence or witnesses in his defense. If, after said hearing, the members of the board vote unanimously in favor of finding the accused guilty of any fraud or deceit in obtaining the certificate, or of gross negligence, gross incompetency, or gross misconduct in the practice of engineering or land surveying, the board shall revoke the certificate of registration of the accused.

The accused may, within thirty days after the board has issued its order revoking his certificate of registration, appeal to the Superior Court of the county of the accused. Upon notice of such appeal being given to the board it shall immediately cause a transcript of the evidence and pertinent documents of the proceedings, certified by the secretary of the board, to be filed with the clerk of said court. The trial in Superior Court shall be de novo.
The board may, by unanimous vote, for reasons they deem sufficient, at any time after the expiration of one year from the date of revocation and upon finding that the cause upon which such revocation was made no longer exists, reissue a certificate of registration to any such person whose certificate has been revoked.

The board shall immediately notify the Secretary of State and the clerks of the several counties and municipalities in the State of the revocation of a certificate by it or the re-issuance of a certificate to a person whose certificate has previously been revoked.

G. S. 89-9. Effect of Certification; Seals.

The board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to an applicant who, in the opinion of the board, has satisfactorily met all the requirements of this Act. In the case of a professional engineer, the certificate shall authorize the "practice of engineering." In the case of an engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "Engineer-in-Training." In the case of a land surveyor, the certificate shall authorize the "practice of land surveying." Certificates of registration and certificates as engineer-in-training shall show the full name of the registrant, and shall be signed by the chairman and the secretary of the board under the seal of the board.

The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered engineer, or registered land surveyor, or engineer-in-training, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Registered Engineer," or "Registered Land Surveyor." All plans, specifications, plats, and reports issued by a registrant shall be stamped with said seal during the life of a registrant's certificate, but it shall be unlawful for any one to stamp or seal any document or documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate has been renewed or reissued.

G. S. 89-10. Unauthorized Practice of Engineering or Land Surveying; Penalties.

Any person who is not legally authorized to engage in the practice of engineering or land surveying in this State according to the provisions of this Act, and who shall so engage or offer to engage in the practice of engineering or land surveying in this State except as provided in G. S. 89-11, and any person presenting or attempting to file as his own the certificate or seal of registration of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner of like or different name or who shall use an expired or revoked certificate of registration or seal, or who shall violate any of the
provisions of this Act shall be deemed guilty of a misdemeanor, and shall for each offense of which he is convicted be punished by a fine of not less than one hundred dollars ($100.00) or by imprisonment for three months, or by both fine and imprisonment, in the discretion of the court.


This Act shall not be construed to prevent or to affect:

(a) The practice of architecture or contracting or any other legally recognized profession or trade; or

(b) The practice of engineering or land surveying in this State by any person not a resident of this State and having no established place of business in this State, when this practice does not aggregate more than thirty days in any calendar year: Provided, however, that such person is legally qualified by registration to practice the said profession in his own state or country, in which the requirements and qualifications for obtaining a certificate of registration are satisfactory to the board; or

(c) The practice of engineering or land surveying in this State not to aggregate more than thirty days by any person residing in this State, but whose residence has not been of sufficient duration for the board to grant or deny registration: Provided, however, such person shall have filed an application for registration as a registered engineer or land surveyor and shall have paid the fee provided for in G. S. 89-6 of this Act: Provided, that such a person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are satisfactory to the board; or

(d) Engaging in engineering or land surveying as an employee or assistant to or under the supervision of a registered engineer or a registered land surveyor. or as an employee or assistant of a nonresident engineer or a nonresident land surveyor, provided for in paragraphs (b) and (c) of this Section: Provided, that said work as an employee may not include responsible charge of design or supervision; or

(e) The practice of engineering or land surveying by any person not a resident of, and having no established place of business in, this State, as a consulting associate of an engineer or land surveyor registered under the provisions of this Act: Provided, the nonresident is qualified for such professional service in his own state or country; or

(f) At the discretion of the board a non-citizen of the United States who is professionally qualified for registration may be registered, on an annual renewal basis, for a specific engineering project, subject to revocation as provided in this Act.

(g) Practice of engineering and land surveying solely as an officer in the Armed Forces of the United States Government.

(h) The practice of engineering or land surveying by an individual, firm, or corporation, or by a person employed solely by said individual, firm, or corporation on property owned or leased by said individual, firm, or corporation unless the life, health, or property of the public are endangered, involved, or influenced.
(i) A registered engineer engaging in the practice of land surveying.

G. S. 89-12. Corporate or Partnership Practice of Engineering or Land Surveying.

A corporation or partnership may engage in the practice of engineering or land surveying in this State: Provided, however, the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of professional engineers and land surveyors. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Act.


At any time within eighteen months after the effective date of this Act, upon new application therefor and the payment of a registration fee of ten dollars ($10.00), the board shall issue a certificate of registration without oral or written examination, to any land surveyor, when such applicant shall submit evidence under oath, satisfactory to the Board, that he is of good moral character, has been a resident of the State and has practiced land surveying in North Carolina for at least five years immediately preceding January 1, 1951, or has had previous land surveying practice of a character satisfactory to the board.

G. S. 89-14. Nothing in this Act shall be construed as affecting the status of registration of any engineer or land surveyor who is rightfully in possession of a certificate of registration duly issued by the board and prior to this Act.

Nothing in this Act shall prohibit any person from doing land surveying provided that he does not represent himself to be a registered land surveyor.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 111

CHAPTER 1085

AN ACT REQUIRING ALL JUSTICES OF THE PEACE TO FURNISH BOND FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES.

The General Assembly of North Carolina do enact:

Section 1. On or before July 1, 1951, every justice of the peace holding office in the State of North Carolina shall furnish a bond in the amount of one thousand dollars ($1,000.00) payable to the State of North Carolina, with good and sufficient surety, approved by the Clerk of the Superior Court and conditioned upon the faithful performance of his official duties and upon a correct and proper accounting for all funds coming into his hands by virtue or color of his office. The premium on such bond shall be paid by the justice of the peace. Provided, however, that the board of county commissioners of any county may, by resolution of the
board, assume the payment of all such premiums on bonds of justices of the peace in the county.

Sec. 2. Every justice of the peace elected or appointed on or after July 1, 1951, to serve in North Carolina shall, before exercising any of the functions of his office, furnish a bond in the amount of one thousand dollars ($1,000.00) payable to the State of North Carolina, with good and sufficient surety, approved by the Clerk of the Superior Court and conditioned upon the faithful performance of his duties and upon a correct and proper accounting for all funds coming into his hands by virtue or color of his office. Premium on such bond shall be paid by the justice of the peace. Provided, however, that the board of county commissioners of any county may, by resolution of the board, assume the payment of all such premiums on bonds of justices of the peace in the county.

Sec. 3. Any person exercising any of the official functions of a justice of the peace without having first complied with the provisions of this Act shall be subject to a penalty of one hundred dollars ($100.00) for every such violation, such penalty to be recoverable in a civil action by any taxpayer of the county in which such violation occurs.

Sec. 3 1/2. The provisions of this Act shall apply only to Buncombe County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 177

CHAPTER 1086

AN ACT TO AMEND G. S. 15-173 RELATING TO MOTIONS TO DISMISS, OR FOR JUDGMENT OF NON-SUIT, IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-173 is hereby amended by rewriting the Section to read as follows:

"15-173. Demurrer to the evidence. When on the trial of any criminal action in the Superior Court or in any criminal court, the State has introduced its evidence and rested its case, the defendant may move to dismiss the action, or for judgment as in case of nonsuit. If the motion is allowed, judgment shall be entered accordingly; and such judgment shall have the force and effect of a verdict of "not guilty" as to such defendant. If the motion is refused and the defendant does not choose to introduce evidence, the case shall be submitted to the jury as in other cases, and the defendant may on appeal urge as ground for reversal, the trial court's denial of his motion without the necessity of the defendant's having taken exception to such denial.

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“If the defendant introduces evidence, he thereby waives any motion for dismissal or judgment as in case of nonsuit which he may have made prior to the introduction of his evidence and cannot urge such prior motion as ground for appeal. The defendant, however, may make such motion at the conclusion of all the evidence in the case, irrespective of whether or not he made a motion for dismissal or judgment as in case of nonsuit theretofore. If the motion is allowed, or shall be sustained on appeal, it shall in all cases have the force and effect of a verdict of “not guilty”. If the motion is refused, the defendant may on appeal, after the jury has rendered its verdict, urge as ground for reversal the trial court’s denial of his motion made at the close of all the evidence without the necessity of the defendant’s having taken exception to such denial.”

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 full force and effect from and after its ratification and shall apply to all criminal actions instituted after the ratification of this Act and to all pending criminal actions in which the State shall not have rested its case at the time of the ratification of this Act.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 188

CHAPTER 1087

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE PORTS AUTHORITY TO REFUND THE FEDERAL WORKS AGENCY $88,738.37 ADVANCED TO SAID AUTHORITY FOR PRELIMINARY PLANS, SURVEYS, ETC.

WHEREAS, on March 21, 1946, the Chairman and the Secretary-Treasurer of the North Carolina State Ports Authority made application to the Federal Works Agency, Bureau of Community Facilities, for an advance to it of ninety thousand dollars ($90,000.00) for the purpose of plan preparation for the construction of the public work described as economic investigations and studies, preliminary plans and cost estimates for port facilities at Wilmington, North Carolina, which application was approved by the Federal Works Agency with the stipulations that each advance should be paid in full without interest by the applicant when the construction work of the public work for which the advance was made was undertaken or started, and that any funds advanced which were found to be in excess of the final costs incurred by the applicant in the plan preparation should be promptly refunded; and

WHEREAS, the Federal Works Agency made two allotments as follows: Forty-five thousand dollars ($45,000.00) on July 18, 1946, and forty-three thousand seven hundred thirty-eight dollars and thirty-seven cents ($43,738.37) on June 21, 1949, a total of eighty-eight thousand seven hundred thirty-eight dollars and thirty-seven cents ($88,738.37) which was paid to the North Carolina State Ports Authority and deposited by
them in the Wilmington Savings and Trust Company of Wilmington, North Carolina, to the credit of said authority; and

WHEREAS, from these allotments the following expenditures were made:

To: Frederic B. Harris Engineering Corporation, of New York, for making a detailed industrial survey and report on Eastern North Carolina .................. $25,000.00
To: J. M. Broughton, of Raleigh, for legal services 11-26-46 2,500.00
To: Robert & Co., Architect-Engineers, of Atlanta, Ga., for preparing preliminary plans, specifications, and estimates of cost of port facilities at Wilmington, N. C. 2-1-50 .. 60,000.00

Total ......................................................... $87,500.00;

and

WHEREAS, there is now on hand an unexpended balance of one thousand two hundred thirty-eight dollars and thirty-seven cents ($1,238.37); and

WHEREAS, the Governor and Council of State has authorized to be paid to the said Federal Works Agency from the proceeds of the sale of the State Ports Bonds, authorized by Chapter 820 of the Session Laws of 1949, the sixty thousand dollars ($60,000.00) above referred to, paid to Robert & Company, which amount, under the contract with the said Robert & Company, will be deducted from the fees to be paid to said Robert & Company, acting as Architect-Engineers for the construction of port facilities for the said Authority at Wilmington, North Carolina; and

WHEREAS, the payment made to Frederic B. Harris Engineering Corporation of New York, of twenty-five thousand dollars ($25,000.00) for making a detailed industrial survey and report on Eastern North Carolina, was a proper and necessary expenditure for obtaining economic information as a basis for legislation involving the expenditure of funds for port developments of North Carolina, and the sum of two thousand five hundred dollars ($2,500.00) paid to J. M. Broughton of Raleigh, North Carolina, for legal services in conection therewith was for a proper and necessary purpose: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The North Carolina State Ports Authority is hereby fully authorized and empowered to refund to the Federal Works Agency the said advance of eighty-eight thousand seven hundred thirty-eight dollars and thirty-seven cents ($88,738.37) without interest, the same to be paid from the balance of one thousand two hundred thirty-eight dollars and thirty-seven cents ($1,238.37) now unexpended and from the proceeds of the sale of the Port Bonds authorized by said Chapter 820 of the Session Laws of 1949, the said refund to be made in accordance with the contract entered into between the Federal Works Agency and the North Carolina State Ports Authority to which the said advance was made.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 189

CHAPTER 1088

AN ACT TO AMEND CHAPTER 1097 OF THE SESSION LAWS OF 1945, CREATING A STATE PORTS AUTHORITY AS TO NEWSPAPER ADVERTISING OF EXPENDITURES AND METHOD OF PAYMENT OF OPERATING FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That Section 11 of Chapter 1097 of the Session Laws of 1945, creating the North Carolina State Ports Authority be, and the same is hereby amended by rewriting Section 11 so as to read as follows:

"Sec. 11. All Authority funds shall be deposited in a bank or banks to be designated by the Authority. Funds of the Authority shall be paid out only upon warrants signed by the treasurer or assistant treasurer of the Authority and countersigned by the chairman, the acting chairman or the executive director. No warrants shall be drawn or issued disbursing any of the funds of the Authority except for a purpose authorized by this Act and only when the account or expenditure for which the same is to be given in payment has been audited and approved by the Authority or its executive director. Any and all revenues and earnings received by the Authority from its operations shall be handled as directed in Section 13, Chapter 820 of the Session Laws of 1949."

Sec. 2. That Section 12 of said Chapter 1097 be, and the same is hereby amended, by rewriting Section 12 so as to read as follows:

"Sec. 12. That at least once in each year the State Auditor shall cause to be made a detailed audit of all monies received and disbursed by the Authority during the preceding year. Such audit shall show the several sources from which funds were received and the balance on hand at the beginning and end of the preceding year and shall show the complete financial condition of the Authority. A copy of the said audit shall be furnished to each member of the governing body of the said Authority and to the officers thereof and to the Governor, the Budget Bureau and the Attorney General."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 279

CHAPTER 1089

AN ACT TO REGULATE THE PRACTICE OF DISPENSING OPTICIANS AND PROVIDING FOR THE LICENSING THEREOF.

The General Assembly of North Carolina do enact:

Section 1. On and after the first day of July, 1951, no person or combination of persons shall for pay, or reward, either directly or indirectly, practice as a dispensing optician as hereinafter defined in the State of North Carolina without a certificate of registration issued pursuant to the provisions of this Act by the North Carolina State Board of Opticians hereinafter established.

Sec. 2. Definition. Within the meaning of the provisions of this Act, the term "dispensing optician" defines one who prepares and dispenses lenses, spectacles, eyeglasses and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their professions, and in accordance with such prescriptions interprets, measures, adapts, fits and adjusts such lenses, spectacles, eyeglasses and/or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eye. The services and appliances related to ophthalmic dispensing shall be dispensed, furnished or supplied to the intended wearer or user thereof only upon prescription issued by a physician or an optometrist; but duplications, replacements, reproductions or repetitions may be done without prescription, in which event any such act shall be construed to be ophthalmic dispensing, the same as if performed on the basis of a written prescription.

Sec. 3. Any one or combination of the following practices when done for pay or reward shall constitute practicing as a dispensing optician: interpreting prescriptions issued by licensed physicians and/or optometrists; fitting glasses on the face; servicing glasses or spectacles; measuring of patient's face, fitting frames, compounding and fabricating lenses and frames, and any therapeutic device used or employed in the correction of vision, and alignment of frames to the face of the wearer.

Sec. 4. Qualifications for dispensing Optician. No person shall be issued a certificate of registration as a registered dispensing optician by the North Carolina State Board of Opticians hereinafter established.

(a) unless such person is qualified under the provisions of Section 7 of this Act;

(b) unless such person is at least twenty-one (21) years of age;

(c) unless such person has passed a satisfactory examination conducted by the board to determine his fitness to engage in the practice of a dispensing optician.

Sec. 5. North Carolina State Board of Opticians Created; Appointment and Qualification of Members. There is hereby created a North Carolina State Board of Opticians whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The board shall be appointed by the Governor from a list of names submitted by the North Carolina Opticians Association on or before July 1, 1951, and shall consist of five (5)
members, each of whom shall have been engaged in the practice of a dispensing optician for at least five (5) years prior to the enactment of this Act. The term of a member shall be as follows: One for one year, one for two years, one for three years, one for four years, and one for five years. The term of any member thereafter appointed shall be for five years. The members of the board, before entering upon their duties, shall respectively take all oaths taken and prescribed for other State officers in the manner provided by law, which shall be filed in the office of the Secretary of State. The Governor, at his option, may remove any member of the board for good cause shown and appoint members to fill unexpired terms.

Sec. 6. Organization, Meetings and Powers of Board. Within thirty (30) days after appointment of the board, the board shall hold its first regular meeting, and at said meeting and annually thereafter shall choose one of its members as president and one as secretary and treasurer. The board shall make such rules and regulations not inconsistent with the law as may be necessary to the proper performance of its duties, and each member may administer oaths and take testimony concerning any matter within the jurisdiction of the board, and a majority of the board shall constitute a quorum. The board shall meet at least once a year, the time and place of meeting to be designated by the president. The secretary of the board shall keep a full and complete record of its proceedings, which shall at all reasonable times be open to public inspection.

Sec. 7. Examination for Practice as a Dispensing Optician. Every person, before beginning the practice of a dispensing optician, after July 1, 1951, shall pass the examination before the North Carolina State Board of Opticians. The examination shall be confined to such knowledge as is essential to practice as a dispensing optician and shall show proficiency in the following subjects:

Ophthalmic Lense Surface Grinding;
Prescription Interpretation;
Practical Anatomy of the Eye;
Theory of Light;
Edge Grinding;
Ophthalmic Lenses;
Measurements of Face;
Finishing, Fitting and Adjusting Glasses and Frames to Face.

Every person, before taking an examination, must file with the board an application showing his age, his training and experience, and must file with the board a certificate of good moral character, signed by two reputable citizens of this State, but an applicant from another state may have such certificate signed by any state officer of the state from which he comes.

Sec. 8. Fees Required. The fee to be paid by an applicant for examination to determine his or her fitness to receive a certificate of registration as a registered dispensing optician shall be twenty ($20.00) dollars; and if he shall successfully pass the examination, he shall pay the further sum of five ($5.00) dollars on the issuance to him of the certificate of registra-
tion. Provided, that any person holding a certificate or license to practice as a dispensing optician in another state where the qualifications prescribed are equal to the qualifications required in this State may be licensed without examination upon the payment of the same fees as required of other applicants.

Sec. 9. Persons Practicing before the Passage of This Act. Every person who has been engaged in the practice of a dispensing optician as defined in this Act for a period of five (5) years or more, and who has been a resident of the State of North Carolina for two (2) years immediately prior to the date of the passage of this Act, shall be eligible for and receive a license as a dispensing optician. Said person shall file an affidavit as proof of such practice with the board. The secretary shall keep a record of such persons who shall be exempt from the provisions of Section 7 hereof. Upon the payment of a fee of ten ($10.00) dollars the secretary shall issue to each of such persons certificates of registration without the necessity of an examination. Failure on the part of persons so entitled within six (6) months of the passage of this Act to make written application to the board for a certificate of registration, accompanied by an affidavit duly signed and verified fully setting forth the grounds upon which he claims certificate and license, which shall be accompanied by a fee of ten ($10.00) dollars, shall be deemed a waiver of his rights to a certificate and license under the provisions of this Act.

Sec. 10. Certificates to be Recorded. Every recipient of a certificate of registration shall present the same for recording to the Clerk of the Superior Court of the county in which he resides and practices, and shall pay a fee of fifty (50c) cents for recording the same. The clerk shall record the certificate in a book to be provided by him for that purpose. Any failure, neglect or refusal on the part of persons holding certificates to file the same of record for thirty (30) days after the issuance thereof shall forfeit the certificate and the same shall become null and void. Upon the request of any person to whom a certificate has been issued the board shall issue a certified copy thereof, and upon the proof of the loss of the original being made to appear, the certified copy shall be recorded in lieu of the original. The board shall be entitled to a fee of one ($1.00) dollar for the issuance of a certified copy.

Sec. 11. Posting of Certificates. Every person to whom a certificate of registration has been granted under this Act shall display the same in a conspicuous part of the office or establishment wherein he is engaged as a dispensing optician.

Sec. 12. Collection of Fees. The secretary to the board is hereby authorized and empowered to collect in the name and on behalf of this board the fees prescribed by this Act and shall turn over to the State Treasurer all funds collected or received under this Act, which funds shall be credited to the North Carolina State Board of Opticians, and said funds shall be held and expended under the supervision of the Director of the Budget of the State of North Carolina exclusively for the administration and enforcement of the provisions of this Act. The secretary to the board shall, before entering upon the duties of the office, execute a
satisfactory bond with a duly licensed surety or other surety approved by the Director of the Budget, said bond to be in the penal sum of not less than two thousand ($2,000.00) dollars and conditioned upon the faithful performance of the duties of the office and the true and correct accounting of all funds received by such secretary by virtue of such office. Nothing in this Act shall be construed to authorize any expenditure in excess of the amount available from time to time in the hands of the State Treasurer derived from the fees collected under the provisions of this Act and received by the State Treasurer in the manner aforesaid.

Sec. 13. Yearly License Fees. For the use of the board in performing its duties under this Act, every registered dispensing optician shall in each year after the year 1951 pay to the North Carolina State Board of Opticians a sum not exceeding twenty-five ($25.00) dollars, the amount to be fixed by the board, as a license fee for the year. Such payment shall be made prior to the first day of April in each year and in case of default in payment by a registered dispensing optician, his certificate of registration may be revoked by the board at the next regular meeting of the board, after notice as herein provided. But no license shall be revoked for nonpayment if the person so notified shall, before or at the time of consideration, pay his fee and such penalty as may be imposed by the board. A penalty imposed on any one person so notified as a condition of allowing his license to stand shall not exceed five ($5.00) dollars. The board may collect any dues or fees provided in this Section by suit in the name of the board. The notice hereinbefore mentioned shall be in writing addressed to the persons in default of the payments of dues herein mentioned at the last address shown by the records of the board and shall be sent by the secretary of the board by registered mail with proper postage attached at least twenty (20) days before the date upon which revocation of the license is to be considered, and the secretary shall keep a record of the fact and the date of such mailing. The notice herein provided for shall state the time and place of consideration of revocation of license of persons to whom such notice is addressed.

Sec. 14. Meeting of the board. The board shall meet at least once each year for the purpose of transacting all business of the board and to conduct examinations of applicants for certificates of registration as herein provided and at such other times as may be necessary, said meetings to be held at such time and place as the president of the board may determine. Special meetings of the board shall be called by the president upon the written request of three (3) members thereof.

Sec. 15. Compensation and Expenses of Board Members. Each member of the board shall receive for his services for the time actually in attendance upon board meetings the sum of ten ($10.00) dollars per day and shall be reimbursed for actual necessary expenses incurred in the discharge of such duties not to exceed five ($5.00) dollars per day for subsistence plus the actual traveling expenses or an allowance of five (5c) cents per mile where such member uses his personally owned automobile.

Sec. 16. Powers of the Board. The board shall have the power to make such rules and regulations not inconsistent with the laws of the State of
North Carolina as may be necessary and proper for the regulation of the practice of dispensing optician and for the performance of its duties. The board shall have the power to revoke any certificate of registration granted by it under this Act for conviction of crime, habitual drunkenness, gross incompetency, for contagious or infectious disease.

The board shall likewise have the power to revoke licenses and certificates of registration upon the finding by the board that the holder of such certificate has been guilty of unethical methods of practice. It shall be considered unethical practice to advertise in any manner by words or phrases or similar import which convey or which are calculated to convey the impression to the public that the eyes are examined by persons licensed under this Act or by the use of words and phrases of a character tending to deceive or mislead the public or in the nature of price or baiting advertising; use of advertising directly or indirectly by any method or nature which seeks or solicits on any installment plan; house to house canvassing or peddling directly or through any agent or employee for the purpose of selling, fitting or supplying frames, mountings, lenses or other ophthalmic materials.

Before any certificate of registration may be so revoked for any reason or ground, the holder thereof shall be served with notice in writing by an officer authorized to serve civil summons, informing such holder of the charge or charges against him, and at a specific date set forth in said notice, at least thirty (30) days from the date of issuance of the said notice, informing such holder of the date, time and place of the hearing before the board and for an opportunity to produce testimony in his behalf, and to confront witnesses against him. Any person whose certificate has been revoked for any cause may, after the expiration of ninety (90) days, and within two (2) years from the date of revocation, apply to the board to have the same reinstated, and upon a showing satisfactory to the board and in the discretion of the board, the certificate of registration or license may be restored to such person.

Any person who is aggrieved at the action of the board may, within thirty (30) days from notice of the action of the board, appeal to the Superior Court of the county in which he resides by giving notice in writing to the secretary of the board of the appeal. Upon receipt of such notice the secretary shall forthwith forward to the Clerk of the Superior Court of the county in which the licensee resides the notice of appeal, together with all records and papers pertaining thereto, and a transcript of any testimony that may have been taken with reference to the matter; and upon receipt of the same the Clerk of the Superior Court shall enter the appeal on the civil issue docket and the same shall be heard as other civil matters.

Sec. 17. Sale of Optical Glasses. No optical glass or other kindred products or instruments of vision shall be dispensed, ground or assembled in connection with a given formula prescribed by a licensed physician or optometrist except under the supervision of a licensed dispensing optician and in a registered optical establishment or office. Provided, however, that the provisions of this Section shall not prohibit persons or corporations
from selling completely assembled spectacles without advice or aid as to the selection thereof as merchandise from permanently located or established places of business.

Sec. 18. Each licensee licensed under the provisions of this Act who shall rent, loan or allow the use of his registration certificate or license to an unlicensed person for any unlawful use shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred ($100.00) dollars or imprisoned for not more than twelve (12) months, or both, in the discretion of the court, and shall forfeit his license.

Sec. 19. Any person, firm or corporation owning, managing or conducting a store, shop or place of business and not having in its employ a licensed dispensing optician for the supervision of such store, office, place of business or optical establishment, or including an advertisement, whether in newspaper, radio, book, magazine or other printed matter the words, "optician, licensed optician, optical establishment, optical office," or any combination of such terms within or without such store as to mislead the public, that the same is a legally established optical place of business duly licensed as such or managed or conducted by persons holding a dispensing opticians' license, when in fact such license or permit is not held by such person, firm or corporation, or some person in the employ and in charge of such optical business, shall upon conviction be fined not less than one hundred ($100.00) dollars or be imprisoned for not more than twelve (12) months, or both, in the discretion of the court.

Sec. 20. Nothing in this Act shall be construed to apply to a licensed physician or optometrist, nor to any individual, partnership or corporation who is now and shall in the future engage in supplying ophthalmic prescriptions and supplies to physicians, optometrists, dispensing opticians or optical scientists.

Sec. 21. Any person, firm or corporation who shall violate any provision of this Act for which no other penalty has been provided shall, upon conviction, be fined not more than two hundred ($200.00) dollars or imprisoned for a period of not more than twelve (12) months, or both, in the discretion of the court.

Sec. 22. If any Section of this Act or any provision of the same shall be declared unconstitutional, in whole or in part, by a court of competent jurisdiction, then to the extent that it is not unconstitutional such Section or provision shall be in force and effect, nor shall such determination be deemed to invalidate the remaining provisions of this Act.

Sec. 23. It shall be unlawful for any person, firm or corporation to offer or give any gift or premium or discount, directly or indirectly, or in any form or manner participate in the division, assignment, rebate or refund of fees or parts thereof or to engage in advertising in any form or manner that would urge the public to seek the services of any specific professional person or group of persons engaged in the field of refraction and visual care.

Sec. 24. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 25. This Act shall be in force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 323  CHAPTER 1090

AN ACT TO AMEND SECTION 66-58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE SALE OF MERCHANDISE BY GOVERNMENTAL UNITS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 66-58 by striking out all of said Section and inserting in lieu thereof the following:

"(a) Except as may be provided in this Section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of any such unit, department or agency, or any individual employee or employees of any such unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of service to the public ordinarily and customarily rendered by private enterprises, or to contract with any person, firm or corporation for the operation or rendering of any such businesses or services on behalf of any such unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this Section shall not apply to:

1. Counties and municipalities.
2. The State Board of Health or the Department of Agriculture for the sale of serums, vaccines, and other like products.
3. The Division of Purchase and Contract, except that said agency shall not exceed the authority granted in the Act creating the agency.
4. The State Hospitals for the Insane.
5. The State Commission for the Blind.
8. The Greater University of North Carolina with regard to its utilities and other services now operated by it nor to the sale of articles produced incident to the operation of instructional departments, articles incident to educational research, articles of merchandise incident to class room work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25c) in value when sold to members of the educational staff or staff auxili-
ary to education or to duly enrolled students or occasionally to immediate members of the families of members of the educational staff or of duly enrolled students nor to the sale of meals or merchandise to persons attending meetings or conventions as invited guests nor to the operation by the University of North Carolina of an inn or hotel and dining and other facilities usually connected with a hotel or inn, nor to the hospital and Medical School of the University of North Carolina, nor to the Coliseum of North Carolina State College, and the other schools and colleges for higher education maintained or supported by the State.

9. The Department of Conservation and Development, except that said department shall not construct, maintain, operate or lease a hotel or tourist inn in any park over which it has jurisdiction.

10. Child caring institutions or orphanages receiving State aid.

11. Highlands School in Macon County.


14. Nothing herein contained shall be construed to prohibit the engagement in any of the activities described in Section 1, subsection (a) hereof by a firm, corporation or person who or which is a lessee of space only of the State of North Carolina or any of its departments or agencies; provided such leases shall be awarded by the Division of Purchase and Contract to the highest bidder, as provided by law in the case of State contracts and which lease shall be for a term of not less than one year and not more than five years.

(c) The provisions of subsection (a) shall not prohibit:

1. The sale of products of experiment stations or test farms.

2. The sale of learned journals, works of art, books or publications of the State Historical Commission or other agencies, or the Supreme Court Reports or Session Laws of the General Assembly.

3. The business operation of endowment funds established for the purpose of producing income for educational purposes.

4. The operation of lunch counters by the State Commission for the Blind of the type operated on January 1, 1951, in State Buildings in the City of Raleigh.

5. The operation of concession stands in the State Capitol during the Sessions of the Legislature.

6. The maintenance by the State Highway and Public Works Commission of eating facilities at the State Prison or at Prison Camps for prisoners and for members of the prison staff while on duty, or the maintenance of eating and sleeping facilities for working crews on highway construction or maintenance when actually engaged in such work on parts of the highway system.

7. The operation by penal, correctional or institutions for the care of the blind, or mentally or physically defective, or by the State Department of Agriculture, of dining rooms for the inmates or patients of members of the staff while on duty and for the accommodation of persons visiting such inmates or patients, and other bona fide visitors.
8. The sale by the Department of Agriculture of livestock, poultry and publications in keeping with its present livestock and farm program.

9. The operation by the public schools of school cafeterias.

10. Sale by any State correctional or other institution of farm, dairy, livestock or poultry products raised or produced by it in its normal operations as authorized by the Act creating it.

11. The sale of textbooks, library books, forms, bulletins, and instructional supplies by the State Board of Education, State Department of Public Instruction, and local school authorities.

(d) A department, agency or educational unit named in subsection (b) shall not perform any of the prohibited acts for or on behalf of any other department, agency or educational unit.

(e) Any person, whether employee of the State of North Carolina or not, who shall violate, or participate in the violation of this Act, shall be guilty of a misdemeanor.

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 14th day of April, 1951.

H. B. 329  CHAPTER 1091
AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO VITAL STATISTICS LAWS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 13-78 is hereby amended by rewriting the last sentence to read as follows: "Midwives shall sign as the attendant but shall not sign the medical certificate of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in this Article."

Sec. 2. G. S. 130-80 is hereby amended by striking out the second sentence of the Section, and by striking out at the beginning of the third sentence the words "if the registrar has reason to believe that the death had been due to unlawful act or neglect, he" and by inserting in lieu thereof the words "When there is no local health officer or person acting as health officer, the registrar."

Sec. 3. Section 130-102 of the General Statutes of North Carolina, as the same appears in the 1949 Cumulative Supplement, is hereby amended by deleting the words "state of birth" as the same appear in the second sentence, and by inserting in lieu thereof the following: "city and county of birth." This Section is further amended by adding at the end of the Section the sentence: "The provisions of this Section shall not apply to copies of birth certificates of adopted children."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. This Act shall become effective July 1, 1951.
In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

H. B. 354    CHAPTER 1092

AN ACT TO PROVIDE A HOG CHOLERA PREVENTION PROGRAM
FOR WAKE COUNTY AND TO PERMIT THE SALE AND USE
OF HOG CHOLERA VACCINE THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Wake County is hereby
authorized and empowered to appoint such person other than licensed
veterinarians, or persons, who are endorsed and approved by the county
farm agent and are prepared by instruction and experience to perform
the service of vaccinating of hogs in Wake County, as legally qualified
vaccinators to perform that service for the hog raisers of the county.
A list of such persons as are designated and appointed by the commisioners
shall be kept in the office of the county farm agent for information
for the benefit of hog raisers.

Sec. 2. Said board of commissioners shall designate such person or
persons as it deems advisable to purchase for use in Wake County any
vaccine, virus or serum or any other supplies for use by approved vaccinators
for the prevention of hog cholera; such vaccine, virus or serum
shall be of standard quality and manufactured in conformity with the
provisions of G. S. 106-314. The vaccinators provided for in this Act shall
perform their service free other than cost of vaccine, virus or serum and
other equipment. The board of county commissioners may revoke for cause
any appointment made under the authority of this Act.

Sec. 3. All hogs that are inoculated with a product containing a living
virus or organism shall be at the time of inoculation quarantined, in ac-
cordance with the State regulations, by the person inoculating them.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 340    CHAPTER 1093

AN ACT TO REPEAL CHAPTER 208 OF THE SESSION LAWS OF
1943 AND MAKING G. S. 115-353 OF THE SCHOOL MACHINERY
ACT APPLICABLE TO TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 208 of the Session Laws of 1943 is hereby repealed,
but any person heretofore elected to any position pursuant to said Act
shall not by reason of this Act be disqualified to continue to hold said
position until July 1, 1953. It is the purpose of this Act to make G. S. 115-353 of the State School Machinery Act applicable in all respects to Tyrrell County on and after July 1, 1953.

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 14th day of April, 1951.

H. B. 366

CHAPTER 1094

AN ACT TO PROHIBIT EMPLOYERS FROM CHARGING INDIVIDUALS A FEE FOR MEDICAL EXAMINATION AS A CONDITION OF EMPLOYMENT.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any employer, as defined in Section 2 of this Act, to require any applicant for employment, as defined in Section 3, to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of the initial act of hiring.

Sec. 2. The term "employer" as used in this Act shall mean and include an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company, doing business in or operating within the State.

Sec. 2½. Provided that this Act shall not apply to any employer as defined in Section 2 of this Act who employs less than twenty-five (25) employees.

Sec. 3. The term "applicant for employment" shall mean and include any person who seeks to be permitted, required or directed by any employer, as defined in Section 2 hereof, in consideration of direct or indirect gain or profit, to engage in employment.

Sec. 4. Any employer who violates the provisions of this Act shall be liable to a fine of not more than one hundred dollars ($100.00) for each and every violation. It shall be the duty of the Commissioner of Labor to enforce this Act.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
AN ACT TO PROMOTE ELIMINATION OF BLIGHTED AREAS THROUGHOUT THE STATE: BY DECLARING ACQUISITION, SOUND REPLANNING AND REDEVELOPMENT OF SUCH AREAS TO BE FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE AND WELFARE: CREATING PUBLIC BODIES CORPORATE AND POLITICAL TO BE KNOWN AS REDEVELOPMENT COMMISSIONS: AUTHORIZING THEM TO ENGAGE IN THE ELIMINATION OF BLIGHTED AREAS AND TO PLAN AND CONTRACT WITH PRIVATE, CORPORATE OR GOVERNMENTAL REDEVELOPERS FOR THEIR REDEVELOPMENT.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the "Urban Redevelopment Law."

Sec. 2. Findings and Declaration of Policy. It is hereby determined and declared as a matter of legislative finding—

(a) That there exist in urban communities in this State blighted areas as defined herein.

(b) That such areas are economic or social liabilities, inimical and injurious to the public health, safety, morals and welfare of the residents of the State, harmful to the social and economic well-being of the entire communities in which they exist, depreciating values therein, reducing tax revenues, and thereby deprecating further the general community-wide values.

(c) That the existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public services and facilities, constitutes an economic and social liability, substantially impairs or arrests the sound growth of communities.

(d) That the foregoing conditions are beyond remedy or control entirely by regulatory processes in the exercise of the police power and cannot be effectively dealt with by private enterprise under existing law without the additional aids herein granted.

(e) That the acquisition, preparation, sale, sound replanning, and redevelopment of such areas in accordance with sound and approved plans for their redevelopment will promote the public health, safety, convenience and welfare.

Therefore, it is hereby declared to be the policy of the State of North Carolina to promote the health, safety, and welfare of the inhabitants thereof by the creation of bodies corporate and politic to be known as Redevelopment Commissions, which shall exist and operate for the public purposes of acquiring and replanning such areas and of holding or disposing of them in such manner that they shall become available for economically and socially sound redevelopment. Such purposes are hereby de-
clared to be public uses for which public money may be spent, and private property may be acquired by the exercise of the power of eminent domain.

Sec. 3. Definitions. The following terms where used in this Act, shall have the following meanings, except where the context clearly indicates a different meaning.

(a) “Commission” or “Redevelopment Commission”—A public body and a body corporate and politic created and organized in accordance with the provisions of this Act.

(b) “Bonds”—Any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to this Act.

(c) “City”—Any city or town. “The city” shall mean the particular city for which a particular commission is created.

(d) “Field of Operation”—The area within the territorial boundaries of the city for which a particular commission is created.

(e) “Governing Body”—In the case of a city or town, the city council or other legislative body.

(f) “Government”—Includes the State and Federal Governments or any subdivision, agency or instrumentality corporate or otherwise of either of them.

(g) “Municipality”—Any incorporated city or town with a population of 25,000 or more according to the last decennial census.

(h) “Obligee of the Commission” — or “Obligee” — Any bondholder, trustee or trustees for any bondholders, any lessor demising property to a commission used in connection with a redevelopment project, or any assignees of such lessor's interest, or any part thereof, and the Federal Government, when it is a party to any contract with a commission.

(i) “Planning Commission”—Any planning commission established by ordinance for a municipality of this State. “The Planning Commission” shall mean the particular planning commission of the city or town in which a particular commission operates.

(j) “Real Property”—Lands, lands under water, structures and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(k) “Redeveloper”—Any individual, partnership or public or private corporation that shall enter or propose to enter into a contract with a commission for the redevelopment of an area under the provisions of this Act.

(l) “Redevelopment”—The acquisition, replanning, clearance, rehabilitation or rebuilding of an area for residential, recreational, commercial, industrial or other purposes, including the provision of streets, utilities, parks, recreational areas and other open spaces.

(m) “Redevelopment Area”—Any area, which a planning commission may find to be blighted because of the existence of the conditions enumerated in subsection Q of this Section so as to require redevelopment under the provisions of this Act.

(n) “Redevelopment Area Plan”—A plan for the redevelopment of a redevelopment area made by a “Commission” in accordance with the provisions of this Act.
(o) "Redevelopment Contract"—A contract between a commission and a redeveloper for the redevelopment of an area under the provisions of this Act.

(p) "Redevelopment Proposal"—A proposal, including supporting data and the form of a redevelopment contract submitted for approval to the governing body by a commission, for the redevelopment of all or any part of a redevelopment area.

(q) "Blighted Area"—shall mean an area in which there is a predominance of buildings or improvements (or which is predominantly residential in character), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding unsanitary or unsafe conditions, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare; provided, no individual tract, building or improvement shall be considered a part of any blighted area nor subject to the power of eminent domain herein granted unless it is of the character herein described and substantially contributes to the conditions rendering such area blighted.

(r) "Redevelopment Project" shall mean any work or undertaking:

1. To acquire blighted areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of such blighted areas or to the prevention of the spread or recurrence of conditions of blight;

2. To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities or other improvements thereon and to install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;

3. To sell land in such areas for residential, recreational, commercial, industrial or other use or for the public use to the highest bidder as herein set out or to retain such land for public use, in accordance with the redevelopment plan.

The term "redevelopment project" may also include the preparation of a redevelopment plan, the planning, survey and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project.

Sec. 4. Formation of Commissions:

(a) Each municipality, as defined herein, is hereby authorized to create separate and distinct bodies corporate and politic to be known as the Redevelopment Commission of the municipality by the passage by the governing body of such municipality of an ordinance or resolution creating a commission to function within the territorial limits of said municipality. Notice of the intent to consider the passage of such a resolution or ordinance shall be published at least ten days prior to the meeting.
(b) The governing body of a municipality shall not adopt a resolution pursuant to subsection (a) above unless it finds:

(1) that blighted areas (as herein defined) exist in such municipality, and

(2) that the redevelopment of such areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

(c) The governing body shall cause a certified copy of such ordinance or resolution to be filed in the office of the Secretary of State; upon receipt of the said certificate the Secretary of State shall issue a certificate of incorporation.

(d) In any suit, action or proceeding involving or relating to the validity or enforcement of any contract or act of a commission, a copy of the certificate of incorporation duly certified by the Secretary of State shall be admissible in evidence and shall be conclusive proof of the legal establishment of the commission.

Sec. 5. Appointment and Qualifications of Members of Commission. Upon certification of a resolution declaring the need for a commission to operate in a city or town, the mayor and governing board thereof, respectively, shall appoint, as members of the commission, five citizens who shall be residents of the city or town in which the commission is to operate.

Sec. 6. Tenure and Compensation of Members of Commission. The members who are first appointed shall serve for terms of one, two, three, four and five years, respectively, from the date of their appointment as shall be specified at the time of their appointment. Thereafter, the term of office shall be five years. A member shall hold office until his successor has been appointed and qualified. Vacancies for the unexpired terms shall be promptly filled by the mayor and governing body. A member shall receive no compensation for this service, but shall be entitled within the budget appropriation to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Sec. 7. Organization of Commission. The members of a commission shall select from among themselves a chairman, a vice chairman, and such other officers as the commission may determine. A commission may employ a secretary, its own counsel, and such technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons. Three members shall constitute a quorum for its meeting. Members shall not be liable personally on the bonds or other obligations of the commission, and the rights of creditors shall be solely against such commission. A commission may delegate to one or more of its members, agents or employees such of its powers as it shall deem necessary to carry out the purposes of this Act, subject always to the supervision and control of the commission. For inefficiency or neglect of duty or misconduct in office, a commissioner of a commission may be removed by the governing body, but a commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least 10 days prior to such hearing and have had an opportunity to be heard in person or by counsel.
Sec. 8. Interest of Members or Employees. No member or employee of a commission shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by a commission, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employee of a commission shall have already owned or controlled within the preceding two years any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project, under the jurisdiction of the commission, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he shall disclose the same in writing to the commission and to the local governing body, and such disclosure shall be entered in writing upon the minute books of the commission. Failure to make such disclosure shall constitute misconduct in office.

Sec. 9. Powers of Commission. A commission shall constitute a public body, corporate and politic, exercising public and essential governmental powers, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to those herein otherwise granted:

(a) To procure from the planning commission the designation of areas in need of redevelopment and its recommendations for such redevelopment;

(b) To cooperate with any government or municipality as herein defined;

(c) To act as agent of the State or Federal Government or any of its instrumentalities or agencies for the public purposes set out in this Act;

(d) To prepare or cause to be prepared and recommend redevelopment plans to the governing body of the municipality and to undertake and carry out "redevelopment projects" within its area of operation;

(e) Subject to the provisions of Section 11 (b) to arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with a redevelopment project; and (notwithstanding anything to the contrary contained in this Act or any other provision of law), to agree to any conditions that it may deem reasonable and appropriate attached to Federal financial assistance and imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(f) Within its area of operation, to purchase, obtain options upon, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest therein, together with any im-

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provements thereon, necessary or incidental to a redevelopment project; to hold, improve, clear or prepare for redevelopment any such property, and notwithstanding the provisions of G. S. 160-59 but subject to the provisions of Section 11 hereof, and with the approval of the local governing body sell, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest therein, either as an entirety to a single "redeveloper" or in parts to several redevelopers; provided that the commission finds that the sale or other transfer of any such part will not be prejudicial to the sale of other parts of the redevelopment area, nor in any other way prejudicial to the realization of the redevelopment proposal approved by the governing body; to enter into contracts with "redevelopers" of property containing covenants, restrictions and conditions regarding the use of such property for residential, commercial, industrial, recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions and conditions as the commission may deem necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this Act; to make any of the covenants, restrictions or conditions of the foregoing contracts covenants running with the land, and to provide appropriate remedies for any breach of any such covenants or conditions, including the right to terminate such contracts and any interest in the property created pursuant thereto; to borrow money and issue bonds therefor and provide security for bonds; to insure or provide for the insurance of any real or personal property or operations of the commission against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this Act.

(g) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in such investments as may be lawful for guardians, executors, administrators or other fiduciaries under the laws of this State; to redeem its bonds at the redemption price established therein or to purchase its bonds at less than redemption price, all bonds so redeemed or purchased to be cancelled.

(h) To borrow money and to apply for and accept advances, loans evidenced by bonds, grants, contributions and any other form of financial assistance from the Federal Government, the State, county, municipality or other public body or from any sources, public or private for the purposes of this Act, to give such security as may be required and to enter into and carry out contracts in connection therewith; and, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the Federal Government for a redevelopment project such conditions imposed pursuant to Federal law as the commission may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act.

(i) Acting through one or more commissioners or other persons designated by the commission, to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue
subpoenas requiring the attendance of witnesses or the production of books and papers.

(j) Within its area of operation, to make or have made all surveys, studies and plans (but not including the preparation of a general plan for the community) necessary to the carrying out of the purposes of this Act and in connection therewith to enter into or upon any land, building, or improvement thereon for such purposes and to make soundings, surveys, appraisals and other preliminary studies and investigations necessary to carry out its powers but such entry shall constitute no cause of action for trespass in favor of the owner of such land, building or improvement except for injuries resulting from negligence, wantonness or malice; and to contract or cooperate with any and all persons or agencies public or private, in the making and carrying out of such surveys, appraisals, studies and plans.

(k) To make such expenditures as may be necessary to carry out the purposes of this Act; and to make expenditures from funds obtained from the Federal Government.

(l) To sue and be sued;

(m) To adopt a seal;

(n) To have perpetual succession;

(o) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission; and any contract or instrument when signed by the chairman or vice chairman and secretary or assistant secretary, or, treasurer or assistant treasurer of the commission shall be held to have been properly executed for and on its behalf;

(p) To make and from time to time amend and repeal bylaws, rules, regulations and resolutions;

(q) To make available to the government or municipality or any appropriate agency, board or commission, the recommendations of the commission affecting any area in its field of operation or property therein, which it may deem likely to promote the public health, morals, safety or welfare.

Sec. 10. Preparation and adoption of Redevelopment Plans.

(a) A commission shall prepare a redevelopment plan for any area certified by the Planning Commission to be a redevelopment area. A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the redevelopment project area.

(b) The Planning Commission's certification of a redevelopment area shall be made in conformance with its comprehensive general plan, if any, (which may include, inter alia, a plan of major traffic arteries and terminals and a land use plan and projected population densities) for the area.

(c) A commission shall not acquire real property for a redevelopment project unless the governing body of the community in which the redevelopment project area is located has approved the redevelopment plan, as hereinafter prescribed.
(d) The Redevelopment Commission's redevelopment area plan shall include, without being limited to, the following:

(1) The boundaries of the area, with a map showing the existing uses of the real property therein;

(2) A land use plan of the area showing proposed uses following redevelopment;

(3) Standards of population densities, land coverage and building intensities in the proposed redevelopment;

(4) A preliminary site plan of the area;

(5) A statement of the proposed changes, if any, in zoning ordinances or maps;

(6) A statement of any proposed changes in street layouts or street levels;

(7) A statement of the estimated cost and method of financing of acquisition of the redevelopment area, and of all other costs necessary to prepare the area for redevelopment;

(8) A statement of such continuing controls as may be deemed necessary to effectuate the purposes of this Act.

(9) A statement of a feasible method proposed for the relocation of the families displaced.

(e) In conformity with such redevelopment area plan, the commission may prepare a proposal for the redevelopment of all or part of such area, including the proposed redevelopment contract, with the redeveloper selected. The commission shall, after giving ten days' public notice thereof, hold public hearings prior to its final determination of the redevelopment proposal.

(f) The commission shall submit the redevelopment proposal to the Planning Commission for review. The Planning Commission, shall, within forty-five days, certify to the Redevelopment Commission its recommendation on the redevelopment proposal, either of approval, rejection or modification, and in the latter event, specify the changes recommended.

(g) Upon receipt of the Planning Commission's recommendation, or at the expiration of forty-five days, if no recommendation is made by the Planning Commission, the commission shall submit to the governing body the redevelopment proposal with the recommendation, if any, of the Planning Commission thereon. Prior to recommending a redevelopment plan to the governing body for approval, the commission shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs, which will in accordance with present and future needs promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other
public requirements, the promotion of sound design and arrangements, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, slums, or conditions of blight.

(h) The governing body upon receipt of the redevelopment proposal and the recommendation, if any, of the planning commission shall hold a public hearing upon said proposal. Notice of the time, place and purpose of such hearing shall be published at least once a week for three consecutive weeks in a newspaper of general circulation, the time of the hearing to be at least ten days from the last publication of notice. The notice shall describe the redevelopment area by boundaries and by city block, street and house number. The redevelopment proposal with such maps, plans, contracts, or other documents as form part of said proposal, together with the recommendation, if any, of the Planning Commission, and supporting data shall be available for public inspection for at least ten days prior to the hearing.

At the hearing the governing body shall afford an opportunity to all persons or agencies interested to be heard and shall receive, make known and consider recommendations in writing with reference to the redevelopment proposal.

(i) The governing body shall approve, amend or reject the redevelopment proposal and the redevelopment contracts as submitted.

(j) Upon approval by the governing body of the redevelopment proposal and redevelopment contracts, the commission is authorized to execute the redevelopment contract after advertisement and award as hereinafter specified and to take such action as may be necessary to carry it out.

(k) A redevelopment plan may be modified at any time by the commission provided that, if modified after the sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper of such real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the governing body the modification must similarly be approved by the governing body as provided above.


(a) A commission may sell, exchange or otherwise transfer real property or any interest therein in a redevelopment project area to any redeveloper for residential, recreational, commercial, industrial or other uses or for public use in accordance with the redevelopment plan, subject to such covenants, conditions and restrictions as may be deemed to be in the public interest or to carry out the purposes of this Act; provided, that such sale, exchange or other transfer, and any agreement relating thereto, may be made only after, or subject to, the approval of the redevelopment plan by the governing body of the municipality and after public notice and award as hereinafter specified in subsection (b).

(b) Except as hereinafter specified, no sale of any property by the commission or contract for the accomplishment of any redevelopment project by the commission or any contract with a developer shall be effected except
after advertisement bid and awarded as hereinafter set out. The commission shall by public notice by publication once each week for four consecutive weeks in a newspaper having a general circulation in the municipality prior to the consideration of any sale or redevelopment or other contract proposal invite proposals and make available all pertinent information to any persons interested in undertaking a purchase of property, a contract or the redevelopment of an area or any part thereof. Such notice shall identify the property affected, shall specify in outline the property to be conveyed, the work to be accomplished and the conditions of the contract and shall state that further information may be obtained at the office of the commission. The commission may require such bid bond as it deems appropriate. After receipt of all bids, the contract shall be awarded to the lowest responsible bidder or the sale made to the highest responsible bidder as the case may be; provided, nothing herein shall prevent the sale at private sale to the municipality or other public body of such property as is specified in subsection (c) (1), (2) and (3) of this Section with or without consideration as shall be determined by the commission; provided further, that nothing herein shall prohibit the commission from negotiating contracts with a municipality to perform such work as the commission shall deem appropriate. All bids may be rejected. All awards of contracts and all sales shall be subject to the approval of the governing body of the municipality. After approval by the governing body of the municipality, the commission may execute such redevelopment or other contract and deliver deeds and other instruments and take all steps necessary to effectuate such redevelopment or other contract or sale. The commission may privately contract for engineering, legal, surveying, professional or other similar services without advertisement or bid and may similarly sell personal property of a value of less than $500 at private sale.

(c) In carrying out a redevelopment project, the commission may:

(1) Convey to the municipality in which the project is located with or without consideration such real property as, in accordance with the redevelopment plan, is to be laid out into streets, alleys, and public ways, at private sale.

(2) Grant easements and rights of way, for public utilities, sewers, streets and other similar facilities, in accordance with the redevelopment plan and

(3) With or without consideration and at private sale convey to the municipality, county or other appropriate public body, such real property, as, in accordance with the redevelopment plan, is to be used for parks, schools, public buildings, facilities or other public purposes.

(d) The commission may temporarily operate and maintain real property in a redevelopment project area pending the disposition of the property for redevelopment, for such uses and purposes as may be deemed desirable even though not in conformity with the redevelopment plan. The contract between the commission and a redeveloper shall contain, without being limited to the following provisions:

(1) Plans prepared by the redeveloper or otherwise and other such documents as may be required to show the type, material, structure and general character of the redevelopment project;
(2) A statement of the use intended for each part of the project;
(3) A guaranty of completion of the redevelopment project within specified time limits;
(4) The amount, if known, of the consideration to be paid.
(5) Adequate safeguards for proper maintenance of all parts of the project;
(6) Such other continuing controls as may be deemed necessary to effectuate the purposes of this Act.

e) Any deed to a redeveloper in furtherance of a redevelopment contract shall be executed in the name of the commission, by its proper officers, and shall contain in addition to all other provisions, such conditions, restrictions and provisions as the commission may deem desirable to run with the land in order to effectuate the purposes of this Act.

Sec. 12. Eminent Domain. Title to any property acquired by a commission through eminent domain shall be an absolute or fee simple title, unless a lesser title shall be designated in the eminent domain proceedings. The commission may exercise the right of eminent domain in the manner provided by law for the exercise of such right by municipalities, except that Section 40-10 of the General Statutes shall not apply to such commission. If any of the real property in the redevelopment area which is to be acquired has, prior to such acquisition, been devoted to another public use, it may, nevertheless, be acquired by condemnation; provided, that no real property belonging to any municipality or county or to the State may be acquired without its consent.

Sec. 13. Issuance of Bonds.

(a) The commission shall have power to issue bonds from time to time for any of its corporate purposes including the payment of principal and interest upon any advances for surveys and plans for redevelopment projects. The commission shall also have power to issue refunding bonds for the purpose of paying or retiring or in exchange for bonds previously issued by it. The commission may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable:

(1) Exclusively from the income, proceeds, and revenues of the redevelopment project financed with the proceeds of such bonds; or

(2) Exclusively from the income, proceeds, and revenues of any of its redevelopment projects whether or not they are financed in whole or in part with the proceeds of such bonds; provided, that any such bonds may be additionally secured by a pledge of any loan, grant or contributions, or parts thereof, from the Federal Government or other source, or a mortgage of any redevelopment project or projects of the commission.

(b) Neither the commissioners of a commission nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the commission (and such bonds and obligations shall so state on their face) shall not be a debt of the municipality, the county, or the State and neither the municipality, the county, nor the State shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said commission acquired for the purpose of this Act.
bonds shall not constitute an indebtedness of the municipality within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of a commission are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from all taxes. Bonds may be issued by a commission under this Act notwithstanding any debt or other limitation prescribed in any statute. This Act without reference to other statutes of the State shall constitute full and complete authority for the authorization and issuance of bonds by the commission hereunder and such authorizations and issuance shall not be subject to any conditions, restrictions or limitations imposed by any other statute whether general, special or local, except as provided in subsection (d) of this Section.

(c) Bonds of the commission shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

(d) The bonds shall be approved and sold by the Local Government Commission in the same manner as bonds of municipalities are approved and sold by said Local Government Commission under the provisions of the Local Government Act; provided, however, said Local Government Commission may sell all or any part of an issue of bonds authorized pursuant to this Act to the Federal Government at private sale and without advertisement and, in the event less than all of such bonds are sold to the Federal Government at private sale, may sell the balance of such bonds at private sale and without advertisement to any party or parties other than the Federal Government at an interest cost which shall not exceed the interest cost of that portion of such bonds sold to the Federal Government, such cost to be determined in the same manner as interest cost is determined in the sale of bonds of municipalities. No bonds issued pursuant to this Act shall be sold at less than par and accrued interest. Such bonds shall be delivered in the same manner as bonds of municipalities are delivered under the provisions of Section 159-21 of the General Statutes (in applying the provisions of said Section 159-21 to bonds authorized pursuant to this Act the words "bonds", "notes" and "indebtedness" as they appear in the context thereof shall mean "bonds" as defined in this Act and the word "unit" shall mean "commission" as defined in this Act).

(e) In case any of the commissioners or officers of the commission whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery.
Any provisions of any law to the contrary, notwithstanding any bonds issued pursuant to this Act shall be fully negotiable.

(f) In any suit, action or proceedings involving the validity or enforceability of any bond of the commission of the security therefor, any such bond reciting in substance that it has been issued by the commission to aid in financing a redevelopment project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this Act.


(a) In connection with the issuance of bonds or the incurring of obligations and in order to secure the payment of such bonds or obligations, the commission, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence;

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired;

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting of suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any redevelopment project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it;

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon; and to covenant for the redemption of the bonds and to provide the terms and conditions thereof;

(5) To covenant (subject to the limitations contained in this Act) as to the amount of revenues to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds;

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(7) To covenant as to the use, maintenance and replacement of any of or all of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys, and to warrant its title to such property;

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenants, conditions or obligations; and to covenant and prescribe as to events of default and terms and conditions.
upon which any or all of its bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived;

(9) To vest in any obligees of the commissions the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in any obligee or obligees holding a specified amount in bonds the right, in the event of a default to take possession of and use, operate and manage any redevelopment project or any part thereof, title to which is in the commission, or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement with such obligees; to provide for the powers and duties of such obligees and to limit the liabilities thereof, and to provide the terms and conditions upon which such obligees may enforce any covenant or rights securing or relating to the bonds; and

(10) To exercise all or any part or combination of the powers herein granted; to make such covenants (other than and in addition to the covenants herein expressly authorized) and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said commission, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

(b) The commission shall have power by its resolution, trust indenture, mortgage lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any redevelopment project or any part thereof title to which is in the commission, to be surrendered to any such obligee;

(2) To obtain the appointment of a receiver of any redevelopment project of said commission or any part thereof, title to which is in the commission and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of, carry out, operate and maintain such project or any part therefrom and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said commission as the court shall direct, and

(3) To require said commission and the commissioners, officers, agents and employees thereof to account as if it and they were the trustees of an express trust.

Sec. 15. Right of Obligee. An obligee of the commission shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel said commission and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said commission with or for the benefit of
such obligee, and to require the carrying out of any or all such covenants and agreements of said commission and the fulfillment of all duties imposed upon said commission by this Act; and

(b) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said commission.

Sec. 16. Cooperation by Public Bodies.
(a) For the purpose of aiding and cooperating in the planning, undertaking or carrying out of a redevelopment project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:
(1) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a commission;
(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished in connection with a redevelopment project;
(3) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places, which it is otherwise empowered to undertake;
(4) Plan or replan, zone or rezone any part of the redevelopment;
(5) Cause administrative and other services to be furnished to the commission of the character which the public body is otherwise empowered to undertake or furnish for the same or other purposes;
(6) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Section;
(7) Do any and all things necessary or convenient to aid and cooperate in the planning or carrying out of a redevelopment plan;
(b) Any sale, conveyance, or agreement provided for in this Section may be made by a public body without public notice, advertisement or public bidding.

Sec. 17. Grant of Funds by Community. Any municipality located within the area of operation of a commission may appropriate funds to a commission for the purpose of aiding such commission in carrying out any of its powers and functions under this Act. To obtain funds for this purpose, the municipality may levy taxes and may in the manner prescribed by law issue and sell its bonds.

Sec. 18. Records and Reports.
(a) The books and records of a commission shall at all times be open and subject to inspection by the public.
(b) A copy of all bylaws and rules and regulations and amendments thereto adopted by it, from time to time, shall be filed with the city clerk and shall be open for public inspection.
(c) At least once each year a report of its activities for the preceding year and such other reports as may be required shall be made. Copies of such reports shall be filed with the mayor and governing body of the municipality.
Sec. 19. Title of Purchaser. Any instrument executed by a commission and purporting to convey any right, title or interest in any property under this Act shall be conclusive evidence of compliance with the provisions of this Act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

Sec. 20. Preparation of General Plan by Local Governing Body. The governing body of any municipality or county, which is not otherwise authorized to create a Planning Commission with power to prepare a general plan for the development of the community, is hereby authorized and empowered to prepare such a general plan prior to the initiation and carrying out of a redevelopment project under this Act.

Sec. 21. Separability of Provisions. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 22. Inconsistent Provisions. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Sec. 23. Effective Date. 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 April, 1951.

H. B. 387

CHAPTER 1096

AN ACT TO REGULATE THE SALE OF BAY RUM IN THE STATE.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any bay rum in the State of North Carolina, or to cause any delivery of bay rum to be made in the State of North Carolina pursuant to any sale thereof, except:

(1) When such sale is made to a pharmacy or drug store, supervised by a person licensed as a pharmacist or assistant pharmacist as described in G. S. 90-71;

(2) When such sale is made pursuant to a prescription of some duly licensed physician, or

(3) When such sale is made to a duly licensed barber for use in the course of treatments given or services performed in a barber shop, and not for resale.

Sec. 2. Any person who violates any provisions of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Sec. 2½. The provisions of this Act shall not apply to the following counties: Camden, Caswell, Craven, Currituck, Duplin, Greene, Johnston, Lenoir, New Hanover, Onslow, Pasquotank, Pitt, Stanly, Burke, Pender, Perquimans, Gates, Franklin, Beaufort, Forsyth, Tyrrell, Hyde, Columbus,
H. B. 397  CHAPTER 1097

AN ACT TO CREATE THE QUAD-COUNTY PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Quad-County Peace Officers' Relief Association Act.

Sec. 2. "Peace Officers" as used in this Act shall be deemed to include all law enforcement officers in Granville County, Vance County, Warren County, and Franklin County, who are duly sworn as peace officers in any of the stated counties or any municipality within the aforesaid counties, or of the State of North Carolina who are regularly and duly stationed and assigned for duty in any of the said counties.

No person shall continue to be a member of the association created by this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in the counties mentioned in this Section or the municipalities therein or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in any of the said counties.

Sec. 3. The Quad-County Peace Officers' Relief Association shall be formed and the association shall include all peace officers who meet the requirements of Section 2 of this Act.

Peace officers who are entitled to membership in the association shall make application on forms to be furnished for the purpose, giving such information as may be required by the executive board, and shall pay an initiation fee and annual dues to be fixed by the executive board: Provided, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed six dollars ($6.00) per year.

Sec. 4. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among the persons entitled to such benefits, there is hereby created a board to be known as "The Executive Board of the Quad-County Peace Officers' Relief Association", which shall consist of the Sheriffs of Granville County, Vance County, Franklin County, and Warren County, as ex officio members, and one representative from the membership in each of the four counties, said representatives to be elected by the members in each respective county as hereinafter provided.
Within thirty (30) days after the ratification of this Act the eligible peace officers of each of the said counties shall meet at a place and time designated by the sheriff of the county concerned and elect from their number a representative of such county to membership on the executive board. The representative so elected shall serve until the next ensuing regular annual meeting of the county membership as provided in this Act, and thereafter said representative shall serve for a term of one year or until his successor is duly elected. The membership of each of the said counties shall hold its regular annual meeting on the second Wednesday in January of each year, or as soon thereafter as practical, in such place as shall be designated by the sheriff of the county concerned for the purpose of electing a representative to membership on the executive board, and for the transaction of such other business as it may deem necessary.

The executive board shall meet for the purpose of organizing and electing a chairman within ten (10) days after the election of the county representatives as herein provided. The said executive board may have such other meetings as may be necessary, which meetings shall be held on call by the chairman or any two members. A majority of the members of the executive board shall constitute a quorum for the transaction of business.

Notice of the adoption by the executive board of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the association.

There shall be kept in the office of the said executive board by the treasurer, records which shall give a complete history and record of all actions of the executive board in adopting rules and regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or board members.

Sec. 5. From and after May 15, 1951, in each criminal case finally disposed of in the criminal courts of Warren County, Vance County, Granville County, and Franklin County, wherein the defendant is convicted or enters a plea of nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against the defendant or against such prosecuting witness, as the case may be, one dollar ($1.00) additional cost to be collected for the Quad-County Peace Officers' Relief Association, as other costs are collected in criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar ($1.00) herein provided for shall not be assessed in cases of abandonment and nonsupport.

Such costs collected for the Quad-County Peace Officers' Relief Association shall be turned over to the sheriff of the county in which they are collected not later than the tenth day of each month, with a detailed report giving the name of the defendant in each case in which the amount was collected. The sheriff of each county shall within ten (10) days remit the same to the treasurer of the association, together with the itemized report received by him. Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or who knowingly fails to report any item taxed and collected as herein pro-
vided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The executive board herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest the same for the uses of said association in accordance with the purposes of this Act.

And the executive board shall have the authority to invest initiation fees and annual dues not immediately needed in any securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars ($10,000.00) in any one bank or trust company, or in the shares of Federal savings and loan associations and State chartered building and loan associations not to exceed ten thousand dollars ($10,000.00) in any one of such associations; provided that no such funds may be so invested in a State chartered building and loan association unless guaranteed by the Federal Deposit Insurance Corporation.

Sec. 7. The money paid into the Quad-County Peace Officers’ Relief Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act and for the administration and enforcement of this Act.

Sec. 8. The treasurer of the Quad-County Peace Officers’ Relief Association shall be elected annually by the executive board and shall be a member of the board at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the association.

Sec. 9. Members of the executive board, with the exception of the treasurer, shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the treasurer as the executive board shall determine, and any other administrative expenses which the executive board may deem necessary may be paid out of funds of the association.

Sec. 10. The executive board shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Quad-County Peace Officers’ Relief Association against death or disability, or both, during the terms of their membership, under forms of insurance known as group insurance. At the end of each calendar or fiscal year of the association, if it operates on a fiscal year basis, the association shall refund to each county that proportion of the surplus funds of the association (not including initiation fees and annual dues) as payments from that county under Section 5 hereof bears to the total payments of all the counties for that year under Section 5. The funds thus returned shall be placed in the general fund of the county receiving the same.

Sec. 11. The treasurer and executive board of the association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of the membership of each of the said counties, and shall send a copy of such report, together with any refund to be made, to the board of commissioners of each of the four counties. The
report so received shall be entered by the board of commissioners receiving the same upon its official minutes.

Sec. 12. Membership in the Quad-County Peace Officers' Relief Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Governmental Employee's Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers' and State Employees' Retirement System.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 14. 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 April, 1951.

H. B. 410

CHAPTER 1098

AN ACT TO AMEND SECTION 131-119 OF THE GENERAL STATUTES OF NORTH CAROLINA AUTHORIZING THE NORTH CAROLINA MEDICAL CARE COMMISSION TO MAKE CONTRIBUTIONS OF FUNDS FOR INDIGENT PATIENTS HOSPITALIZED IN APPROVED HOSPITALS.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 131-119, as the same appears in the Cumulative Supplement of 1949, is hereby amended by rewriting the first sentence of said paragraph so that the same shall hereafter read as follows:

"The North Carolina Medical Care Commission, in accordance with rules and regulations promulgated by the commission, is hereby authorized and empowered to contribute not exceeding one dollar and fifty cents ($1.50) per day for each indigent patient hospitalized in any hospital approved by it, excluding patients eligible for payments for medical care in behalf of needy aged individuals, in behalf of a dependent child or dependent children and in behalf of the permanently and totally disabled. The balance of the costs remaining after the contribution made by the North Carolina Medical Care Commission may be provided by the county or city having responsibility for the care of such indigent patient, or from other sources."

Sec. 2. G. S. 108-3, as amended, is hereby further amended by adding thereto a new subsection to be designated as subsection 16, and which shall read as follows:

"16. To make payments out of State moneys appropriated for the purpose and out of Federal moneys available under the Federal Social Security Act, as amended, to pay the costs of necessary hospitalization in hospitals or health centers duly licensed by the Medical Care Commission of recipients of old age assistance, aid to dependent children, and aid to the perma-
nently and totally disabled, to the extent and in the manner determined from time to time to be feasible by the board pursuant to rules, regulations and standards established by said board: Provided, that the rules, regulations and standards established by the board with respect to necessary hospitalization of recipients of old age assistance, aid to dependent children and aid to the permanently and totally disabled shall be consistent with the principle of obtaining maximum Federal participation under the Federal Social Security Act, as amended."

Sec. 3. B. S. 108-19 is hereby amended by striking out the period appearing after the word "persons" in the fifteenth line of said Section and by adding thereto the following: "or payments for medical care in behalf of needy aged individuals."

Sec. 4. G. S. 108-46 is hereby amended by striking out the words "aid to dependent children" appearing after the word "for" in the seventeenth line of said Section and by adding and inserting in lieu thereof the words "any month with respect to or payments for medical care in behalf of a dependent child or dependent children and the needy relative with whom any dependent child or dependent children live if the money payments have been made with respect to such child or children for such month."

Sec. 5. G. S. 108-73.3 is hereby rewritten so that the same shall hereafter read as follows:

"§ 108.73.3. Assistance defined. Assistance as herein used means money payments to a needy individual or payments for medical care in behalf of such needy individual."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after July 1st, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 412  

CHAPTER 1099

AN ACT TO PROVIDE FOR THE ISSUANCE BY THE DEPARTMENT OF MOTOR VEHICLES OF SPECIAL REGISTRATION PLATES TO MOTOR VEHICLE OWNERS WHO OPERATE AMATEUR RADIO STATIONS.

The General Assembly of North Carolina do enact:

Section 1. Every owner of a motor vehicle who holds an unrevoked and unexpired official amateur radio station license, issued by the Federal Communications Commission, shall, upon payment of registration and licensing fees, as provided by G. S. 20-87, and an additional fee of one dollar ($1.00) be issued registration plates upon which shall be inscribed the official amateur radio call letters of such person as assigned by the Federal Communications Commission. Such registration plates shall be in addition to the regular registration plates.

Sec. 2. No such special registration plates shall be issued unless the amateur radio operator who is eligible to receive them shall make application to the Department of Motor Vehicles before the 30th day of April
of the year preceding that for which plates are to be issued. This application shall be made on forms which shall be provided by the Department of Motor Vehicles and shall contain satisfactory proof that the applicant holds an unrevoked and unexpired official amateur radio station license and shall state the call letters which have been assigned to the applicant.

Sec. 3. Special registration plates issued pursuant to this Act shall not be replaced annually but shall be permanent plates. These plates shall be valid so long as the amateur radio operator to whom they are issued shall hold an unrevoked and unexpired official amateur radio station license.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 478

CHAPTER 1100

AN ACT TO APPROPRIATE FUNDS NECESSARY TO PAY THE STATE'S PROPORTION OF COSTS OF OPERATION OF THE ATLANTIC STATES MARINE FISHERIES IN ACCORDANCE WITH THE STATE'S COMPACT.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated the sum of one thousand dollars ($1,000.00) from the Contingency and Emergency Fund for each year of the next biennium to be paid to the Atlantic States Marine Fisheries Commission or so much thereof as shall be necessary to pay the proportion of the State of North Carolina required for the support of the commission in accordance with Article XI of the Atlantic States Marine Fisheries Compact which has been executed on behalf of the State of North Carolina as authorized by Chapter 1086 of the Session Laws of 1949.

Sec. 2. That the appropriation herein made shall continue for each biennium hereafter as long as the State of North Carolina remains a party to the said Atlantic States Marine Fisheries Compact.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after the first day of July, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 582

CHAPTER 1101

AN ACT TO MAKE IT UNLAWFUL TO KILL ANY RED FOX IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to take by gun, trap or otherwise, or to kill or destroy by any other means, any red fox in Cleveland County.

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Sec. 2. Violation of this Act is hereby made a misdemeanor punishable by fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 589  CHAPTER 1102
AN ACT TO AMEND SECTION 105-302 OF THE GENERAL STATUTES RELATIVE TO THE TAXABLE SITUS OF CERTAIN TANGIBLE PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Section 105-302 of the General Statutes is hereby amended by changing the period at the end of the second sentence of subsection (1) to a semicolon and by inserting immediately after said semicolon the following:

"Provided, that household and kitchen furniture and other tangible personal property kept or used in connection with any temporary or seasonal residence, either owned or leased by the owner of such personal property, shall be listed in the county in which such temporary or seasonal residence is located, and all such property kept or used in connection with any rental real estate shall be listed in the county where such rental real estate is located."

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 January 1, 1952.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 603  CHAPTER 1103
AN ACT TO REWRITE ARTICLE 4A OF CHAPTER 95 OF THE GENERAL STATUTES RELATING TO THE VOLUNTARY ARBITRATION OF LABOR DISPUTES.

The General Assembly of North Carolina do enact:

Section 1. Article 4A of Chapter 95 of the General Statutes of North Carolina, as the same appears in the Cumulative Supplement of 1949, is hereby rewritten so that said Article shall hereafter read as follows:

"Art. 4A. Voluntary Arbitration of Labor Disputes

95-36.1. Declaration of Policy. It is hereby declared as the public policy of this State that the best interests of the people of the State are served by the prompt settlement of labor disputes; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; that
the interests and rights of the consumers and the people of the State, while not direct parties to such disputes, should always be considered respected and protected; and, where efforts at amicable settlement have been unsuccessful, that the voluntary arbitration of such disputes will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the State. To carry out such policies, the necessity for the enactment of the provisions of this Article is hereby declared as a matter of legislative determination.

"95-36.2. Scope of Article. The provisions of this Article shall apply only to voluntary agreements to arbitrate labor disputes including, but not restricted to, all controversies between employers, employees and their respective bargaining representatives, or any of them, relating to wages, hours, and other conditions of employment.

"95-36.3. Administration of Article. (a) The administration of this Article shall be under the general supervision of the Commissioner of Labor of North Carolina.

(b) There is hereby established in the Department of Labor an arbitration service. The Commissioner of Labor may appoint such employees as may be required for the consummation of the work under this Article, prescribe their duties and fix their compensation, subject to existing laws applicable to the appointment and compensation of employees of the State of North Carolina. Any member of or employee in the arbitration service may be removed from office by the Commissioner of Labor, acting in his discretion.

(c) The Commissioner of Labor, with the written approval of the Attorney General as to legality, shall have power to adopt, alter, amend or repeal appropriate rules of procedure for selection of the arbitrator or panel and for conduct of the arbitration proceedings in accordance with this Article: Provided, however, that such rules shall be inapplicable to the extent that they are inconsistent with the arbitration agreement of the parties.

"93-36.4. Voluntary Arbitrators. (a) It shall be the duty of the Commissioner of Labor to maintain a list of qualified and public-spirited citizens who will serve as arbitrators. All appointments of a single arbitrator or member of an arbitration panel by the Commissioner of Labor shall be made from the list of qualified arbitrators maintained by him.

(b) No person named by the Commissioner of Labor to act as an arbitrator in a dispute shall be qualified to serve as such arbitrator if such person has any financial or other interest in the company or labor organization involved in the dispute.

"95-36.5. Fees and Expenses. (a) All the costs of any arbitration proceeding under this Article, including the fees and expenses of the arbitrator or arbitration panel, shall be paid by the parties to the proceeding in accordance with any agreement between them. In the absence of such an agreement, the award in the proceeding shall normally require the payment of such fees, expenses and other proper costs by one or more of the parties: Provided, that if the Commissioner of Labor deems that the public interest so requires, he may provide for the payment to any arbitrator appointed by him of per diem compensation at the rate established by the
Commissioner, and actual travel and other necessary expenses incurred while performing duties arising under this Article.

(b) In cases where an arbitrator has been appointed by the Commissioner, the Department of Labor may furnish necessary stenographic, clerical and technical service and assistance to the arbitrator or arbitration panel.

(c) Expenditures of public funds authorized under this Section shall be paid from funds appropriated for the administration of this Article.

"95-36.6. Appointment of Arbitrators. The parties may by agreement determine the method of appointment of the arbitrator or arbitration panel. If the parties have agreed upon arbitration under this Article and have not otherwise agreed upon the number of arbitrators or the method for their appointment, the controversy shall be heard and decided by a single arbitrator designated in such manner as the Commissioner of Labor shall determine. Any person or agency selected by agreement or otherwise to appoint an arbitrator or arbitrators shall send by registered mail to each of the parties to the proposed proceeding notice of the demand for arbitration. The arbitrator or arbitration panel, as the case may be, shall have such powers and duties as are conferred by the voluntary agreement of the parties, and, if there is no agreement to the contrary, shall have power to decide the arbitrability as well as the merits of the dispute.

"95-36.7. Arbitration Procedure. Upon the selection or appointment of an arbitrator or arbitration panel in any labor dispute, a statement of the issues or questions in dispute shall be submitted to said arbitrator or panel in writing, signed by one or more of the parties or their authorized agents. The arbitrator or panel shall appoint a time and place for the hearing, and notify the parties thereof, and may postpone or adjourn the hearing from time to time as may be necessary, subject to any time limits which are agreed upon by the parties. If any party neglects to appear before the arbitrator or panel after reasonable notice, the arbitrator or panel may nevertheless proceed to hear and determine the controversy. Unless the parties have otherwise agreed, the findings and decision of a majority of an arbitration panel shall constitute the award of the panel and, if a majority vote of the panel cannot be obtained, then the findings and decision of the impartial chairman of the panel shall constitute such award. To be enforceable, the award shall be handed down within sixty (60) days after the written statement of the issues or questions in dispute has been received by the arbitrator or panel, or within such further time as may be agreed to by the parties.

"95-36.8. Enforcement of Arbitration Agreement and Award. (a) Written agreements to arbitrate labor disputes, including but not restricted to controversies relating to wages, hours and other conditions of employment, shall be valid, enforceable and irrevocable, except upon such grounds as exist in law or equity for the rescission or revocation of any contract, in either of the following cases:

(i) Where there is a provision in a collective bargaining agreement or any other contract, hereafter made or extended, for the settlement by arbitration of a controversy or controversies thereafter arising between the parties;
(ii) Where there is an agreement to submit to arbitration a controversy or controversies already existing between the parties.

(b) Any arbitration award, made pursuant to an agreement of the parties described in subsection (a) of this Section and in accordance with this Article, shall be final and binding upon the parties to the arbitration proceedings.

"95-36.9. Stay of Proceedings. (a) If any action or proceeding be brought in any court upon any issue referable to arbitration under an agreement described in subsection (a) of G. S. 95-36.8, the court where the action or proceeding is pending or a Judge of the Superior Court having jurisdiction in any county where the dispute arose shall stay the action or proceeding, except for any temporary relief which may be appropriate pending the arbitration award, until such arbitration has been had in accordance with the terms of the agreement. The application for stay may be made by motion in writing of a party to the agreement, but such motion must be made before answer or demurrer to the pleading by which the action or proceeding was begun.

(b) Any party against whom arbitration proceedings have been initiated may, within 10 days after receiving written notice of the issue or questions to be passed upon at the arbitration hearing, apply to any Judge of the Superior Court having jurisdiction in any county where the dispute arose for a stay of the arbitration upon the ground that he has not agreed to the arbitration of the controversy involved. Any such application shall be made in writing and heard in a summary way in the manner and upon the notice provided by law or rules of court for the making and hearing of motions generally, except that it shall be entitled to priority in the interest of prompt disposition. If no such application is made within said ten-day period, a party against whom arbitration proceedings have been initiated cannot raise the issue of arbitrability except before the arbitrator and in proceedings subsequent to the award.

"(c) Any party against whom an arbitration award has been issued may, within 10 days after receiving written notice of such award, apply to any Judge of the Superior Court having jurisdiction in any county where the dispute arose for a stay of the award upon the ground that it exceeds the authority conferred by the arbitration agreement. Any such application shall be made in writing and heard in a summary way in the manner and upon the notice provided by law or rules of court for the making and hearing of motions generally, except that it shall be entitled to priority in the interest of prompt disposition. If no such application is made within said ten-day period, a party against whom arbitration proceedings have been initiated cannot raise the issue of arbitrability except before the arbitrator or arbitrators, or in proceedings to enforce the award. Any failure to abide by an award shall not constitute a breach of the contract to arbitrate, pending disposition of a timely application for stay of the award pursuant to this paragraph."

"95-36.10. Effective Date. This Act shall become effective July 1, 1951."

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 July 1, 1951.
In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 634  CHAPTER 1104
AN ACT TO AMEND G. S. 143-129 AS TO THE PROCEDURE IN LETTING PUBLIC CONTRACTS AND OTHER SECTIONS RELATING TO SAID SUBJECT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-129 be amended by adding in the first line thereof, not counting the captioned line, following the phrase “no construction or repair work” the following: “requiring the estimated expenditure of public money in an amount equal to or more than two thousand five hundred dollars ($2,500.00).”

Sec. 2. G. S. 143-129 is hereby amended by striking out all of the seventh unnumbered paragraph therein, beginning with the words “All proposals shall be opened in public” and ending with the words “give satisfactory surety as required herein”, and inserting in lieu thereof the following:

“All proposals shall be opened in public and shall be recorded on the minutes of the board or governing body and the award shall be made to the lowest responsible bidder, taking into consideration quality and the time specified in the proposals for the performance of the contract. In the event the lowest responsible bid is in excess of the funds available for such purpose, such board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned and may award such contract to such bidder if such bidder will agree to perform the same, without making any substantial changes in the plans and specifications, at a sum within the funds available therefor. If the contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, the said letting and make such changes in the plans and specifications as may be necessary to bring the cost of the project within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor. No proposal shall be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation, in an amount equal to not less than five per cent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond and upon failure to forthwith make payment the surety shall pay to the obligee an amount

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equal to double the amount of said bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within ten days after the award or fails to give satisfactory surety as required herein."

Sec. 3. G. S. 143-132 is hereby repealed and in lieu thereof the said Section shall read as follows:

"No contracts to which G. S. 143-129 applies for construction or repairs shall be awarded by any board or governing body of the State, or any subdivision thereof, unless at least three competitive bids have been received from reputable and qualified contractors regularly engaged in their respective line of endeavor, when the estimated cost of the project exceeds the sum of fifteen thousand dollars ($15,000.00); however, this Section shall not apply to contracts which are negotiated as provided for in Section 2 of this Act."

Sec. 4. Article 8 of Chapter 143 of the General Statutes is hereby amended by adding an additional Section to be numbered and read as follows:

"G. S. 143-135.1. Buildings constructed by the State of North Carolina or any agency or institution of the State under plans and specifications approved by the Budget Bureau shall not be subject to inspection by any municipal authorities and to municipal building codes and requirements. Inspection fees fixed by municipalities shall not be applicable to such construction, except where inspection is requested by the owning agency. Municipal authorities may, however, inspect any plans or specifications for any such construction and all recommendations made by them with respect thereto shall be given careful consideration by the Budget Bureau."

Sec. 5. G. S. 133-3 is hereby amended by adding at the end of said Section the following:

"Substitution of materials or equipment of equal or equivalent design shall be submitted to the architect or engineer for approval or disapproval before any such substitutions may be made."

Sec. 6. G. S. 143-135, as the same appears in the Cumulative Supplement of 1949, is hereby rewritten so that the same shall hereafter read as follows:

"143-135. Limitation of Application of Article. This Article shall not apply to the State or to subdivisions of the State of North Carolina in the expenditure of public funds when the total cost of any repairs, completed project, building, or structure shall not exceed the sum of fifteen thousand dollars ($15,000.00), if the repairs, completed project, building, or structure are performed or accomplished by or through duly elected officers or agents."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 654

CHAPTER 1105

AN ACT TO AMEND G. S. 106-453, RELATING TO THE WEIGHING OF TOBACCO IN LEAF TOBACCO WAREHOUSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-453 is amended by adding a new paragraph at the end thereof to read as follows:

"Immediately upon the weighing of any lot or lots of tobacco, the tobacco weigher shall furnish, upon request, to the person delivering such tobacco to the scale for weighing a true list showing the number of baskets of tobacco weighed and the individual weight of each such basket so presented."

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 14th day of April, 1951.

H. B. 669

CHAPTER 1106

AN ACT TO REWRITE G. S. 153-4 RELATING TO THE ELECTION AND NUMBER OF MEMBERS FOR COUNTY BOARDS OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-4 is rewritten to read as follows:

"Section 153-4. Election and Number of Members of Boards of County Commissioners. From and after the first Monday in December, 1952, the several boards of county commissioners of the State, shall consist of five members. In the general election to be held in the year 1952, there shall be elected in each county of this State five members of the board of county commissioners, two members to be elected for terms of four years each and three members to be elected for terms of two years each. The two candidates receiving the highest number of votes shall be declared elected for the four-year terms and the three candidates receiving the next highest number of votes shall be declared elected for the two-year terms. In the event a tie vote makes it impossible to determine which candidate or candidates have been elected for the four-year terms, the clerk of the Superior Court of the county in which such tie vote occurs shall designate which candidate or candidates, as the case may be, receiving such tie vote, shall serve a four-year term. At the end of their respective terms of office their successors shall be elected for a term of four years and until their successors are duly elected and qualified. The five persons elected pursuant to the provisions of this Act shall be styled "the board of commissioners for the county of..........................................................""

Sec. 2. The Provisions of this Act shall apply only to Nash and Bertie Counties.
Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 702

CHAPTER 1107

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 95 OF THE GENERAL STATUTES RELATING TO BOILER RULES AND BOILER INSPECTION SO AS TO INCLUDE LOW PRESSURE AND HOT WATER SUPPLY TANKS AND BOILERS, AND RELATING TO COMPENSATION AND REVIEW OF ACTION OF THE BOARD OF BOILER RULES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 95-55 is hereby amended by inserting a comma immediately following word "boilers" in lines 3 and 4 and adding the words "steam and hot water heating boilers, and hot water supply tanks and steam or hot water boilers fired or unfired". Nothing in this Act shall apply to vessels or equipment used in refrigeration, air conditioning or cooling systems.

Sec. 2. G. S. 95-58 is here amended by adding immediately following the word "boilers" in line 3 the words "and steam and hot water heating boilers and hot water supply tanks and boilers".

Sec. 3. G. S. 95-60 is hereby amended by striking out all of the Section immediately following the word "metals" in line 12 and inserting in lieu thereof the following:

"or to hot water supply tanks and boilers fired or unfired, which are located in private residences or in apartment houses of less than six (6) families; or to steam boilers used for heating purposes carrying a pressure of not more than 15 pounds per square inch gauge, and which are located in private residences or in apartment houses of less than six (6) families; or to hot water heating boilers carrying a pressure of not more than 30 pounds per square inch gauge, and which are located in private residences or in apartment houses of less than six (6) families."

Sec. 4. (a) G. S. 95-61 is hereby amended by rewriting subsection (b) to read as follows:

"(b) To have free access for himself and his chief boiler inspector and deputies, during reasonable hours, to any premises in the State where a steam boiler or steam or hot water heating boiler or hot water supply tank or boiler fired or unfired is built or being built or is being installed or operated, for the purpose of ascertaining whether such boiler or tank is built, installed or operated in accordance with the provisions of this Article."

(b) G. S. 95-61 is hereby further amended by inserting in each instance immediately following the words "steam boilers" in line 2 of subsection (e) and in line 4 of subsection (f) the words "and steam and hot water heating boilers and hot water supply tanks and boilers fired and unfired".
Sec. 5. G. S. 95-63 is hereby amended by striking out the word "steam" immediately following the word "of" in line 3 of the second paragraph.

Sec. 6. Chapter 95 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 95-64, to be numbered G. S. 95-64.1 and to read as follows:

"95-64.1. Inspection of low pressure steam heating boilers, hot water heating and supply boilers and tanks. (a) This Section applies only to low pressure steam heating boilers, hot water heating boilers, hot water supply boilers and hot water supply tanks, fired or unfired.

(b) On and after July 1, 1951, each boiler or tank used or proposed to be used within this State, except boilers or tanks exempt under G. S. 95-60, shall be thoroughly inspected as to their construction, installation, condition and operation as follows:

(1) Boilers and tanks shall be inspected both internally and externally biennially where construction will permit; provided that a grace period of two (2) months longer than the twenty-four (24) months period may elapse between internal inspections of a boiler or tank while not under pressure or between external inspections of a boiler or tank while under pressure. The inspection herein required shall be made by the chief inspector, or by a deputy inspector or by a special inspector, provided for in this Article.

(2) If at any time a hydrostatic test shall be deemed necessary, it shall be made, at the discretion of the inspector, by the owner or user thereof.

(3) All boilers or tanks to be installed in this State after the date upon which the rules and regulations of the Board relating to such boilers or tanks become effective shall be inspected during construction as required by the applicable rules and regulations of the Board by an inspector authorized to inspect boilers and tanks in this State, or, if constructed outside the State, by an inspector holding a certificate from the National Board of Boiler and Pressure Vessel Inspectors, or a certificate of competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this State provided by G. S. 95-63.

(4) If upon inspection, a boiler or tank is found to comply with the rules and regulations of the Board, the owner or user thereof shall pay directly to the chief inspector, the sum of one dollar ($1.00) and the chief inspector, or his duly authorized representative, shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which such boiler or tank may be operated. Such inspection certificate shall be valid for not more than twenty-six (26) months. Certificates shall be posted under glass in the room containing the boiler or tank inspected or in the case of a portable boiler or tank in a metal container to be fastened to the boiler or to be kept in a tool box accompanying the boiler.

(5) No inspection certificate issued for an insured boiler or tank inspected by a special inspector shall be valid after the boiler or tank for which it was issued shall cease to be insured by a company duly authorized by this State to carry such insurance.

(6) The chief inspector or his authorized representative may at any time suspend an inspection certificate when, in his opinion, the boiler or
tank for which it was insured, cannot be operated without menace to public safety, or when the boiler or tank is found not to comply with the rules and regulations herein provided. A special inspector shall have corresponding powers with respect to inspection certificates for boilers or tanks insured by the company employing him. Such suspension of an inspection certificate shall continue in effect until such boiler or tank shall have been made to conform to the rules and regulations of the Board, and until said inspection certificate shall have been reinstated."

Sec. 7. Chapter 95 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 95-65, to be numbered G. S. 95-65.1, and to read as follows:

"95-65.1. Operation of unapproved low pressure steam heating boilers, or hot water heating and supply boilers and tanks prohibited. On and after July 1, 1951, it shall be unlawful for any person, firm, partnership, or corporation to operate under pressure in this State a low pressure steam heating boiler, hot water heating boiler, hot water supply boiler or hot water supply tank, fired or unfired, to which this Article applies without a valid inspection certificate as provided for in this Article. The operation of any such boiler or tank without an inspection certificate shall constitute a misdemeanor on the part of the owner, user, or operator thereof and be punishable by a fine not exceeding one hundred dollars ($100) or imprisonment not to exceed 30 days, or both in the discretion of the court."

Sec. 8. (a) G. S. 95-66 is hereby amended by inserting in the first line of the Section immediately following the word "boiler" the words "or steam or hot water heating boiler or hot water supply tank or boiler, fired or unfired".

(b) G. S. 95-66 is hereby further amended by striking out the word "steam" immediately following the word "All" in the first line of the second paragraph, and by inserting in the same line immediately following the word "boilers" the words "and tanks", and by striking out the period at the end of the paragraph and adding the words "and tanks."

Sec. 9. G. S. 95-67 is hereby amended by striking out the word "boilers" in the first line and inserting in lieu thereof the words "steam boilers and steam and hot water supply tanks and boilers".

Sec. 10. Chapter 95 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 95-68, to be numbered G. S. 95-68.1 and to read as follows:

"95-68.1. Other inspection fees. The person using, operating or causing to be operated any low pressure steam heating boiler, hot water heating boiler, hot water supply boiler, or hot water supply tank, fired or unfired, required by this Article to be inspected by the chief boiler inspector or a deputy inspector, shall pay to the inspector for the biennial inspection of any such boiler or tank fees in accordance with the following schedule: Provided that one dollar ($1.00) of each inspection fee shall be the fee for the certificate of inspection required by G. S. 95-64.1:"

"Low pressure steam and hot water boilers, equipped only with hand holes and washout plugs ......................... $3.00
Low pressure steam and hot water boilers, equipped with manhole 5.00
Hot water supply boilers ........................................ 2.00

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Tanks that are not equipped with manhole .................. 2.00
Tanks equipped with manhole .......................... 4.00"

Sec. 11. G. S. 95-57 is hereby amended by striking out the first five
lines of the Section and inserting in lieu thereof the following:

"The members of the Board of Boiler Rules, exclusive of the chairman
thereof, shall serve without salary but shall be paid a subsistence and
travel allowance in accordance with the general provisions of the biennial
Appropriations Act, for not to exceed".

Sec. 12. Chapter 95 of the General Statutes is hereby amended by
adding two new Sections immediately following G. S. 95-69, to be numbered
G. S. 95-69.1 and G. S. 95-69.2, and to read as follows:

"95-69.1. Appeals to board. Any person aggrieved by an order or act
of the Commissioner of Labor, or the chief inspector, under this article
may, within 15 days after notice thereof, appeal from such order or act to
the Board which shall, within 30 days thereafter, hold a hearing after hav-
ging given at least ten days written notice to all interested parties. The
Board shall, within 30 days after such hearing, issue an appropriate order
either approving, modifying or disapproving said order or act. A copy of
such order by the Board shall be delivered to all interested parties."

"95-69.2. Court review of orders and decisions. (a) Any order or de-
cision made, issued or executed by the Board shall be subject to review
in the Superior Court of the county in which the inspection took place on
petition by any person aggrieved filed within 30 days from the date of the
delivery of a copy of the order or decision made by the Board to such
person. A copy of such petition for review as filed with and certified to
by the clerk of said court shall be served upon the chairman of the Board.
If such petition for review is not filed within the said 30 days the parties
aggrieved shall be deemed to have waived the right to have the merits
of the order or decision reviewed and there shall be no trial of the merits
thereof by any court to which application may be made by petition or
otherwise, to enforce or restrain the enforcement of the same.

(b) The chairman of the Board shall within 30 days, unless the time
be extended by order of court, after the service of the copy of the petition
for review as provided in paragraph (a) of this Section, cause to be pre-
pared and filed with the Clerk of the Superior Court of Wake County a
complete transcript of the record of the hearing, if any, had before the
Board, and a true copy of the order or decision duly certified. The order
or decision of the Board if supported by substantial evidence shall be pre-
sumed to be correct and proper. The court may change the place of hear-
ing, (1) upon consent of the parties; or (2) when the convenience of wit-
nesses and the end of justice would be promoted by the change; or (3)
when the judge has at any time been interested as a party or counsel.
The cause shall be heard by the trial judge as a civil case upon transcript
of the record for review of findings of fact and errors of law only. It
shall be the duty of the trial judge to hear and determine such petition
with all convenient speed and to this end the cause shall be placed on the
calendar for the next succeeding term for hearing ahead of all other cases
except those already given priority by law. If on the hearing before the
trial judge it shall appear that the record filed by the chairman of the
Board is incomplete, he may by appropriate order direct the chairman to certify any or all parts of the record so omitted.

(c) The trial judge shall have jurisdiction to affirm or to set aside the order or decision of the Board and to restrain the enforcement thereof.

(d) Appeals from all final orders and judgments entered by the Superior Court in reviewing the orders and decisions of the Board may be taken to the Supreme Court of North Carolina by any party to the action in other civil cases.

(e) The commencement of proceedings under this Section shall not operate as a stay of the Board's order or decision, unless so ordered by the court.

(f) The following rights may be exercised by any party in lieu of the right of review provided by the above subsections (a) through (d):

The person aggrieved by any order or decision of the Board may, within 30 days after delivery to him of a copy of the Board's order or decision, file an appeal and a request for trial de novo and right to jury trial in the Superior Court of the county in which the inspection took place. Such right must be granted. However, unless such appeal and request for right to trial de novo and jury trial is filed as provided above, such right shall be deemed waived. In the event of such trial de novo, the Board shall file with the Clerk of said Superior Court certified copy of the Board's order or decision from which appeal is taken, and also, upon written request filed ten days prior to the trial, furnish to the appealing party a copy of the transcript of the record of the hearing held before the Board. Any party to the action may take appeal to the Superior Court from any final order and judgment entered by the Superior Court after any such trial de novo or jury trial, which appeal shall be as in other civil actions."

Sec. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 710   CHAPTER 1108

AN ACT TO AMEND G. S. 116-100, RELATING TO THE PAYMENT OF TUITION AND OTHER EXPENSES OF NEGROES TAKING GRADUATE AND PROFESSIONAL COURSES AT COLLEGES OUTSIDE THE STATE.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 116-100 is hereby amended by inserting in the fifth line of the fourth paragraph immediately following the word "are" the words "being offered at the University of North Carolina and are."
(b) G. S. 116-100 is hereby further amended by rewriting the last paragraph of the Section to read as follows:

"Whenever the appropriations for the purposes of this Section are insufficient, the Board of Trustees of the North Carolina College at Durham and the Board of Trustees of the Agricultural and Technical College shall present the situation to the Assistant Director of the Budget and the Governor of North Carolina. The Governor and Council of State are hereby empowered to allocate from Contingency and Emergency Fund such funds as may be necessary to carry out the purposes of the Section."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 715

CHAPTER 1109

AN ACT TO CLARIFY PROBLEMS ARISING OUT OF THE UNCERTAINTY OF THE TRUE LOCATION OF THE BOUNDARIES OF DURHAM COUNTY.

WHEREAS, either no accurate survey has ever been made of the boundaries of the County of Durham, created by Chapter 132 of the Public Laws of 1881, or, if made, the corners thereof have disappeared so that it is now impossible to locate the true boundaries in many places without an accurate and complete survey of all the boundaries of said county: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Whenever any person has in good faith heretofore claimed to be a citizen of Durham County, and has regularly paid to Durham County property taxes on his place of residence, and has regularly voted in Durham County, such person's right to exercise all the privileges and rights of a citizen and resident of Durham County shall not be denied, prohibited or disturbed by any official or board of Durham County or any official or board of any political party in Durham County on the ground that such person's place of residence is outside the boundaries of Durham County unless and until the fact of nonresidence in Durham County is established pursuant to a determination of the location of the true boundary lines of Durham County as a result of

(1) Action taken by some county other than Durham County under the provisions of G. S. 153-11, or
(2) The action of a Judge of the Superior Court under the provisions of G. S. 153-11, or
(3) A complete survey of all the boundaries of Durham County, which complete survey the Board of County Commissioners of Durham County is hereby authorized, in its discretion, to cause to be made.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 732

CHAPTER 1110

AN ACT TO PROHIBIT THE CHANGING OR DEFACING OF THE MOTOR OR SERIAL NUMBER OF ANY FARM TRACTOR IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 14 of the General Statutes by rewriting Section 14-401.4 to read as follows:

"Section 14-401.4. Identifying marks on machines and apparatus; application to Department of Motor Vehicles for number. (a) No person, firm or corporation shall wilfully remove, deface, destroy, alter or cover over the manufacturer's serial or engine number or any other manufacturer's number or other distinguishing number or identification mark upon any machine or other apparatus, including but not limited to farm equipment, machinery and apparatus, but excluding electric storage batteries, nor shall any person, firm or corporation place or stamp any serial, engine, or other number or mark upon such machinery, apparatus or equipment except as provided for in this Section, nor shall any person, firm or corporation purchase or take into possession or sell, trade, transfer, devise, give away or in any manner dispose of such machinery, apparatus or equipment except by intestate succession or as junk or scrap after the manufacturer's serial or engine number or mark has been wilfully removed, defaced, destroyed, altered or covered up unless a new number or mark has been added as provided in this Section.

(b) Each seller of farm machinery, farm equipment or farm apparatus covered by this Act shall give the purchaser a bill of sale for such machinery, equipment or apparatus and shall include in the bill of sale the manufacturer's serial number or distinguishing number or identification mark, which the seller warrants to be true and correct according to his invoice or bill of sale as received from his manufacturer, supplier, or distributor or dealer.

(c) Each user of farm machinery, farm equipment or farm apparatus whose manufacturer's serial number, distinguishing number or identification mark has been obliterated or is now unrecognizable, may obtain a valid identification number for any such machinery, equipment or apparatus upon application for such number to the Department of Motor Vehicles on or before July 1, 1951, accompanied by satisfactory proof of ownership and a subsequent certification to the Department by a member of the North Carolina Highway Patrol that said applicant has placed the number on the proper machinery, equipment or apparatus. The Department of Motor Vehicles is hereby authorized and empowered to issue appropriate identification marks or distinguishing numbers for machinery, equipment or apparatus upon application as provided in this Section and the Department is further authorized and empowered to designate the place or places on the machinery, equipment or apparatus at which the identification marks or distinguishing numbers shall be placed. The Department is also authorized to designate the method to be used in placing the identification marks or distinguishing numbers on the machinery, equipment or apparatus.

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“(d) Any person, firm or corporation who shall violate any part of this Act shall be guilty of a misdemeanor and upon plea of guilty or conviction shall be punished in the discretion of the court.”

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 743

CHAPTER 1111

AN ACT TO AMEND G. S. 7-101 RELATING TO THE ESTABLISHMENT OF DOMESTIC RELATIONS COURTS, SO AS TO ELIMINATE ANY POPULATION REQUIREMENTS.

The General Assembly of North Carolina do enact:

Section 1. The title of Article 13 of Chapter 7 of the General Statutes is hereby amended by striking out the words “In Counties with a City of at Least Twenty-Five Thousand Inhabitants” and inserting in lieu thereof the words “Domestic Relations Courts”.

Sec. 2. G. S. 7-101 is hereby amended by rewriting the Section to read as follows:

“7-101. Establishment by County or City or Both. The board of county commissioners of any county or the governing body of any incorporated city shall have authority to establish a “Domestic Relations Court”, which court may be a joint county and city court, as provided in Section 7-102 or a court for the county or city as may be determined by the governing authorities. In counties with two or more cities, any city may join any other city or cities in such county in establishing a domestic relations court; or any number of cities may join the county in which they are situate in establishing a domestic relations court.

“As used in this Section, “city” means any incorporated city or town with a population of at least five thousand as shown by the latest decennial census.”

“Sec. 3. This Act shall not apply to Henderson, Franklin and Transylvania Counties.”

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 752

CHAPTER 1112

AN ACT RELATING TO HUNTING AND FISHING LICENSES FOR SERVICE MEN.

The General Assembly of North Carolina do enact:

Section 1. Article Seven of Chapter 113 of the General Statutes is hereby further amended by inserting a new Section therein, to be numbered 113-95.2, and to read as follows:

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"Sec. 113-95.2. All members of the Armed Forces of the United States stationed at a military facility in North Carolina shall be required to meet State hunting license requirements, as provided by this Article, on all land within the State including land under jurisdiction of the Armed Forces; provided, however, that any member of the Armed Forces who is a nonresident of North Carolina, and who is assigned to active duty at a military facility in North Carolina, shall be entitled to purchase a resident State hunting license without regard to State residence requirements."

Sec. 2. Article 14 of Chapter 113 of the General Statutes is hereby further amended by inserting a new Section therein, to be numbered 113-144.2, and to read as follows:

"Sec. 113-144.2. All members of the Armed Forces of the United States stationed at a military facility in North Carolina shall be required to meet State fishing license requirements, as provided by this Article, in any inland waters within the State including any inland waters under jurisdiction of the Armed Forces; provided, however, that any member of the Armed Forces who is a nonresident of North Carolina, and who is assigned to active duty at a military facility in North Carolina, shall be entitled to purchase a resident State fishing license without regard to State residence requirements."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective 30 days after the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 764  CHAPTER 1113

AN ACT DIRECTING THE SEVERAL REGISTER OF DEEDS OF THE STATE TO ISSUE BIRTH CERTIFICATES WITHOUT COST TO PERSONS ENTERING THE MILITARY FORCES.

The General Assembly of North Carolina do enact:

Section 1. The several register of deeds of the State of North Carolina are authorized and directed to issue, free of cost, birth certificates to persons about to enter the United States Military Forces.

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 14th day of April, 1951.
AN ACT TO PROVIDE FOR PUBLIC HEALTH PROGRAM IN CLAY COUNTY AND TO FIX A MINIMUM HEALTH FUND THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. In addition to any other authority or law to levy taxes for the support of the public health, it shall be the mandatory duty of the Board of County Commissioners of Clay County and the said board shall levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a tax of a sufficient rate on each one hundred dollars ($100.00) valuation of property in said county so as to realize the sum of twelve hundred dollars ($1,200.00) as a minimum public health fund for said county, together with such additional sum as may be necessary to pay rent to provide proper, suitable and adequate office space, light, water and heat to carry on said program, which shall be provided for by the board of county commissioners.

Sec. 2. The above public health fund of twelve hundred dollars ($1,200.00) as a minimum, together with necessary expenses provided for in Section 1 of this Act levied and collected thereunder, when collected, shall be appropriated and applied to the support of a public health program for said Clay County, and it shall be unlawful to appropriate, expend, divert or misapply said funds for any other purpose or purposes. Twelve hundred dollars ($1,200.00) shall be paid in twelve equal installments annually to the Cherokee-Clay-Graham County District Health Office as the contribution of Clay County to the district health budget under which the same now operates in the same manner as now paid, and thereafter to such local or district office in which Clay County is a unit as may be approved by the State Board of Health.

Sec. 3. The Clay County Board of Commissioners, in making such levy of taxes for such purposes, shall levy the same as a special tax under subsection 4 of Section 1 of Chapter 408 of the Public-Local and Private Laws of the 1939 Session of the General Assembly of North Carolina, now in effect.

Sec. 4. This Act shall not be construed or interpreted as limiting the powers of the Board of County Commissioners of Clay County to levy and accumulate a fund for public health purposes in excess of the minimum provided for in the foregoing Sections thereof.

Sec. 5. In preparing the budget for the public health work of Clay County, the board of county commissioners of said county, as well as the governing authority of the district board of health, in which district Clay County is included, is directed to employ and assign a senior grade public health nurse for all public health work of this nature and classification in Clay County, but this provision shall not be construed as nullifying, repealing or conflicting with any of the powers, duties or authorities of the Merit System Council or any of the powers, authority or duties that may exist under said Merit System Law or regulations promulgated thereunder or in the employment of eligible persons from the employment registers established by the Merit System Council.
Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 779

CHAPTER 1115

AN ACT TO REGULATE THE USE OF FIREARMS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Durham County is hereby authorized to regulate, control, restrict, and prohibit the use and discharge of any and all firearms of every kind, nature, make and description in or into the following territory situated outside the corporate limits of any municipality in Durham County, as follows: Those portions of Durham County known and designated as Braggtown, Rockwood, Hope Valley, Joyland, Bethesda or any other predominantly residential district or area of Durham County. Provided, however, that said Board of County Commissioners of Durham County, in order to effectuate any regulation adopted by said Board of County Commissioners of Durham County pursuant to the authority of this Act, shall publish for at least one week in a newspaper of general circulation in Durham County a description by metes and bounds of any residential area or district with respect to which said board of county commissioners shall have taken regulatory action under the authority of this Act.

Sec. 2. Any person violating any order or resolution of the Board of County Commissioners of Durham County, enacted under authority of Section 1 of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned 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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 785

CHAPTER 1116

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ASSISTANT SOLICITORS TO ASSIST IN THE PROSECUTION OF THE CRIMINAL DOCKETS OF THE SUPERIOR COURTS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Article 7 of subchapter 2 of Chapter 7 of the General Statutes is hereby amended by inserting a new Section immediately after G. S. 7-43 and immediately before G. S. 7-44, which new section shall be designated as G. S. 7-43.1 and shall read as follows:

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“7-43.1. The board of commissioners of any county in the State where no inferior court has been established as provided by chapter 7 of the General Statutes, as amended, is hereby authorized and empowered, in its discretion, to appoint a competent attorney of the county to assist the solicitor of the solicitorial district, in which said county is included, in the prosecution of the criminal docket of the Superior Court of said county: Provided, that no one shall be appointed assistant solicitor under this Section unless and until he has first been recommended and nominated for such position or office by the solicitor of the solicitorial district in which said county is included. The solicitor of the solicitorial district in which said county is located shall designate and define the duties of the assistant solicitor appointed under this Section and is authorized and empowered to remove the said assistant solicitor from office at any time without hearing: Provided, written notice of said removal is delivered to said assistant solicitor and the chairman of the board of commissioners of the county more than thirty (30) days prior to the effective date of said removal. The first term of the office of the assistant solicitor appointed under the authority of this Section shall begin on such date as the board of county commissioners of the county concerned shall designate and shall end on the last day of the calendar year in which said appointment is made, and thereafter, the term of office of said assistant solicitor shall begin on January 1st of each year and shall end on December 31st of the same calendar year. At the end of any term of the position or office of the assistant solicitor, the board of county commissioners of the county concerned may, in its discretion, leave the office of assistant solicitor vacant for the ensuing term, or any portion thereof; but this provision shall not prevent the board of commissioners from appointing an assistant solicitor upon recommendation and nomination of the solicitor at any time when the office is vacant. The salary of the assistant solicitor shall be fixed from term to term by the board of county commissioners of the county in which such appointment is made and shall be in such an amount as the board of county commissioners of the county shall deem proper, just and reasonable, in its discretion, taking into consideration the amount, type and kind of services to be performed, and said salary shall be paid in equal monthly installments from the general fund of the county. The solicitor of the solicitorial district in which said county is located, and for which said assistant solicitor is appointed, shall at all times have the power and authority to define and fix the duties of said assistant solicitor.”

Sec. 2. Article 7 of subchapter 2 of Chapter 7 of the General Statutes is hereby amended by adding thereto a new Section, which said Section shall appear immediately after G. S. 7-43.1 and immediately before G. S. 7-44, and which said new Section shall be designated as G. S. 7-43.2 and shall read as follows:

“7-43.2. In any county in this State where there has been established or may be established, an inferior court under the provisions of Chapter 7 of the General Statutes, as amended, and such inferior court has, or shall have, criminal jurisdiction over the entire county in which said court is established, or may be established, the board of county commis-
sioners of such county is hereby authorized and empowered, in its discretion, to designate the prosecuting attorney for such inferior court to assist the solicitor of the solicitorial district, in which said county is included or located, in the prosecution of the criminal docket of the Superior Court of said county: Provided, that the said prosecuting attorney shall not be so designated unless and until the solicitor of the solicitorial district has advised with the board of county commissioners of said county as to the necessity for such action and approves such appointment. The solicitor of the solicitorial district in which such county is included or located shall define and fix the duties of said prosecuting attorney in assisting the solicitor of said solicitorial district, and the duties of the prosecuting attorney of the inferior court, after such appointment and designation, in assisting the solicitor of the solicitorial district shall be additional duties as prosecuting attorney of the inferior court, and the performance of his duties in assisting the solicitor of the solicitorial district shall not be construed as creating or establishing a new or additional office. The board of county commissioners of the county in which the prosecuting attorney of such inferior court is appointed to assist the solicitor of the solicitorial district may, in its discretion, provide for additional salary that may be paid to said prosecuting attorney of such inferior court by reason of his additional duties in assisting the solicitor of the solicitorial district. Such additional salary, if so provided, shall be fixed in such an amount as, in the discretion of the board of commissioners, shall be considered proper, reasonable and just, taking into consideration the amount, type and kind of services to be performed by the prosecuting attorney in giving such assistance and shall be paid in equal monthly installments from the general fund of the county concerned. The first period of time in which the prosecuting attorney shall begin the performance of his duties in assisting the solicitor of the solicitorial district shall begin on such date as the board of commissioners of the county concerned shall designate and shall end on the last day of the calendar year in which such beginning period is fixed or instituted. Thereafter, the period of time in which such assistance shall be performed shall begin on the first day of each calendar year and shall end on the last day of such calendar year. At the end of any period of time in which such assistance to the solicitor of the solicitorial district is performed by the prosecuting attorney, as herein provided, the board of commissioners of the county concerned may, in its discretion, discontinue such assistance on the part of the prosecuting attorney for the ensuing period of time, or any portion thereof; but this provision shall not prevent the board of county commissioners of such county from again designating the prosecuting attorney of such inferior court to perform the duties herein authorized upon the approval of the solicitor of the solicitorial district at any time when such assistance has theretofore been discontinued. In lieu of designating the prosecuting attorney of such inferior court, as herein provided, the board of county commissioners of such county may appoint a competent attorney of the county to perform such duties as provided by 7-43.1 of the General Statutes.”
Sec. 3. This Act shall not be construed as repealing any public, Public-
Local or special Act heretofore enacted or which may be enacted at the
1951 Session of the General Assembly providing for an assistant solicitor
as set forth in such Public, Public-Local or special Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are
hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

H. B. 800  CHAPTER 1117
AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF
EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CARO-
LINA, FIX THEIR TERMS OF OFFICE, AND LIMIT COMPENSA-
TION AT STATE EXPENSE.

The General Assembly of North Carolina do enact:
Section 1. That the hereinafter named persons are hereby appointed
members of the county boards of education for the several counties in
the State as follows, to wit:

Alamance: Henry A. Scott, Henry B. Dixon, each for a term of six
years; George C. Neal for a term of two years.
Alexander: W. S. Patterson, for a term of six years.
Alleghany: R. G. Cox, for a term of four years.
Anson: Glenn K. Martin, for a term of six years, W. C. Webb for a
period of six years, and O. S. Anderson for a period of four years.
Ashe: L. P. Colvard, Cleve Francis, Arthur Rose, G. O. Burgess, Clyde
Houck, Bradley Sturgill, each for a term of two years.
Avery: Bynum S. Dobbins, for a term of six years.
Beaufort: Ralph H. Hodges, B. Frank Godley, W. B. Voliva, each for
a term of four years.
Bertie: Leo Wynn, Ed Taylor, Mrs. Ray Widmer, J. S. Powell, each
for a term of two years.
Bladen: Theodore F. Johnson, C. Dixon Brisson, John R. Ferguson,
Homer L. Tatum, Henry Beatty, each for a term of two years.
Brunswick: Thomas St. George, G. Kenny Lewis, Dr. Malcolm H. Rourk,
each for a term of four years; Herbert Long, J. Worth Stanley, each for
a term of two years.
Buncombe: Charles C. Bell, John M. James, Dr. B. E. Morgan, R. C.
Torian, Glen West, each for a term of two years.
Burke: Harold C. Perry, George Williams, each for a terms of six
years.
Cabarrus: Allen H. Harris, H. B. Robertson, each for a term of six
years.
Caldwell: R. Maynard Teague, George Boutwell, Davis Tuttle, John
A. Frazier, V. D. Guire, C. A. Sherrill, each for a term of four years.
Camden: Celus G. Harrison, James B. Seymour, W. Frank Williams,
each for a term of two years.

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Carteret: C. V. Webb, Dr. L. W. Moore, D. Mason, each for a term of four years.

Catawba: Cowles Gaither, Aldis C. Henderson, each for a term of six years; C. M. Barringer, for a term of two years.

Chatham: Lewis Norwood, Wade H. Paschal, George T. Yates, each for a term of two years.

Cherokee: Noah Hembree, Lewis King, Lawson Lunsford, B. B. Palmer, Allen Brendle, each for a term of four years.


Clay: R. L. McGlamery, for a term of six years.

Cleveland: C. Dixon Stroup, C. D. Forney, Sr., W. H. Lutz, B. Austell, Wayne L. Ware, each for a term of two years.

Cumberland: D. A. Calhoun, for a term of four years.

Currituck: Charlie Roberts, Bertie W. Griggs, Norman Newbern, Sidney White, Earl Ferrell, each for a term of two years.

Dare: Mabel Evans Jones, Walter D. Perry, Harvey E. Best, Roy L. Gray, Ellis Gray, each for a term of two years.

Davidson: Baxter Carter, Roy Lohr, each for a term of four years; Glenn Pennington, for a term of two years.

Davie: G. H. C. Shutt, Charles Bahnson, each for a term of six years; G. N. Ward, S. W. Furches, each for a term of four years; J. B. Cain, for a term of two years.

Duplin: Jerry O. Smith, for a term of six years; William Dallas Herrin, for a term of four years.

Durham: Charles E. Jordan, C. C. Council, Mrs. John Tate Lanning, Eric L. Tilley, Sr., Hubert Green, each for a term of two years.

Edgecombe: R. C. Brown, for a term of six years; Columbus W. Mayo, for a term of two years.

Franklin: S. V. Hill, for a term of six years.

Gaston: John R. Rankin, E. J. Rhyne, each for a term of six years.

Gates: Lamar A. Benton, for a term of six years.

Graham: Bruce Ayers, for a term of six years; Pearlie Lovin, Dillard Stratton, each for a term of four years; Patton Phillips, Ed Cable, each for a term of two years.

Granville: Dr. R. L. Noblin, E. G. Hobgood, B. T. Strother, each for a term of four years.


Guilford: E. T. Coble, Mrs. Edward M. Burke, each for a term of six years.

 Halifax: A. J. Moye, Mrs. Sam A. Dunn, Mrs. Treva H. Millikin, Mrs. W. P. White, Jr., W. M. Hockaday, Thomas W. Myrick, C. L. Kelly, each for a term of two years.

Harnett: Charles U. Skinner, Jr., A. C. Barefoot, each for a term of six years.

Haywood: J. Letch Worley, James W. Killian, Coleman R. Francis, each for a term of two years.

Henderson: W. O. Waters, for a term of six years.
Hertford: G. T. Underwood, William R. Raynor, Starkey Sharpe, Jr., each for a term of two years.

Hoke: David F. Lindsay, Carl H. Riley, Robert H. Gatlin, Richard E. Neeley, each for a term of two years.

Hyde: E. R. Clarke, M. A. Swindell, Keith Dunbar, each for a term of two years.

Jackson: T. T. Varner, Early Dietz, each for a term of six years; W. R. Enloe, Edward Fowler, each for a term of four years; L. H. Higdon, for a term of two years.

Lee: Stacey Budd, for a term of six years.


Lincoln: P. J. Bess, Coy F. Lantz, Pat Harrill, Rhyne Little, E. Blair Wilkinson, each for a term of four years.


Madison: J. Clyde Brown, Dr. Bruce Sams, Hilliard Teague, C. W. Balding, W. T. Moore, each for a term of six years.

Martin: Howard B. Gaylord, Ernest C. Edmondson, each for a term of four years; George C. Griffin, for a term of two years.

McDowell: E. P. Dameron, for a term of six years.

Mecklenburg: J. Mason Smith, for a term of six years.

Mitchell: Maloy Griffith, for a term of six years.

Montgomery: E. R. Wallace, J. Edgar Maness, each for a term of four years.


Nash: J. W. Robertson, J. G. Vick, Bernard Faulkner, each for a term of two years.

New Hanover: J. S. Craig, Jr., Dr. John T. Hoggard, L. T. Landon, E. A. Laney, Mrs. C. L. Meister, J. C. Roe, each for a term of two years.

Northampton: V. D. Strickland, L. F. Bradley, Dr. John Wesley Parker, Dr. C. G. Parker, G. L. Ricks, H. P. Stephenson, J. A. Shaw, each for a term of two years.

Orange: Harry P. Breeze, for a term of six years.

Pamlico: J. A. Tingle, Jr., B. W. Lupton, Fred Whorton, Jr., L. L. Wise, Troy Potter, each for a term of two years.

Pasquotank: Horace Reid, J. Haywood Bright, J. Henry LeRoy, each for a term of four years; W. L. Davis, for a term of two years.

Pender: M. S. Ellis, Harry W. Williams, M. F. Kelly, D. J. Farrior, W. M. Eubanks, each for a term of two years.

Perquimans: Mrs. Mabel L. Cooke, Mrs. Mary G. Brinn, J. E. Morris, C. C. Chappell, each for a term of four years.

Person: E. E. Bradsher, Sr., W. J. Hall, C. C. Wilkerson, Clyde T. Satterfield, A. F. Hicks, each for a term of two years.

Pitt: Alton Gardner, W. F. Stokes, each for a term of six years; E. E. Trevathan, T. G. Worthington, each for a term of four years.

Polk: Horace Durham, T. D. Odel, James L. Houser, J. R. Stephenson, Oliver Taylor, each for a term of two years.
Richmond: Dr. W. H. Parsons, Douglas Thompson, each for a term of six years.
Robeson: I. P. Graham, David Townsend, Grady Townsend, W. Scott Shepherd, George T. Ashford, each for a term of two years.
Rockingham: J. O. Thomas, J. L. Roberts, L. W. Mathews, E. S. Powell, J. Benton Stacy, each for a term of two years.
Rowan: R. W. Barber, J. F. McKnight, each for a term of six years; J. F. Harrelson, for a term of two years.
Rutherford: T. W. Calton, for a term of six years.
Sampson: John C. Warren, A. Russell Jones, Dr. A. N. Johnson, Walter E. Peterson, Hubert Carr, each for a term of two years.
Scotland: Dr. J. M. Gardner, for a term of six years; Edwin Morgan, for a term of four years; W. G. Shaw, Jr., for a term of two years.
Stanly: Roy E. Drye and Fred Parker, each for a term of four years; David S. Lippard, for a term of two years.
Stokes: P. O. Frye, for a term of six years.
Surry: P. N. Taylor, J. A. Pell, Jr., Dr. Joe Fogler, J. G. Wood, Claud McNeil, each for a term of two years.
Swain: S. W. Black, Humphrey Browning, Mrs. W. E. Elmore, J. O. Freeman, R. N. Wiggins, John Ayers, each for a term of two years.
Transylvania: F. S. Best, Homer McCall, E. W. Medford, Harry Morgan, J. F. Zachary, each for a term of two years.
Tyrrell: R. L. Spencer, Julian Swain, Otis B. Cohoon, each for a term of two years.
Union: R. F. Beasley, Jr., V. A. Moore, Houston H. Howie, each for a term of two years.
Vance: M. L. Hight, H. L. Wright, D. L. Hoyle, George Wilson, Marvin Brown, each for a term of two years.
Wake: C. V. Whitley, A. V. Baucom, each for a term of six years; A. T. Proctor, for a term of four years.
Washington: L. E. Hassell, Sr., J. W. Norman, P. B. Bolanga, each for a term of two years.
Watauga: Clyde Perry, S. C. Greene, Troy Norris, each for a term of two years.
Wayne: Lester H. Gilliken, for a term of four years; S. Moseley Davis, for a term of six years.
Wilkes: Paul Vestal, for a term of six years.
Wilson: J. Norwood Whitley, for a term of six years; R. F. Speight, for a term of six years; F. L. Carr, for a term of four years; S. E. High, for a term of four years; Melvin V. Wilkerson, for a term of two years.
Yadkin: Arnie V. Shore, G. C. Wallace, H. A. Taylor, each for a term of two years.
Yancey: Clyde A. Ayers, Mark W. Bennett, Jobe Thomas, each for a term of two years.
Sec. 2. That the members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or

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before the first Monday in May, 1951, and shall, unless otherwise herein provided, hold office until the first Monday in April, 1953, and until their successors are elected and qualified, and, together with the members of the boards of education of the several counties whose terms will not expire on the first Monday in April, 1951, shall constitute the boards of education of the respective counties. Those members of the various county boards of education whose terms of office expired on the first Monday in April, 1951, shall remain and continue in office until the first Monday in May, 1951, or until their successors are appointed and qualified and all acts and things done by the said present members of such county boards of education are ratified and approved and are as binding as if their terms of office did not expire until the first Monday in May, 1951. The members of the Board of Education of Yancey County shall take office on the first Monday in April, 1951, and shall serve for a period of two years.

Sec. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for any number in excess of five, out of the county school fund.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 801

CHAPTER 1118

AN ACT TO MAKE AN APPROPRIATION FOR THE BREVARD MUSIC FOUNDATION, INC.

WHEREAS, the Brevard Music Foundation, Inc., is a nonprofit educational organization in Transylvania County, North Carolina, founded by James Christian Pfohl, and the late Harry H. Straus and the late Mrs. Henry Alvah Strong; and

WHEREAS, the main purpose of this Foundation is to promote musical education of the youth of this State through the medium of a summer music camp and musical enjoyment to people generally through outstanding musical concerts throughout each summer, which musical education is provided to talented young people without regard to financial ability, which policy has prevented the Foundation from accumulating funds to enable it to retire outstanding capital indebtedness; and

WHEREAS, the Brevard Music Foundation's summer music programs and festivals have become so famous for their outstanding musical programs that tourists are being attracted from all over Eastern United States to such an extent that this organization has become one of the outstanding summer features of Western North Carolina; and

WHEREAS, the State of North Carolina is encouraging institutions and agencies which educate our people and which bring tourists into the State; and

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WHEREAS, the Brevard Music Foundation, Inc., of Transylvania County produces outstanding musical programs during the summer months and attracts large numbers of tourists; and

WHEREAS, the Brevard Music Foundation, Inc., is in dire financial plight because of outstanding debt which will jeopardize its future operations unless funds are secured to liquidate this debt; Now, therefore, The General Assembly of North Carolina do enact:

Section 1. That there is hereby appropriated out of the general fund the sum of thirty thousand dollars ($30,000.00) for the fiscal year ending June 30, 1951, for the purpose of liquidating the outstanding indebtedness of the Brevard Music Foundation, Inc., a nonprofit educational foundation of Transylvania County, North Carolina.

Sec. 2. That this appropriation shall be paid by the State Auditor to the Treasurer of the Brevard Music Foundation, Inc., to be expended by the board of directors to liquidate the outstanding indebtedness of the foundation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 818

CHAPTER 1119

AN ACT TO PROVIDE FOR SPECIAL JUDGES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Governor of North Carolina may appoint four (4) persons who shall possess the requirements and qualifications of special judges as prescribed by Article IV, Section 11, of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for Judges of the Superior Court, save the requirements of residence in a particular district, to be Special Judges of the Superior Court of the State of North Carolina. Two (2) of the said judges shall be appointed from the Western Judicial Division and two (2) from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed whose term of office shall begin from his appointment and qualification and end June 30th, 1953, and the said commission shall constitute his authority to perform the duties of the office of a Special Judge of the Superior Court during the time named herein.

Sec. 2. Each special judge so appointed by the Governor shall be subject to removal from office for the same causes and in the same manner as Regular Judges of the Superior Court; and vacancies occurring in the offices created by this Act shall be filled by the Governor in like manner for the unexpired term thereof.
Sec. 3. The Governor is further authorized and empowered, if in his judgment the necessity exists therefor, to appoint at such time as he may determine, not exceeding four (4) additional judges, two (2) of whom shall be residents of the Western Judicial Division and two (2) of whom shall be residents of the Eastern Judicial Division, whose terms of office shall begin from his or their appointment and qualification and end June 30th, 1953. All of the provisions of this Act applicable to the four (4) special judges authorized to be appointed under Section 1 of this Act shall be applicable to the four (4) special judges authorized to be appointed under this Section.

Sec. 4. The authority herein conferred upon the Governor, pursuant to Article IV, Section 11, of the Constitution of North Carolina, to appoint such special judges shall extend to regular as well as special terms of the Superior Court, with either civil or criminal jurisdiction, or both, as may be designated by the statutes or by the Governor pursuant to law.

Sec. 5. To the end that such special judges shall have the fullest power and authority sanctioned by Article IV, Section 11, of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. A special judge duly assigned to hold the court of a particular county shall have during said term of court, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court.

Sec. 6. The special judges so appointed shall receive the same salary and traveling expenses as now are, or may be, paid or allowed to Judges of the Superior Court for holding their regularly assigned courts, and they shall hold all such regular and special terms of court as they may be directed and assigned by the Governor to hold, without additional compensation: Provided, that no person appointed under this Act shall engage in the practice of law.

Sec. 7. The special judges herein provided for are hereby fully authorized and empowered to settle cases on appeal and to make all proper orders in regard thereto after the time for which they were commissioned has expired.

Sec. 8. All laws and clauses of laws which may be in conflict with this Act, to the extent of such conflict, are hereby repealed: Provided, that nothing herein shall in any manner affect Sections 7-50 and 7-51 of the General Statutes of North Carolina.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
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H. B. 822  CHAPTER 1120


The General Assembly of North Carolina do enact:

Section 1. That the license plates of any carrier of persons or property by motor vehicle for compensation may be revoked and removed from the vehicles of any such carrier for wilful violation of any provision of either the North Carolina Truck Act of 1947 or the Bus Act of 1949, or for the wilful violation of any lawful rule or regulation made and promulgated by the North Carolina Utilities Commission under said Acts. To that end said commission shall have power upon complaint or upon its own motion, after notice and hearing under the rules of evidence prescribed in G. S. 62-18, to order the license plates of any such offending carrier revoked and removed from the vehicles of such carrier for a period not exceeding thirty (30) days, and it shall be the duty of the Department of Motor Vehicles to execute such orders made by the North Carolina Utilities Commission upon receipt of a certified copy of the same.

Sec. 2. That this Act shall be in addition to and independent of other provision of law for the enforcement of the motor carrier laws of this State, and 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 April, 1951.

H. B. 845  CHAPTER 1121

AN ACT TO REWRITE ARTICLE 29 OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO THE INSPECTION, GRADING AND TESTING OF MILK AND DAIRY PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. Article 29 of Chapter 106 of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"Art. 29. Inspection, Grading and Testing Milk and Dairy Products."

"§ 106.267. Inspection, grading and testing milk products. The State Board of Agriculture shall have full power to make and promulgate rules and regulations for the Department of Agriculture in its inspection and control of the purchase and sale of milk and other dairy products in North Carolina; to make and establish definitions, not inconsistent with the laws pertaining thereto; to qualify and determine the grade and contents of milk and of other dairy products sold in this State; to regulate the manner of testing the same and the handling, treatment and sale of milk and dairy products, and to promulgate such other rules and regulations not inconsistent with the law as may be necessary in connection with the authority hereby given to the Commissioner of Agriculture on this subject."
"§ 106.267.1. License required; fee; term of license; examination required. Every person who shall test milk or cream in this State by the Babcock method or otherwise for the purpose of determining the percentage of butterfat or milk fat contained therein, where such milk or cream is bought and paid for on the basis of the amount of butterfat contained therein, shall first obtain a license from the Commissioner of Agriculture. Any person applying for such license or renewal of license shall make written and signed application on blanks to be furnished by the Commissioner of Agriculture for a license to test milk or cream where such milk or cream is bought and paid for on the basis of the amount of percentage of butterfat or milk fat contained therein. The granting of a license shall be conditioned upon the passing by the applicant of an examination, to be conducted by or under the direction of the Commissioner of Agriculture. All licenses so issued or renewed shall run for a period of one year from the date of issue unless sooner revoked, as provided in § 3 of this Article. A license fee of two dollars ($2.00) for each license so granted or renewed shall be paid to the Commissioner of Agriculture by the applicant before any license is granted.

"§ 106-267.2. Rules and regulations. The Commissioner of Agriculture shall establish and promulgate rules and regulations not inconsistent with this Article that shall govern the granting of licenses under this Article and shall establish and promulgate rules and regulations not inconsistent with this Article that shall govern the manner of testing, including, but not in limitation thereof, the taking of samples, location where the testing of said samples shall be made and the length of time samples of milk or cream shall be held after testing.

"§ 106-267.3. Revocation of License; proviso; hearing. The Commissioner of Agriculture shall have power to revoke any license granted under the provisions of this Article, upon good and sufficient evidence that the provisions of this Article, or the rules and regulations of the Commissioner of Agriculture are not being complied with: Provided, that before any license shall be revoked, an opportunity shall be granted the licensee, upon being confronted with the evidence, to show cause why such license should not be revoked.

"§ 106-267.4. Representative average sample; misdemeanor, what deemed. In taking samples of milk or cream from any milk can, cream can or any container of milk or cream, the contents of such milk can, cream can, or container of milk and cream shall first be thoroughly mixed either by stirring or otherwise, and the sample shall be taken immediately after mixing or by any other method which gives a representative average sample of the contents, and it is hereby made a misdemeanor to take samples by any method or to fraudulently manipulate such samples so as not to give an accurate and representative average sample where milk or cream is bought or sold and where the value of said milk or cream is determined by the butterfat contained therein.

"§ 106-267.5 Standard Babcock testing glassware; scale and weights. In the use of the Babcock test all persons shall use the "standard Babcock testing glassware, scales, and weights." The term "standard Babcock testing glassware, scales and weights" shall apply to glassware, scales and
It shall be unlawful for any person, firm, company, association, corporation or agent thereof to falsely manipulate, under-read or over-read the Babcock test or any other contrivance used for determining the quality of value of milk or cream where the value of said milk or cream is determined by the percentage of butterfat contained in the same or to make a false determination by the Babcock test or otherwise, or to falsify the record of such test or to pay on the basis of any test, measurement or weight except the true test, measurement or weight.

"§ 106-268. Definitions. The definitions set forth in this Section shall apply to milk, dairy products, ice cream, frozen desserts, frozen confections or any other products which purport to be milk, dairy products or frozen desserts for which a definition and standard of identity has been established and when any of such products heretofore enumerated shall be sold, offered for sale or held with intent to sell by a milk producer, manufacturer or distributor, and insofar as practicable and applicable, the definitions contained in Article 12 of Chapter 106 of the General Statutes, as amended, shall be effective as to the products enumerated in this Article and Section.

The term "Adulteration" means:
(a) Failure to meet definitions and standards as established by the Board of Agriculture.
(b) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.
(c) If any substance has been substituted wholly or in part thereof.
(d) If it is adjudged to be unfit for human consumption.

The term "Misbranded" means: If (a) its labelling is false or misleading in any particular. (b) If it is offered for sale under the name of another dairy product or frozen dessert. (c) If it is sold in package form unless it bears a prominent label containing the name of the defined product, name and address of the producer, processor or distributor and carries an accurate statement of the quantity of contents in terms of weight or measure.

The Department of Agriculture, through its agents or inspectors, shall have free access during business hours to all places of business, buildings, vehicles, cars, storage places, containers and vessels used in the production, testing, processing and distribution of milk, cream, butter, cheese, ice cream, frozen dessert or any dairy product for which standards of purity and of identity have been established, as well as any substance which purports to be milk, dairy products, frozen dessert or confection for which a definition and standard of purity has been established; the Department of Agriculture, acting through its duly authorized agents and inspectors, may open any box, carton, parcel, package or container holding or containing, or supposed to hold or contain any of the above enumerated dairy products, as well as related products, and may take therefrom samples for analysis, test or inspection. If it appears that any of the provisions of this Article or of this Section have been violated, or whenever a duly authorized agent of the Department of Agriculture has cause to believe that any milk, cream, butter, cheese, ice cream, frozen dessert or any dairy product for which standards of purity and of identity have
been established or any substance which purports to be milk, a dairy product or a frozen dessert for which a definition and standard of identity has been established, is adulterated or misbranded or by reason of contamination with microorganisms has become deleterious to health during production, processing or distribution, and such products, or any of them, are in a stage or production, or are being exposed for sale, or are being held for processing or distribution of such products are being held with intent to sell the same, such agent or inspector is hereby authorized to issue a "stop-sale" order which shall prohibit further sale of any of the products above enumerated or which shall prohibit further processing, production or distribution of any of the products above enumerated. The agent or inspector shall affix to such product a tag or other appropriate marking giving notice that such product is, or is suspected of, being adulterated, misbranded or contaminated and that the same has been detained or embargoed, and warning all persons not to remove or dispose of such product, by sale or otherwise, until permission for removal or disposal is given by such agent or inspector, until the law or regulation has been complied with or said violation has otherwise been legally disposed of. It shall be unlawful for any person to remove or dispose of any embargoed product, by sale or otherwise, without such permission: Provided, that if such adulteration or misbranding can be corrected by proper labelling or processing of the products so that the products meet the definitions and standards of purity and identity, then with the approval of such agent or inspector, sale and removal may be made. Any milk, dairy products or any of the products enumerated in this Article or Section not in compliance with this Article or Section shall be subject to seizure upon complaint of the Commissioner of Agriculture, or any of the agents or inspectors of the Department of Agriculture, to a court of competent jurisdiction in the area in which said products are located. In the event the court finds said products, or any of them, to be in violation of this Article or of this Section, the court may order the condemnation of said products, and the same shall be disposed of in any manner consistent with the rules and regulations of the Board of Agriculture and the laws of the State and in such a manner as to minimize any loss or damage as far as possible: Provided, that in no instance shall the disposition of said products be ordered by the court without first giving the claimant or owner of same an opportunity to apply to the court for the release of said products or for permission to again process or relabel the same so as to bring the product in compliance with this Article or Section. In the event any "stop-sale" order shall be issued under the provisions of this Article or Section, the agents, inspectors or representatives of the Department of Agriculture shall release the products, or any of them, so withdrawn from sale when the requirements of the provisions of this Article and Section have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

"Sec. 106-268.1. Penalties. Any person, firm or corporation violating any of the provisions of this Article, or any of the rules, regulations or standards promulgated hereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than

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one hundred dollars ($100.00) and the cost of prosecution, or by imprison-
ment in the county jail for a period of not more than two months, or both
such fine and imprisonment in the discretion of the court. All Acts or
parts of Acts contravening the provisions of this Article are hereby re-
pealed."

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

H. B. 849  CHAPTER 1122

AN ACT TO CREATE A JURY COMMISSION FOR THE COUNTY OF
MADISON.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created for Madison County a jury com-
misson, to be known as the "Madison County Jury Commission" to be com-
posed of the Sheriff of Madison County, the register of deeds, and the
chairman of the board of county commissioners, all of whom shall serve
ex officio.

Sec. 2. The jury commission hereby created shall have full and absolute
control over the jury box or boxes of Madison County and over the draw-
ing of jurors, both grand and petit. The sheriff shall be the custodian of
the key or keys to the jury box or boxes, and the register of deeds shall
be the custodian of the jury box or boxes. It shall be the duty of the
jury commission to revise the jury box or boxes as soon as practicable
after effective date of this Act; and, it shall be mandatory that said jury
commission place in the jury box or boxes to be available for being drawn
as jurors the names of all qualified taxpayers of Madison County whose
names are on the current official public tax ledger for said county, and
who have not been convicted of any felony or of any crime involving
moral turpitude.

Sec. 3. The jury commission shall meet in the courthouse in the Town
of Marshall at such times as is by law provided for juries to be drawn
for each term of the Superior Court to be held in Madison County and
shall publicly draw the juries in the same manner as provided by Chapter
9 of the General Statutes, and in drawing such juries the jury commis-
sion shall have all of the powers and duties now vested in and exercised
by the county commissioners under the general law.

Sec. 4. This Act shall apply to Madison County only.

Sec. 5. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 6. This Act shall be in full force and effect from and after the
first day of the month following its ratification.
In the General Assembly read three times and ratified, this the 14th
day of April, 1951.
AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO APPROPRIATE MONEY FOR CIVILIAN DEFENSE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of New Hanover County is hereby authorized in its discretion at any time before July 1, 1951, to make appropriations and expend money derived from sources other than ad valorem taxation for civilian defense.

Sec. 2. From and after July 1, 1951, the Board of County Commissioners of New Hanover County is authorized in its discretion to appropriate money and levy ad valorem taxes within constitutional limitations to support such appropriation for the purposes set forth in Section 1 of this Act.

Sec. 3. New Hanover County is hereby authorized to expend the money provided for by this Act, either in a project operated by itself alone or in conjunction with one or more incorporated cities or towns located within its borders, or with any agency of the State or of another county government.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF WILMINGTON IN NEW HANOVER COUNTY TO APPROPRIATE MONEY FOR CIVILIAN DEFENSE.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Wilmington is hereby authorized in its discretion at any time before July 1, 1951, to make appropriations and expend money derived from sources other than ad valorem taxation for civilian defense.

Sec. 2. From and after July 1, 1951, the Governing body of the City of Wilmington is authorized in its discretion to appropriate money and levy ad valorem taxes within constitutional limitations to support such appropriation for the purposes set forth in Section 1 of this Act.

Sec. 3. The City of Wilmington is hereby authorized to expend the money provided for by this Act, either in a project operated by itself alone or in conjunction with one or more incorporated cities or towns, or with any agency of State or County Government.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 861

CHAPTER 1125

AN ACT TO AMEND CHAPTER 136, ARTICLE IV, OF GENERAL STATUTES OF NORTH CAROLINA, RELATING TO LAYING OUT CARTWAYS.

The General Assembly of North Carolina do enact:

Section 1. That Section 69 of Article IV of Chapter 136 of the General Statutes of North Carolina be amended by adding at the end of said Section 69 the following:

That where a tract of land lies partly in one county and partly in an adjoining county, or where a tract of land lies wholly within one county and the public road nearest or from which the most practical roadway to said land would run, lies in an adjoining county and the practical way for a cartway to said land would lead over lands in an adjoining county, then and in that event the proceeding for the laying out and establishing of a cartway may be commenced in either the county in which the land is located or the adjoining county through which said cartway would extend to the public road, and upon the filing of such petition in either county the clerk of the court shall have jurisdiction to proceed for the appointment of a jury from the county in which the petition is filed and proceed for the laying out and establishing of a cartway as if the tract of land to be reached by the cartway and the entire length of the cartway are all located within the bounds of said county in which the petition may be filed.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 885

CHAPTER 1126

AN ACT TO AMEND G. S. 14-49 AND G. S. 14-50 RELATING TO INJURING OTHERS BY THE USE OF HIGH EXPLOSIVES AND RELATING TO CONSPIRACIES TO INJURE OTHERS BY THE USE OF HIGH EXPLOSIVES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-49 is hereby rewritten so that the same shall hereafter read as follows:

"14-49. Wilful injury a felony; punishment. Any person who shall wilfully and maliciously injure or attempt to injure any person, or any building, equipment, real or personal property of any kind or nature belonging to another person, firm or corporation, by the use of nitroglycerine, dynamite, gunpowder or other high explosive, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State Prison for not less than five years and not more than 30 years."

Sec. 2. G. S. 14-50 is hereby rewritten so that the same shall hereafter read as follows:

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"14-50 Conspiracy declared a felony; punishment. If any two or more persons shall conspire to wilfully and maliciously injure any person, or any building, equipment, real or personal property of any kind or nature belonging to another person, firm or corporation, by the use of nitroglycerine, dynamite, gunpowder, or other high explosive, each and everyone so conspiring shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State Prison for not more than 15 years."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 892

CHAPTER 1127
AN ACT TO PERMIT CHARITABLE NON-PROFIT HOSPITALS TO PURCHASE EQUIPMENT AND SUPPLIES UNDER THE CONTRACTS ALREADY NEGOTIATED BY THE DIVISION OF PURCHASE AND CONTRACT FOR STATE HOSPITALS AND OTHER STATE AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-49 is hereby amended by adding thereto a new subsection which shall be designated as subsection (g), and which shall read as follows:

"(g) To permit charitable, nonprofit corporations operating charitable hospitals, under such rules, regulations and procedures as the Advisory Budget Commission shall adopt, to purchase hospital supplies and equipment under contracts negotiated and entered into by the Division of Purchase and Contract for the purchase of hospital supplies and equipment for State sanatoria, hospitals and other medical institutions operated by the State or agencies of the State."

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

Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 894

CHAPTER 1128
AN ACT TO PROVIDE FOR PRIMARY ELECTIONS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That every political party, association, or organization in the City of Hendersonville, North Carolina, whose gubernatorial candidates at the preceding election received as many as five hundred (500) votes in the County of Henderson shall nominate its candidates for municipal offices in said city by a primary election held as hereinafter provided and the primary for all political parties shall be held on the third Tuesday preceding the regular municipal election.
Sec. 2. Candidates for nomination shall file with the city clerk, at least 10 days prior to the opening of the books for registration, written notices of their intention to be candidates, stating for what nomination and at the hands of what party. The city clerk shall prepare and cause to be printed the primary ballot of such political party. The size of the ballot shall be determined by the city clerk. At the time of filing, each candidate shall pay a filing fee of one dollar ($1.00). At the top of the ballot shall be printed in large capital letters words designating the ballot; if a Democratic ballot, the designating words shall be “Democratic Primary Ballot”, if a Republican ballot, the designating words shall be “Republican Primary Ballot”, and in like manner for each political party.

Sec. 3. In all cases where there is only one aspirant for nomination for mayor to be voted for by his political party, and only four aspirants for nomination for commissioners, the city clerk, upon the expiration of the time for filing the notice as required in Section 2, shall declare him or them the nominee or nominees of his or their party, and his or their name shall not thereafter be placed on the primary ballot.

Sec. 4. All electors who are duly qualified to register and vote under the provisions of the general election law of the State, and who is a member of any political party participating in said primary, shall have the right to register and vote in said primary election under the same penalties and subject to the same punishment for violation of the provisions of this Act as are prescribed by the laws of the State of North Carolina.

Sec. 5. The city board of elections shall appoint a registrar and two judges and said judges shall be members of different political parties. Registration books shall be open on the second Saturday preceding the day of holding the primary and shall remain open every day (Sunday excepted) through the subsequent Friday. The first Saturday preceding the day of holding the primary, challenges shall be made, heard and determined; providing the foregoing shall not be construed to prevent any electors from challenging anyone who offers to vote on the primary day. Any person offering to vote on primary day may be challenged by any elector and if the party affiliation of the voter is in doubt, he shall be required to make oath of such affiliation. No person shall be allowed to vote in said primary for candidates of but one political party.

Sec. 6. The candidate who receives a majority of the votes cast for the office for which he was a candidate shall be the nominee of said party for such office. In the event a second primary is necessary, it shall be held one week after the first primary and under the same laws, rules and regulations, except there shall be no further registration of voters.

Sec. 7. Should any political party provided for in this Act fail to enter the primary as herein prescribed and nominate their candidates accordingly, in that event no tickets bearing the name of any candidate or members of the political party so failing to comply with this Act shall be permitted to be voted at the ensuing municipal election.

Sec. 8. The city board of elections shall have the same authority regarding the conduct of said primary including the registration of electors.
for said primary as they now have with regard to the conduct of municipal elections in said city subject to the provisions of this Act.

Sec. 9. All of the provisions of the General Statutes of the State of North Carolina or amendments thereto which relate to primaries or elections not inconsistent to this Act shall apply as fully to the primary hereinafter provided as to the general election; and all acts made criminal if committed in connection with the general election shall likewise be criminal with the same punishment if committed with reference to a primary election under this Act.

Sec. 10. The city board of election shall consist of the mayor and the four commissioners of the City of Hendersonville.

Sec. 11. It shall be the duty of the city clerk to publish in some newspaper published in the City of Hendersonville, at least 10 days prior to the opening of the registration books, a notice stating the dates when said books will be open, the names of the registrars and location of the polling places, together with the date of the primary.

Sec. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. 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 April, 1951.

H. B. 899

CHAPTER 1129

AN ACT TO REPEAL G. S. 53-16 AND TO PROVIDE FOR THE CONSOLIDATION, CONVERSION, OR MERGER OF STATE BANK OR TRUST COMPANIES WITH NATIONAL BANKS.

The General Assembly of North Carolina do enact:

Section 1. Section G. S. 53-16 is hereby repealed and the following is substituted in lieu of said Section:

“(a) Nothing in the law of this State shall restrict the right of a State bank or trust company to consolidate, convert into, or merge with a National bank. The action to be taken by such consolidating, converting, or merging State bank and its rights and liability and those of its stockholders shall be the same as those prescribed by the law of the United States for National banks at the time of the action, except that a vote of the holders of two-thirds of each class of voting stock of a State bank shall be required for the consolidation, conversion, or merger and that upon consolidation, conversion, or merger by a State bank with or into a National bank the rights of dissenting stockholders shall be those hereinafter specified.

(b) Upon consolidation, conversion, or merger the resulting National bank shall be the same business as each consolidating, converting, or merging bank with all the property rights, powers, and duties of each consolidating, converting, or merging bank, except as affected by the law of the United States and by the charter and bylaws of the resulting bank, and any reference to a consolidating, converting, or merging bank in any
writing, whether executed or taking effect before or after the consolidation, conversion, or merger, shall be deemed and taken a reference to the resulting bank if not inconsistent with the other provisions of such writing.

(c) The holders of shares of the stock of a State bank which were voted against a consolidation, conversion, or merger into a National bank shall be entitled to receive their value in cash, if and when the consolidation, conversion, or merger becomes effective, upon written demand, made to the resulting National bank at any time within thirty (30) days after the effective date of the consolidation, conversion, or merger accompanied by the surrender of the stock certificate or certificates. The value of such shares shall be determined as of the date of the stockholders' meeting approving the consolidation, conversion, or merger, by three (3) appraisers, one to be selected by the owners of two-thirds of the dissenting shares involved, one by the board of directors of the resulting National bank and the third by the two so chosen. The valuation agreed upon by any two appraisers shall govern. If the appraisal is not completed within ninety (90) days after the consolidation, conversion, or merger becomes effective, the Comptroller of the Currency shall cause an appraisal to be made.

(d) The amount fixed as the value of the shares of stock of the consolidating, converting, or merging bank at the time of the stockholders' meeting approving the consolidation, conversion, or merger and the amount fixed by the appraisal as hereinbefore provided, where the fixed value is not accepted, shall constitute a debt of the resulting National bank.

(e) Upon the completion of the consolidation, conversion, or merger the permit to operate of any consolidating, converting, or merging State bank shall automatically terminate.''

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 on and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 903  
CHAPTER 1130  
AN ACT REWRITING CERTAIN SECTIONS OF CHAPTER 83 OF THE GENERAL STATUTES ENTITLED "ARCHITECTS".  
The General Assembly of North Carolina do enact:

Section 1. Section 83-1 of the General Statutes of North Carolina is hereby amended so as to read as follows:

"G. S. 83-1. Definitions: When used in this Act, unless the context otherwise requires:

(a) 'Architect' means a person who is technically qualified and licensed under the laws of this State to practice architecture.

(b) The practice of architecture consists of rendering or offering to render service to clients by consultations, investigations, evaluations, preliminary studies, plans, specifications, contract documents and a cordina-
tion of all factors concerning the design and supervision of construction of buildings or any other service in connection with the designing or supervision of construction of buildings located within the boundaries of the State, regardless of whether such services are performed in connection with one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

"(c) The term 'Board' as used in this Act shall mean the State Board of Architectural Examination and Registration, as established under this Act."

Sec. 2. Section 83-11 of the General Statutes of North Carolina is hereby amended so as to read as follows:

"83-11. Annual Renewal of Certificate; Fee. Every architect continuing his practice in the State shall, on or before the first day of July in each year, obtain from the board of architectural examination and registration a renewal of his certificate for the ensuing year upon the payment of a fee in such amount as may be fixed by the board, not however, in excess of fifteen dollars ($15.00); and upon failure to do so shall have his certificate of admission to practice, revoked, but such certificate may be renewed at any time within one year upon the payment of a fee of twenty dollars ($20.00)."

Sec. 3. Section 83-12 of the General Statutes of North Carolina is hereby amended so as to read as follows:

"83-12. Practice without Certificate Unlawful: In order to safeguard life, health and property, it shall be unlawful for any person to practice architecture in this State as defined in this Act, except as hereinafter set forth, or use the title "architect" or display or use any words, letters, figures, title, sign, card, advertisement, or other device to indicate that such person practices or offers to practice architecture, or is an architect or is qualified to perform the work of an architect, unless such person shall have secured from the board a certificate of admission to practice architecture in the manner herein provided, and shall thereafter comply with the provisions of the laws of North Carolina governing the registration and licensing of architects.

"Nothing in this Act shall prevent any person who is qualified under the law as a "registered engineer" from performing such architectural work as is incidental to engineering projects or utilities.

"Nothing in this Act shall be construed to prevent any person from making plans or data for buildings for himself; nothing in this Chapter shall prevent any person from selling or furnishing plans for the construction of residence or farm or commercial buildings of a value not exceeding twenty thousand dollars ($20,000.00); provided that such persons preparing plans and specifications for buildings of any kind shall identify such plans and specifications by placing thereon the name and address of the author.

"Any person not registered under this Act, who shall in any way hold himself out to the public as an architect, or practice architecture as herein defined, or seek to avoid the provisions of this Act by the use of any other designation than the title of "Architect", shall be guilty of a misdemeanor and shall upon conviction be sentenced to pay a fine of not less
than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or suffer imprisonment for a period not exceeding three months or both so fined and imprisoned, each day of such unlawful practice to constitute a distinct and separate offense."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 913

CHAPTER 1131

AN ACT REGULATING THE PRACTICE OF PHYSICAL THERAPY BY REGISTERED PHYSICAL THERAPISTS.

The General Assembly of North Carolina do enact:

Section 1. In this Act, unless the context otherwise requires:

(1) "Physical Therapy" means the treatment of any bodily or mental conditions of any person by the use of the physical, chemical and other properties of heat, light, water, electricity, massage and therapeutic exercise, which includes posture and rehabilitation procedures. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this Act.

(2) "Physical Therapist" means a person who practices physical therapy as defined in this Act under the prescription, supervision and direction of a person licensed in this State to practice medicine and surgery.

(3) Words importing the masculine gender may be applied to females.

Sec. 2. The State examining committee of physical therapists is hereby created. The examining committee shall consist of five members, including at least one doctor and four physical therapists, who shall be appointed by the Governor from a list submitted to him by the North Carolina Physical Therapy Association, Inc., for terms as provided in this Act. Each physical therapy member of said examining committee shall be registered, a resident of this State, and shall have not less than three years' experience in the practice of physical therapy immediately preceding his appointment and shall be actively engaged in the practice of physical therapy during his incumbency. On or before January 1, 1952, five members shall be appointed by the Governor, whose terms of office shall commence on January 1, 1952, one member to serve for one year, two for two years, and two for three years respectively, to serve until their successors are appointed. On January 1, 1953, and triennially thereafter, one member shall be appointed for three years; on January 1, 1954, and triennially thereafter, two members shall be appointed for three years; on January 1, 1955, and triennially thereafter, two members shall be appointed for three years. In the event that a member of the examining committee for any reason cannot complete his term of office, another appointment shall be made by the Governor in accordance with the procedure
stated above to fill the remainder of the term. No member may serve for more than two successive three-year terms. The committee shall designate one of its members as chairman, and one as secretary-treasurer.

The examining committee shall have the power to make such rules not inconsistent with the law which may be necessary for the performance of its duties. The North Carolina Physical Therapy Association, Inc., shall furnish such clerical and other assistance as the examining committee may require. Each member of the examining committee shall, in addition to necessary travel expenses, receive compensation in an amount for each day actually engaged in the discharge of his duties: Provided, however, that such compensation shall not exceed $10.00 per diem.

It shall be the duty of the examining committee to pass upon the qualifications of applicants for registration, prepare the necessary lists of examination questions, conduct all examinations and determine the applicants who successfully pass examination.

Sec. 3. A person who desires to be registered as a physical therapist and who
(a) is at least twenty-one years old;
(b) is of good moral character;
(c) has obtained a high school education or its equivalent as determined by the examining committee; and
(d) has been graduated by a school of physical therapy approved for training physical therapists by the appropriate sub-body of the American Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation; may make application, on a form furnished by the examining committee, for examination for registration as a physical therapist by the examining committee as defined in this Act. Such examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics: Physical therapy, as defined in this Act, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this Act. At the time of making such application, the applicant shall pay to the secretary-treasurer of the committee twenty-five dollars ($25.00), no portion of which shall be returned.

Sec. 4. The examining committee shall furnish a certificate of registration to each applicant who successfully passes the examination for registration as a physical therapist.

Sec. 5. The examining committee shall furnish a certificate of registration to any person who applies for such registration on or before July 1, 1952, and who at the time of the passage of this Act, meets the qualifications for a physical therapist as set forth by the American Physical Therapy Association and for a senior member of the American Registry of Physical Therapists, and who, at the time of application is practicing physical therapy in the State of North Carolina. At the time of making such application, such applicant shall pay to the secretary-treasurer of the committee a fee of twenty-five dollars ($25.00).
Sec. 6. The examining committee shall furnish a certificate of registration to any person who is a physical therapist registered under the laws of another state or territory, if the applicable requirements for registration of physical therapists were at the date of his registration substantially equal to the requirements under this Act, and if the state or territory whence applicant comes accords a similar privilege of registration without examination to holders of certificates as registered physical therapists under this Act. If such reciprocity is not in effect, the applicant shall be registered by successfully passing the examination. At the time of making application, such applicant shall pay to the secretary-treasurer of the committee a fee of twenty-five dollars ($25.00).

Sec. 7. Every registered physical therapist shall, during the month of January, 1953, and during the month of January every year thereafter, apply to the examining committee for an extension of his registration and pay a fee of five dollars ($5.00) to the secretary-treasurer. Registration that is not so extended in the first instance before February 1, 1953, and thereafter before February 1 of every successive year, shall automatically lapse. The examining committee shall revive and extend a lapsed registration on the payment of all past unpaid extension fees not to exceed twenty-five dollars ($25.00).

Sec. 8. The examining committee shall refuse to grant registration to any physical therapist or shall revoke the registration of any physical therapist if he

(a) is habitually drunk or is addicted to the use of narcotic drugs;
(b) has been convicted of violating any State or Federal narcotic law;
(c) has obtained or attempted to obtain registration by fraud or material misrepresentation;
(d) is guilty of any act derogatory to the standing and morals of the profession of physical therapy, including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and as authorized by this Act, and undertaking to practice independent of the prescription, direction and supervision of a person licensed in this State to practice medicine and surgery.

Sec. 9. A person who is not registered with the examining committee as a physical therapist shall not represent himself as being so registered and shall not use in connection with his name the words or letters "R.P.T.", "Registered Physical Therapist," "Physical Therapist" or "Physiotherapist," or any other letters, words or insignia indicating or implying that he is a registered physical therapist. Any person violating the provisions of this Section after January 1, 1952, shall be guilty of a misdemeanor; Provided, that nothing in this Act shall prohibit any person who does not in any way assume or represent himself or herself to be a "Registered Physical Therapist," abbreviated "R. P. T.," or "Physical Therapist," or "Physiotherapist," from doing all types of therapy.

Sec. 10. A person who obtains or attempts to obtain registration as a physical therapist by a wilful misrepresentation or any fraudulent representation shall be guilty of a misdemeanor.
Sec. 11. A person registered under this Act as a physical therapist shall not treat human ailments by physical therapy or otherwise except under the prescription, supervision and direction of a person licensed in this State to practice medicine and surgery. Any person violating the provisions of this Section shall be guilty of a misdemeanor.

Sec. 12. The examining committee is authorized to adopt reasonable rules and regulations to carry this Act into effect and may amend and revoke such rules at its discretion. The examining committee shall keep a record of proceedings under this Act and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence and the date and number of his registration and certificate as a registered physical therapist. Any interested person in the State is entitled to obtain a copy of that list on application to the examining committee and payment of such amount as may be fixed by them, which amount shall not exceed the cost of the list so furnished.

Sec. 13. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. All fees collected pursuant to this Act shall be expended, under the direction of said committee, for the purposes of defraying the expense of holding examinations and issuing licenses.

Sec. 15. This Act may be cited as the “Physical Therapists Practice Act.”

Sec. 15.1. Nothing in this Act shall restrict the practice of physical therapy by licensed osteopaths or chiropractors, or the operation of Y. M. C. A. Health Clubs.

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 919  
CHAPTER 1132

AN ACT TO MAKE PROVISION FOR A PROGRAM FOR THE LOCATION AND CONSTRUCTION OF FUTURE PUBLIC BUILDINGS OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The State Board of Buildings and Grounds is hereby authorized, empowered and directed to formulate a long range building policy program and shall cooperate with the Governing Board of the City of Raleigh in zoning property adjacent to or in the vicinity of the Capitol Square when and if the City of Raleigh desires to zone said property. If the State Board of Buildings and Grounds feels that property adjacent to or in the vicinity of the Capitol Square will, in the future, be needed
for State building purposes it shall so advise the Governing Board of the City of Raleigh, and at such times as the Governing Body of the City of Raleigh shall rezone property adjacent to or within four blocks of the State Capitol, it shall request an opinion from the State Board of Buildings and Grounds as to whether the State Board of Buildings and Grounds finds a future need for such property for State building purposes. In the event that the Governing Board for the City of Raleigh is informed by the Board of Public Buildings and Grounds that any property herein covered be needed for building purposes by the State in the future, the Governing Body of the City of Raleigh shall give full consideration to such opinion of the Board of Buildings and Grounds before making any rezoning order.

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 ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 927

CHAPTER 1133

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE 28 CHAPTER 106 OF THE GENERAL STATUTES RELATING TO RECORDS AND REPORTS OF MILK DISTRIBUTORS AND PROCES- SORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-260 is hereby amended by striking out the period appearing after the word “milk” in the fifth line of said Section and by inserting in lieu thereof a comma, and after the comma the following:

“including flavored drinks, skim condensed, whole condensed, dry milks and evaporated.”

Sec. 2. G. S. 106-261 is hereby rewritten so that the same shall hereafter read as follows:

“106-261. Every person, firm or corporation that purchases milk for processing or distribution or sale, or that purchases milk for processing and distribution and sale, in North Carolina shall, not later than the twentieth of each month following the month such business is carried on, furnish information to the Commissioner of Agriculture, upon blanks to be furnished by him which will show a detailed statement of the quantities of the various classifications of milk purchased and the class in which this milk was distributed or sold. Such report shall include all milk purchased from producers and other sources, imported, all milk sold to consumers, sold or transferred between plants, distributors, affiliates and subsidiaries, and all milk used in the manufacture of other dairy products; provided, however, that every person, firm or corporation engaged in purchasing milk and/or dairy products as defined in Section 1, for processing and manufacturing purposes only and who is not engaged in distribut-
to report only the receipts of such milk or milk products and the quantities of dairy products manufactured. Provided, further, that the provisions of this Section shall not apply to retail stores unless the same are owned, controlled or operated by milk processors and/or distributors.

Sec. 3. G. S. 106-262, is hereby rewritten so that the same shall hereafter be read as follows:

"106-262. Powers of commissioner of agriculture.—The commissioner of agriculture is hereby authorized and empowered:

(a) to require such reports as will enable him to determine the quantities of milk purchased and the classification in which it was used or disposed;

(b) to designate any area of the State as a natural marketing area for the sale or use of milk or milk products;

(c) to set up classifications for the sale or use of milk or milk products for each marketing area after full, complete and impartial hearing. Due notice of such hearing shall be given.

(d) to make rules and regulations and issue orders necessary to carry out and enforce the provisions of this Act, including the supervision of producer bases and other production incentive plans; methods of uniform and equitable payments to all producers selling milk to the same firm, person or corporation; uniform methods of computing weights of milk and/or milk products; and maximum handling and transportation charges for milk sold and/or transferred between plants."

Sec. 4. G. S. 106-266 is hereby amended by adding after the word "Article" in line 3 of said Section the following:

"and/or any rule, regulation or order promulgated in accordance with the provisions of this Article."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 941

CHAPTER 1134

AN ACT TO AMEND G. S. 47-79, VALIDATING THE ACKNOWLEDGMENTS AND TAKING OF PRIVATE EXAMINATIONS BEFORE DEPUTY CLERKS OF COURT OF OTHER STATES WITH RESPECT TO CERTAIN CONVEYANCES EXECUTED PRIOR TO JANUARY 1, 1913, SO AS TO MAKE THE SAME APPLICABLE TO CONVEYANCES EXECUTED PRIOR TO JANUARY 1, 1923.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-79 is hereby amended by striking out in lines two and three the words "January first, one thousand nine hundred and thirteen" and inserting in lieu thereof "January 1, 1923".

Sec. 2. This Act does not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

1178
Sec. 4. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

H. B. 953  
CHAPTER 1135

AN ACT TO AUTHORIZE ANY POLICE OFFICER OF THE RANK
OF SERGEANT, OR OF HIGHER RANK, OF THE CITY OF NEW-
TON, OR DEPUTY SHERIFF OF CATAWBA COUNTY, WHO IS
ASSIGNED TO DAY OR NIGHT DUTY AS THE DESK OFFICER
IN THE CATAWBA COUNTY JAIL, TO ISSUE WARRANTS AND
ACCEPT BAIL.

The General Assembly of North Carolina do enact:

Section 1. Every police officer of the rank of sergeant or of higher
rank, of the City of Newton, and every deputy sheriff of Catawba County,
who is assigned to day or night duty as the desk officer in the Catawba
County jail, is hereby authorized to issue process for the apprehension
of persons charged with the commission of any criminal offense in Catawba
County in the same manner and under the same conditions and subject
to the same restrictions as set out in Article 3, Chapter 15, of the Gen-
eral Statutes of North Carolina as amended, relating to warrants, and
may fix the amount of and accept appearance bonds.

Sec. 2. All laws and clauses of laws in conflict with this Act are here-
by repealed.

Sec. 3. This Act shall be in full force from and after its ratification.
In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

H. B. 954  
CHAPTER 1136

AN ACT RELATING TO THE RECORDING OF PLATS AND SUBDI-
VISIONS OF PROPERTY LYING AND BEING IN HICKORY TOWNSHIP,
CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court of Catawba County
may in his discretion refuse to order or direct the recording of any map
or plat of a subdivision or development of real estate in Hickory Town-
ship, Catawba County, North Carolina, unless it shall appear from the oath
of the surveyor making the plat or map the following:

(a) That said subdivision or development or a portion thereof is with-
in the corporate limits of Hickory or within a mile thereof, exclusive of
the corporate limits of the Town of Longview; or that no part of said sub-
division or development is within the corporate limits of the City of
Hickory or within one mile of the corporate limits of the City of Hickory,
exclusive of the corporate limits of the Town of Longview.

(b) If the subdivision or development, or any part thereof is within the
corporate limits of the City of Hickory or within one mile thereof, exclu-
sive of the corporate limits of the Town of Longview, that said map or
plat has been submitted to the City Council or Governing Body of the City of Hickory and approved by it.

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 its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 956

CHAPTER 1137

AN ACT PROVIDING THAT THE STATE OF NORTH CAROLINA MAY ENTER INTO A COMPACT WITH ANY OF THE UNITED STATES FOR MUTUAL HELPFULNESS IN RELATION TO PERSONS CONVICTED OF CRIME OR OFFENSES WHO MAY BE ON PROBATION OR PAROLE.

The General Assembly of North Carolina do enact:

Section 1. The Governor of this State is hereby authorized and directed to execute a compact on behalf of the State of North Carolina with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled "An Act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this Section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.
(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

Sec. 2. If any Section, sentence, subdivision or clause of this Act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. This Act may be cited as the Uniform Act for Out-of-State Parolee Supervision.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 April, 1951.
H. B. 961  

CHAPTER 1138

AN ACT TO FIX THE SALARIES OF CERTAIN PUBLIC OFFICIALS IN CABARRUS COUNTY AND TO INCREASE THE NUMBER OF JURORS TO BE DRAWN FOR THE TERMS OF COURT IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the 1st of July, 1951, the Sheriff of Cabarrus County shall receive as compensation for his services an annual salary of seventy-five hundred dollars ($7,500.00), payable in twelve equal monthly installments. The salary fixed for the sheriff in this Section shall be in lieu of all other compensation allowed by law for said officer. All fees collected by the sheriff for service of process or other fees provided by law shall be faithfully accounted for by him and paid over monthly to the County Treasurer of Cabarrus County.

Sec. 2. Effective the 1st of July, 1951, the Treasurer of Cabarrus County shall receive an annual salary of thirty-three hundred dollars ($3,300.00), payable in twelve equal monthly installments.

Sec. 3. Effective the 1st of July, 1951, the salaries of all deputy sheriffs of Cabarrus County shall be fixed by the board of county commissioners of said county in such an amount as it may deem just and proper.

Sec. 4. All jurors of the Superior Court of Cabarrus County shall receive as compensation for their services the sum of six dollars ($6.00) per day, and in addition thereto shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel. The mileage allowance herein provided for shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required.

Sec. 5. The second paragraph of G. S. 9-4 is amended by striking out the words "forty-two" in line two of said paragraph and inserting in lieu thereof the word "sixty". Said paragraph is further amended by striking out the words "twenty-four" in line four of said paragraph and inserting in lieu thereof the words "thirty-six".

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 April, 1951.

H. B. 962  

CHAPTER 1139

AN ACT RELATING TO THE TERMS OF SUPERIOR COURT IN THE COUNTIES OF BERTIE, HALIFAX, WARREN, AND VANCE, IN THE THIRD JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Bertie County in the Third Judicial District is amended by striking out in line 3 of said portion the word "ninth" and inserting in lieu thereof the word "tenth".

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Sec. 2. That portion of G. S. 7-70 fixing the terms of Superior Court in Halifax County in the Third Judicial District is hereby amended by rewriting that portion to read as follows:

"Halifax—Fifth Monday before the first Monday in March, to continue for two weeks; first Monday after the first Monday in March, to continue for two weeks, the first week for the trial of civil cases only, and the second week for the trial of civil cases and of criminal cases when the defendant is confined in jail or otherwise imprisoned; eighth Monday after the first Monday in March, for the trial of both criminal and civil cases, to continue for one week, and for this term of court the Chief Justice of the Supreme Court is hereby directed to appoint a judge to hold same from among the regular, special or emergency judges; thirteenth Monday after the first Monday in March to continue for two weeks, the first week of which shall be for the trial of civil cases only, and the second week for trial of criminal or civil cases, or both; third Monday before the first Monday in September to continue for two weeks, for the trial of civil and criminal cases; fourth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only, and for this term of court the Chief Justice is hereby directed to appoint a judge to hold same from among the regular, special or emergency judges; seventh Monday after the first Monday in September, to continue for one week, for the trial of criminal cases only, and for this term of court the Chief Justice is hereby directed to appoint a judge to hold the same from among the regular, special or emergency judges; twelfth Monday after the first Monday in September, for the trial of civil and criminal cases, to continue for two weeks."

Sec. 3. That portion of G. S. 7-70 fixing the terms of Superior Court in Warren County in the Third Judicial District is amended by striking out in line 1 of said portion the word "seventh" and inserting in lieu thereof the word "eighth". Said portion is further amended by striking out in line 4 of said portion the word "eleventh" and inserting in lieu thereof the word "ninth". Said portion is further amended by striking out in line 5 of said portion the word "criminal" and inserting in lieu thereof the word "civil". Said portion is further amended by striking out in line 6 of said portion the word "civil" and inserting in lieu thereof the word "criminal". Said portion is further amended by striking out in line 7 of said portion the word "second" and inserting in lieu thereof the word "first". Said portion is further amended by striking out in line 8 of said portion the word "third" and inserting in lieu thereof the word "fourth".

Sec. 4. That portion of G. S. 7-70 fixing the terms of Superior Court in Vance County in the Third Judicial District is amended by striking out in line 1 of said portion the word "eighth" and inserting in lieu thereof the word "seventh". Said portion is further amended by striking out in lines 3 and 4 of said portion the words "second Monday in March" and inserting in lieu thereof the words "third Monday after the first Monday in March". Said portion is further amended by striking out in line 7 of said portion the word "fourth" and inserting in lieu thereof the word "third".
Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 April, 1951.

H. B. 972  CHAPTER 1140

AN ACT TO AMEND CHAPTER 481 OF THE SESSION LAWS OF 1947, RELATING TO THE COMPENSATION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 481 of the Session Laws of 1947 is hereby amended by striking out the last sentence of said Section and inserting the following in lieu thereof:

"Each county commissioner, other than the chairman, shall be paid a salary of forty dollars ($40.00) per month, and in addition thereto his necessary traveling expenses and mileage at the rate of five cents (5c) per mile."

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 14th day of April, 1951.

H. B. 978  CHAPTER 1141

AN ACT RELATING TO THE MANNER OF SERVING AD VALOREM TAX GARNISHMENT NOTICES IN CASES INVOLVING EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-385 of the General Statutes is hereby amended by striking out of subsection (e) the last two sentences and by inserting in lieu thereof the following:

"In case the taxpayer is an employee of the State, the notice shall be served upon such employee and upon the head or chief officer of the department, agency, instrumentality or institution by which the taxpayer is employed. In case the taxpayer is an employee of a political subdivision of the State, the notice shall be served upon the taxpayer and upon the officer charged with making up the payrolls of the political subdivision by which the taxpayer is employed. If judgment is rendered against the taxpayer, either upon default or after a hearing, a copy of such judgment shall be forwarded by the collector to the officer upon whom the notice of garnishment was served, and such officer shall thereafter, subject to the limitation in amount set out in subsection (d) of this Section, make deductions from the salary or wages due or to become due the tax-
payer and remit same to the tax collector of the taxing unit which caused the notice to be served, until the tax, penalty, interest and costs allowed by law are fully paid. Such deductions and remittances shall, pro tanto, constitute a satisfaction of the salary or wages due the taxpayer.”

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 July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 984

CHAPTER 1142

AN ACT TO AMEND SECTION 1 OF CHAPTER 124 OF THE PRIVATE LAWS OF 1901 RELATING TO THE NAME OF THE TOWN OF LAURINBURG, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The name of the municipality known as the “Town of Laurinburg”, Scotland County, North Carolina, as set forth in Section 1 of Chapter 124 of the Private Laws of 1901, as amended be changed to “City of Laurinburg” and that henceforth, the official name of said municipality shall be the “City of Laurinburg”.

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 14th day of April, 1951.

H. B. 990

CHAPTER 1143

AN ACT TO AMEND ARTICLE 13B OF CHAPTER 131 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE ADDITIONAL AUTHORITY OF SUBDIVISIONS OF GOVERNMENT TO FINANCE HOSPITAL FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. Section 131-126.26 of the General Statutes of North Carolina (which Section was added to the General Statutes of North Carolina by Chapter 933 of the Session Laws of 1947) is hereby amended so as to read as follows:

131-126.26. Municipal aid. If the governing body of any municipality determines that the public interest and the interests of the municipality will be served by aiding another municipality or municipalities or a nonprofit association or nonprofit associations to provide physical facilities for furnishing hospital, clinic, or similar services to the people of the municipality, such municipality may render such aid by gift of real or personal property, or lease or loan thereof with or without rental or charge, or by gift of money, or loan thereof with or without interest. For the purpose of raising money to be given or loaned as aforesaid, such municipality shall
have power to levy taxes as provided in Section 131-126.22 and to issue
general obligation bonds as provided in Section 131-126.23, as though such
taxes were to be levied and such bonds were to be issued to finance
hospital facilities owned by the municipality. No bonds shall be issued
under this Section, however, except for the construction of new buildings,
the expansion, remodeling and alteration of existing buildings, and the
equipment of buildings, or for one or more of said purposes. For the pur-
pose of applying the provisions of the County Finance Act and the Munici-
pal Finance Act to bonds authorized by this Section, the bonds shall be
deemed to be bonds issued to finance public buildings owned by the muni-
cipality issuing the bonds. The special approval of the General Assembly
is hereby given for the levying of the taxes authorized by this Section,
including taxes sufficient to pay the principal of and the interest on bonds
issued under this Section. The proceeds of the sale of such bonds may be
expended by the municipality that issues them or by the municipality or
municipalities or non-profit association or non-profit associations in aid of
which the bonds are issued, as may be determined by the governing body
of the municipality that issued the bonds. If any building for which bonds
are issued under this Section shall, prior to the final date of maturity of
the bonds, cease for 90 days or more to be used for the purpose of furnish-
ing hospital, clinic, or similar services to the people of the municipality
that issued the bonds, or ceased to be owned by a municipality or a non-
profit association, the municipality that issued the bonds shall be en-
titled to recover from the owners of such building, or from their predeces-
sors entitled since the date of the bonds issued for such building, the
amount of such bonds remaining outstanding and unpaid. Such right
of recovery shall, however, be subordinate to any claim of the United
States on account of aid in financing such building. Any municipality that
grants aid under this Section may require assurance from the grantee that
the grantee will furnish hospital, clinic, or similar services during a speci-
fied period to the people of the municipality that grants such aid. Such
assurance may be given by lease, deed of trust, mortgage, contract to con-
vey, lien, trust indenture, or other means.

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 from and after its ratification.

In the General Assembly read three times and ratified, this the 14th
day of April, 1951.

H. B. 994

CHAPTER 1144

AN ACT TO AMEND CHAPTER 127 OF THE GENERAL STATUTES
RELATING TO ALLOWANCES MADE TO DIFFERENT ORGAN-
IZATIONS OF THE NATIONAL GUARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 127-102, as it appears in the 1949 Cumulative Supple-
ment to the General Statutes, is amended by adding a new paragraph at
the end thereof to read as follows:

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“There shall be allowed annually to each of the following federally recognized organizations of the National Guard the sum of four hundred dollars ($400.00) to be applied by the commanding officers of such organizations to the payment of necessary administrative expenses in accordance with rules and regulations prescribed by the Adjutant General: Commanding officer, corps artillery; commanding officers, infantry regiments, 30th Infantry Divisions; commanding officers, field artillery groups; commanding officers, separate field artillery battalions, 30th Infantry Division; commanding officers, separate AAA AW battalions, 30th Infantry Division; commanding officers, separate nondivisional AAA AW battalions; commanding officers, separate nondivisional field artillery battalions; commanding officers, separate nondivisional military police battalions; commanding officers, separate engineer combat battalions; commanding officers, similar organizations to the above.”

Sec. 1 11. There is hereby appropriated from the general fund the sum of Forty-eight hundred dollars ($4800.00) per year for each year of the biennium 1951-1953, to be expended by the Adjutant General to carry out the provisions of this Act.”

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 14th day of April, 1951.

H. B. 996

CHAPTER 1145

AN ACT TO AMEND CHAPTER 398, PRIVATE LAWS, 1905, RELATING TO THE FEES COLLECTED BY THE MAYOR’S COURT OF THE TOWN OF CREEDMOOR.

The General Assembly of North Carolina do enact:

Section 1. The third paragraph of Section 12 of Chapter 398 of the Private Laws of 1905, as amended by Chapter 522 of the Public-Local Laws of 1939 as the same appears in said Chapter 522, is hereby amended by striking out the words “one dollar and fifty cents” as appears in line two of said third paragraph, and inserting in lieu thereof the words “two dollars and fifty cents”; and by striking out the words “one dollar and fifty cents” as appears in line three of said third paragraph and inserting in lieu thereof the words “two dollars and fifty cents”.

Sec. 2. The third paragraph of Section 12 of Chapter 398 of the Private Laws of 1905, as amended by Chapter 522 of the Public-Local Laws of 1939 as the same appears in said Chapter 522, is hereby amended by striking out the period at the end of the first sentence of said third paragraph and placing a semi-colon in lieu thereof, and adding the following: “Jail fee, each person, one dollar”.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 997

CHAPTER 1146

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF CREEDMOOR TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF CREEDMOOR IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The authority of police officers of the Town of Creedmoor in Granville County to make arrests, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include all territory within one mile of the corporate limits of the Town of Creedmoor.

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 999

CHAPTER 1147

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, 1943, AS AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW, TO EXPAND THE TERMINATION OF COVERAGE PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. That Article 2, Chapter 96, Section (11), subsection (b), General Statutes of North Carolina, 1943, as amended, be and the same is hereby amended by striking out the period at the end of said subsection and adding the following:

"Provided, however, that any employer whose liability covers a period of more than two years when first discovered by the commission, upon filing a written application for termination of coverage within ninety (90) days after notification of his liability by the commission, may be terminated as an employer effective January first of any calendar year, if the commission finds that there were no twenty different weeks within the preceding calendar year, (whether or not such weeks are or were consecutive), within which said employing unit employed eight or more individuals in employment, (not necessarily simultaneously and irrespective of whether the same individuals were employed in each such week). In such cases a protest of liability shall be considered as an application for termination within the meaning of this provision where the decision with respect to such protest has not become final; provided further this provision shall not apply in any case of wilful attempt in any manner to defeat or evade the payment of contributions becoming due under this Chapter."

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 the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1001

CHAPTER 1148

AN ACT TO PROVIDE FOR THE ENROLLMENT OF HOUSE BILL 396, ENTITLED AN ACT ADOPTING VOLUMES 2A, 2B AND 2C OF THE GENERAL STATUTES OF NORTH CAROLINA, TO PROVIDE THAT SAID BILL SHALL NOT BE PRINTED IN THE VOLUME OF PUBLIC LAWS OF 1951 REQUIRED TO BE PRINTED UNDER G. S. 147-43.2, AND TO PROVIDE FOR THE CODIFICATION AND INCORPORATION OF THE PUBLIC LAWS ENACTED IN THE 1951 GENERAL ASSEMBLY INTO THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Insofar as G. S. 120-22, as amended, requires the typewriting and proofreading of each bill for enrollment for ratification, said Section shall not apply to House Bill 396, entitled an Act Adopting Volumes 2A, 2B and 2C of the General Statutes of North Carolina, which has been proofread by the staff of the Attorney General and certified by him to have been prepared and published under the supervision of The Department of Justice of the State of North Carolina it shall be a sufficient compliance with said provisions of that Section and a sufficient enrollment and ratification of House Bill 396 to submit for ratification the printed bill or volume actually enacted by the General Assembly, to be signed by the presiding officers of both Houses of the General Assembly in the proper manner and form on some blank page at or near the end of the bill or volume.

Sec. 2. House Bill 396 is hereby exempted from the provisions of G. S. 147-43.2 requiring that all Session Laws be printed under the direction of the Secretary of State, and it shall be omitted from the volumes of the Session Laws of 1951 which the Secretary of State is directed under G. S. 147-43.2 to cause to be printed.

Sec. 3. The Division of Legislative Drafting and Codification of Statutes of the State Department of Justice, under the direction and supervision of the Attorney General, shall complete and perfect Volumes 2A, 2B and 2C of the General Statutes, as enacted by the present General Assembly, the same being House Bill 396, by causing to be inserted in the Cumulative Supplements thereto all such general public statutes as may be enacted at the present or subsequent Sessions of the General Assembly and all amendments, in their proper places in Sections under the appropriate Chapter and subdivisions of Chapters, and by deleting all Sections or portions of Sections found to be expressly repealed, or found to be repealed by virtue of the repeal of any cognate Sections or parts of Sections of the Consolidated Statutes, General Statutes of North Carolina, or Session Laws, and by deleting repealed provisions and substituting in lieu thereof all proper amendments of the General Statutes or of cognate Sections of the Consolidated
Statutes or Session Laws; and the Division is hereby authorized to change the number of Sections and Chapters, transfer Sections, Chapters and subdivisions of Chapters and make such other corrections which do not change the law, as may be found by the Division necessary in making an accurate, clear, and orderly statement of said laws. After the completion of such codification of the General and Public Laws of 1951, such laws, as they appear in the printed volumes of the General Statutes or replacement volumes thereof, shall be deemed an accurate codification of the Statutes of 1951 contained therein.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1002

CHAPTER 1149

AN ACT AMENDING G. S. 164-10, G. S. 164-11 AND G. S. 164-11.1 RELATING TO SUPPLEMENTS TO THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 164-10, as the same appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by inserting immediately after the word “statutes” and the comma in line six of subsection (a) thereof the following: “and any replacement or recompiled volumes thereof”.

Sec. 2. G. S. 164-11, as the same appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by inserting immediately after the words “General Statutes of North Carolina” and the comma in line two of said Section the following: “or to any replacement or recompiled volumes of the General Statutes,”.

Sec. 3. G. S. 164-11.1, as the same appears in the 1949 Cumulative Supplement to the General Statutes, is hereby amended by inserting immediately after the figures “1947” in line two thereof the words and figures “and the 1949 and 1951”.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1003

CHAPTER 1150

AN ACT AUTHORIZING THE ATTORNEY GENERAL TO ARRANGE FOR THE REPUBLICATION OF VOLUMES ONE, THREE AND FOUR OF THE GENERAL STATUTES OF NORTH CAROLINA AND SUPPLEMENTS THEREETO AS NECESSITY ARISES.

The General Assembly of North Carolina do enact:

Section 1. The Attorney General is hereby authorized and empowered to make arrangements with any publisher or publishers for doing the necessary editorial work and undertaking and completing the publication covering the compilation, intergration, arrangement, tabulation, annotation, indexing and all other editorial or technical work necessary or incident to the recomposition, annotation, republication and replacement of Volumes One, Three and Four of the General Statutes of North Carolina as adopted in 1943 and supplements assigned thereto, as has been done with Volume Two and supplements thereto, at such time or times as it shall be found by the Attorney General that it is desirable or necessary to replace such volumes: Provided, that no arrangement entered into by the Attorney General with any publisher under authority of this Act shall impose any obligation upon the State of North Carolina or upon any subsequent General Assembly, either financially or otherwise.

Sec. 2. All such work of recomposition, annotation, indexing and republication shall be done at the direction and under the supervision of the Attorney General, and shall be subject to final approval and adoption by the General Assembly by means of adoption by the General Assembly of any such republished replacement volumes or portions thereof.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 April, 1951.

H. B. 1005

CHAPTER 1151

AN ACT TO AMEND G. S. 47-53 OF THE 1949 CUMULATIVE SUPPLEMENTS RELATING TO PROBATES OMITTING OFFICIAL SEALS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 47-53 of the 1949 Cumulative Supplements be amended by striking therefrom the words “one thousand nine hundred and forty-five” in the second and third lines from the end of said Section, and substituting in lieu thereof “one thousand nine hundred and fifty-one”.

Sec. 1A. Where any person has taken an acknowledgment as a notary public and has failed to affix his seal and such acknowledgment has been otherwise duly probated and recorded then such acknowledgment is hereby declared to be sufficient and valid: Provided this shall apply only to those deeds and other instruments acknowledged prior to January 1, 1951.

Sec. 2. That this Act shall not apply to pending litigation.
Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1010  CHAPTER 1152

AN ACT FIXING THE TIME AT WHICH THE REGULAR ELECTION FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL OF THE CITY OF BURLINGTON SHALL BE HELD, AND ALSO FIXING THE TIME AT WHICH A PRIMARY ELECTION, IF NECESSARY, SHALL BE HELD TO NOMINATE THE CANDIDATES FOR THE REGULAR ELECTION IN SAID CITY OF BURLINGTON, AND PRESCRIBING THE PROCEDURE AND MANNER IN WHICH SUCH ELECTIONS SHALL BE HELD.

The General Assembly of North Carolina do enact:

Section 1. That the regular election for the election of the members of the City Council in the City of Burlington shall be held on Tuesday after the first Monday in May, 1953, and biennially thereafter.

Sec. 2. That, in the event there are more than ten candidates for the city council, a primary election shall be held on the second Monday preceding the said regular election in 1953, and biennially thereafter.

Sec. 3. The primary election for such nominations, if required, shall be held at the same places and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls shall be opened and closed at the same hours, as are required for the regular election. The judges and other officers of election appointed for the regular municipal elections shall, whenever practicable, be the judges of the primary election.

Sec. 4. Any person desiring to become a candidate for nomination as a member of the city council shall, at least ten days prior to the date fixed herein for the primary election, file with the clerk of the city a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE
CITY OF BURLINGTON

I, .................................................., hereby give notice that I reside at .......................................................... Street, City of Burlington, State of North Carolina; that I am a candidate for nomination to the office of member of the city council to be voted upon at the primary election, if required, to be held, on the............day of.............................19......; and also a candidate for such office at the regular election to be held on Tuesday after the first Monday of May, 19......, provided said primary election is not required, and provided further that I am one of ten candidates receiving the highest number of votes, if a primary election is required. I hereby request that my
name be printed upon the official ballot for such primary election and/or regular election.

(Signed).................................................................................

And such candidate shall at the same time pay to the city clerk, to be turned over to the city treasurer, the sum of $5.00.

Sec. 5. Upon the expiration of the time for filing the notice of candidacy, the city clerk shall cause to be published for two successive days in a daily newspaper of general circulation in the city, in alphabetical arrangement, the names of the persons as they are to appear upon the primary or regular election ballots.

Sec. 6. The clerk shall thereupon cause the primary ballots to be printed, provided a primary election is necessary, authenticated with a facsimile of his signature. In the event a primary election is not required, the clerk shall cause the regular election ballots to be printed in the same manner. Upon the ballots, the names of the candidates, arranged alphabetically, shall be placed with a square at the left of each name and immediately below the words, "Vote for five." The ballots shall be printed upon plain, substantial white paper, and shall be headed in a primary election as follows: "OFFICIAL PRIMARY BALLOT. Candidates for nomination for members of the City Council of the City of Burlington at the primary election", followed by the insertion of the date of such election, and "Place a cross in the squares preceding the names of the persons you favor as members of the city council. Vote for five candidates. If you tear or deface or wrongly mark this ballot, return it and get another."

The ballot for the regular election shall be headed as follows: "OFFICIAL BALLOT. Candidates for election for members of the City Council of the City of Burlington at the regular election", followed by the insertion of the date of such election, and "Place a cross in the squares preceding the names of the persons you favor as members of the city council. Vote for five members of the city council. If you tear or deface or wrongly mark this ballot, return it and get another."

Neither a ballot for a primary nor a ballot for a regular election shall have any party designation or mark whatever.

Sec. 7. Having caused the ballots to be printed, the city clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in such polling precinct at the last regular municipal election.

Sec. 8. The persons who are qualified to vote at the succeeding regular election shall be qualified to vote in a preceding primary election, and shall be subject to challenge made by any resident of the city, and such challenge shall be passed upon by the judges and registrar of election: Provided, however, that the law applicable to challenge at regular election shall be applicable to challenge made at such primary election.

Sec. 9. In a primary election the ten candidates receiving the highest number of votes shall be the candidates, and the only candidates whose names shall be placed upon the ballot at the next succeeding regular election.

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Sec. 10. In the regular election the five candidates receiving the highest number of votes shall be declared the members of the city council by the clerk.

Sec. 11. The number and location of polling places in the city shall be determined and established by the city council.

Sec. 12. The city council shall select, at least thirty days before any primary or regular election, one person for each election precinct, who shall act as registrar of the voters for such precinct; and shall make publication of the names of the persons so selected, and of the time of the election, at the city hall, immediately after such appointment. If such registrar shall die or neglect to perform his duties, said governing body may appoint another in his place.

Sec. 13. Before entering upon the duties of his office, each registrar shall take an oath before some person authorized by law to administer oaths, to faithfully perform the duties of his office as registrar.

Sec. 14. The city council may, in its discretion, order a new registration of voters. Unless such new registration shall be ordered, the election shall be held under the existing registration, with such revision as is hereinafter provided.

Sec. 15. In the event a new registration is ordered, the city council shall give thirty days notice thereof by advertisement in some newspaper of general circulation in the city.

Sec. 16. Each registrar shall be furnished with registration books, and it shall be his duty to revise the registration book of his precinct in such manner that said book shall show an accurate list of the electors previously registered in such precinct or ward and still residing therein, without requiring such electors to be registered anew.

Sec. 17. Each registrar shall, between the hours of nine o'clock A. M. and five o'clock P. M., on each day (Sunday excepted) for seven days preceding the day for closing the registration books, as hereinafter provided, keep open said books for the registration of any new electors residing in the precinct, and entitled to register, whose names have never before been registered in such precinct, or do not appear in the revised list. Such books shall be kept open at the polling places on each Saturday during the registration period. Such books shall be closed for registration on the second Saturday before the regular election.

Sec. 18. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years or otherwise has become qualified to register and vote since the registration books were closed for registration, he shall be allowed to register and vote.

Sec. 19. On the second Saturday before the regular election, the registration books shall be kept open at the polling place in each precinct for the inspection of the electors of the precinct, and any of such electors shall be allowed to object to the name of any person appearing on said books.

Sec. 20. When a person is challenged, the registrar shall enter upon his book opposite the name of the person objected to, the word "Challenge", and the registrar shall appoint a time and place on or before the day of
the next election, when he, together with the judges of election, shall hear
and decide the objection, giving personal notice to the voter so objected to;
and if for any cause personal notice cannot be given, then it shall be suf-
ficient to leave a copy thereof at his last known place of residence. If any
person challenged shall be found not duly qualified, the registrar shall
erase his name from the books. They shall hear and determine the cause
of challenge under the rules and regulations prescribed by the general law
regulating elections for members of the General Assembly.

Sec. 21. The city council shall appoint, at least thirty days before any
city election, two judges of election, who shall be men of good character,
able to read and write, for each place of holding election in the city and who,
before entering upon the discharge of their duties, shall take an oath be-
fore some person authorized by law to administer oaths, to conduct the
election fairly and impartially, according to the Constitution and the Laws
of the State.

Sec. 22. If any vacancy shall occur on the day of election in the office
of registrar, the same shall be filled by the judges of election, and if any
vacancy shall occur on that day in the office of the judges, the same shall
be filled by the registrar; vacancies occurring at any other time shall be
filled by the city council.

Sec. 23. The judges of elections shall open the polls and superintend
the same until the close of election; they shall keep poll books in which
shall be entered the name of every person who shall vote, and at the close
of the election they shall certify the same over their proper signatures
and deposit them with the city clerk.

Sec. 24. The polls shall be open on the day of election, whether primary
or regular, from 6:30 A. M., until 6:30 P. M., Eastern Standard Time, and
no longer; and each person whose name may be registered shall be entitled
to vote.

Sec. 25. All qualified electors, who shall have resided for four months
immediately preceding an election, within the limits of any voting precinct
of the city, shall have the right to register and vote in such precinct for
any elective officer of the city: Provided, that removal from one precinct
to another in the city shall not operate to deprive any person of the right
to vote in the precinct from which he has removed until four months after
such removal.

Sec. 26. When the election shall be finished, the registrar and judges
of election shall open the boxes and count the ballots, reading aloud the
names of the persons thereon; and if there shall be two or more ballots
rolled up together, or any ballot shall contain the names of more persons
than the elector has the right to vote for, or shall have a device or orna-
ment upon it, in either of these cases, such ballots shall not be numbered
in taking the ballots, but shall be void; and the counting of votes shall be
continued without adjournment until completed, and the result thereof
declared.

Sec. 27. Immediately after any election the registrars shall deposit the
registration books for the respective precincts with the city clerk.
Sec. 28. The registrars and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers, to be held on the day following each primary and regular election, as a member thereof, and shall deliver to the member who shall have been so appointed, the original returns of the results of the election in such precincts; and the member of the board of canvassers who shall have been so appointed shall attend the meeting of the board of canvassers and shall constitute the board of city canvassers for such election, and a majority of them shall constitute a quorum. Such canvass shall be publicly made at 9:30 A. M., or as soon thereafter as practicable at the office of the city clerk. The clerk shall make and publish in some newspaper of general circulation in the city, at least once, the results thereof.

Sec. 29. The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass and judicially determine the result and shall make abstracts, stating the number of legal ballots cast in each precinct, the name of each person voted for and the number of votes given to each person, and shall sign the same. It shall have the power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the result of the same, and shall have the power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie between two opposing candidates, the result shall be determined by lot.

Sec. 30. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 31. That this Act shall be in full force and effect from and after the 31st day of July, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1012

CHAPTER 1153

AN ACT TO INCORPORATE THE TOWN OF ASKEWVILLE IN BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Town of Askewville in the County of Bertie is hereby incorporated and created a body politic by the name and style of "The Town of Askewville", and may sue and be sued, plead and be impleaded, purchase, hold and receive by conveyance, gift or devise all such real and personal property as they desire, and may from time to time sell and dispose of the same and reinvest the proceeds as may be deemed advisable by the proper authorities of the town. The Town of Askewville as herein constituted shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina not inconsistent with the provisions of this Act.

Sec. 2. The corporate limits of the town shall be as follows, to-wit: "Beginning 500 feet West of Buena Vista on Highway No. 97 where it intersects with Askewville paved road, and runs thence northwardly and parallel with Highway No. 97 to, and not including, Scott White's residence:
Thence eastwardly to, and not including, Cedric Hague's residence on the Elm Grove Road; thence southwardly and with Elm Grove Road and across the Askewville Road 500 yards to a stake; thence westwardly and parallel with the northwardly side line to a point 500 feet West of Buena Vista on Highway No. 97; thence northwardly to the point of beginning."

Sec. 3. The officers of said town shall consist of a mayor, three commissioners, and such other officers as the commissioners of the town may deem advisable to elect or appoint.

Sec. 4. On the first Monday in May, 1953, and biennially thereafter, there shall be an election held in said town for mayor and three commissioners, which said election shall be held under the same penalties, rules and regulations as are now, or may hereafter be prescribed by law for electing officers for cities and towns.

Sec. 5. Until their successors shall be elected and qualified as herein provided, the following persons shall be and are hereby constituted the officers of said town, to-wit: Mayor, F. R. Johnson; Commissioners, J. H. Cowan, Truett White, J. O. Hoggard; and said officers shall be and are hereby vested with and conferred upon all the duties, powers, rights and privileges which are now, or may hereafter be granted, vested in and conferred upon such officers of towns and incorporated villages by the laws of North Carolina relating to incorporated towns and villages.

Sec. 6. The said Town of Askewville shall have and is hereby granted all the benefits, rights, powers and privileges of and be subject to all the provisions of the general law of this State, now in force and which may hereafter be enacted, for the government of incorporated towns and villages, not inconsistent with the provisions of this Act.

Sec. 7. All territory within the corporate limits of the Town of Askewville and all persons, firms and corporations within such territory shall be subject to municipal taxes which may be levied for the fiscal year beginning July 1, 1951, and thereafter.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1013

CHAPTER 1154

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ESTABLISH AND OPERATE GARBAGE COLLECTION AND DISPOSAL FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is hereby empowered and authorized, but not directed, to establish and operate garbage collection and disposal facilities in areas where in its opinion the need for such facilities exists.

Sec. 2. The Board of County Commissioners of Guilford County is further authorized to establish and operate said facilities alone or to enter
into contracts with any incorporated cities or towns within its borders for the joint operation of such facilities.

Sec. 3. For the purpose of carrying out the intent of this Act, said board is authorized to use any vacant lands owned by said county or to acquire suitable sites by purchase or condemnation, provided such lands and sites are approved by the Guilford County Health Officer.

Sec. 4. The funds needed for financing the establishment and operation of said garbage collection and removal facilities may be provided by appropriation from the county funds obtained from the levy of ad valorem taxes; however, the county shall be reimbursed for such costs from the funds obtained through fees and charges collected from the owners or occupants of the premises from which garbage and refuse are collected.

Sec. 5. The fees or charges for the collection and disposal of garbage shall be a lien upon the property from which the garbage and refuse have been collected.

Sec. 6. The Board of County Commissioners of Guilford County, in addition to the power and authority hereinbefore conferred upon it, shall have the power and authority in its discretion to make contracts with one or more private persons, firms or corporations for the collection and disposal of garbage in Guilford County; and in the exercise of said power and authority to give said contractors the exclusive right to collect and dispose of garbage for compensation within a specified area; to take the necessary steps to prevent unauthorized garbage collectors from collecting and disposing of garbage within said area; to issue licenses to the garbage collectors and their employees; to regulate the fees of authorized garbage collectors, and to have general supervision of garbage collection and disposal outside of the incorporated cities and towns of Guilford County.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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 April, 1951.

H. B. 1019                      CHAPTER 1155

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF THE COUNTY HOME DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Northampton County is hereby authorized and empowered to levy a tax on all taxable property of said county not exceeding three cents (3c) on each and every one hundred dollars ($100.00) valuation, for the necessary special purpose of paying the salary of the county home demonstration agent, and the necessary expenses of her office, and expenses incident to the performance of her duties as such county home demonstration agent.
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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1020  CHAPTER 1156

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF THE COUNTY SERVICE OFFICER (VETERANS).

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Northampton County is hereby authorized and empowered to levy a tax on all taxable property of said county not exceeding two and five-tenths cents (2.5c) on each and every one hundred dollars ($100.00) valuation, for the necessary special purpose of paying the salary of the county service officer (Veterans), and the necessary expenses of his office, and expenses incident to the performance of his duties as such county service officer (Veterans).

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 14th day of April, 1951.

H. B. 1030  CHAPTER 1157

AN ACT TO AMEND CHAPTER 193 OF THE SESSION LAWS OF 1943, RELATING TO THE POWERS OF THE TRUSTEES OF THE ENDOWMENT FUND OF APPALACHIAN STATE TEACHERS COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 193 of the Session Laws of 1943 is stricken out and the following is substituted in lieu thereof:

"Sec. 4. It shall be the duty of the trustees of the endowment fund to invest, sell, and/or reinvest any funds coming into their hands at any time and in such manner as, in their judgment, they may deem just, proper, and advantageous to the fund."

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 14th day of April, 1951.
H. B. 1033  

CHAPTER 1158

AN ACT TO AUTHORIZE THE SHERIFF OF HARNETT COUNTY TO APPOINT DEPUTY SHERIFFS ON A SALARY BASIS AND TO PROVIDE FOR THE LEVY OF A TAX FOR THE SUPPORT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Harnett County is hereby authorized and empowered to employ five regular deputy sheriffs and to prescribe their duties. The salaries of said deputy sheriffs, to be fixed by the board of county commissioners, shall not be less than two hundred and fifty dollars ($250.00) per month each, and said deputies shall receive the further sum of seven cents (7¢) per mile for travel, and other expenses. Said deputy sheriffs shall receive no fees in addition to their salaries, and such fees as may accrue to said deputies shall be taxed as part of the costs in criminal and civil actions and paid into the general county fund.

Sec. 2. The Board of County Commissioners of Harnett County may, subject to limitations herein set forth, annually levy an additional sum not in excess of five cents (5¢) on each one hundred dollars ($100.00) valuation of all real and personal property taxable in said county, which said funds shall be used and expended under the direction and control of the board of county commissioners under such rules and regulations as said governing body shall prescribe, for the purpose of paying the salaries and expenses of the five regular deputy sheriffs provided for in Section 1 of this Act.

Sec. 3. The board of county commissioners shall not raise or appropriate money under this Act unless and until this Act shall have been approved by a majority of the qualified voters of Harnett County, at an election as provided in this Act.

Sec. 4. For the purpose of ascertaining the will of the qualified voters of Harnett County upon the question of the levying of the tax, or any part thereof, authorized or provided for in the foregoing Section of this Act, a special election shall be held at a date to be fixed by ordinance by the Board of County Commissioners of Harnett County. In said ordinance the board of county commissioners shall specify the time of holding the election, and determine and set forth whether or not there shall be a new registration of voters for such election. Notice of the registration of the voters and of the election shall be given. The voters shall be registered, the election shall be held, the return shall be canvassed, and the results shall be determined, declared and published under and pursuant to the provisions of Section 160-387 of the General Statutes, and the Act known as the Municipal Finance Act, and as therein provided for an election upon a bond ordinance providing for the issuance of bonds for purposes other than the payment of necessary expenses of a municipality. A ballot or ballots shall be furnished to each qualified voter at said election. The ballots for those who vote in favor of this Act shall contain the words: “For a special levy for additional Deputy Sheriffs to aid in enforcement of law and order in Harnett County”; or words substantially the same. The
ballots for those who vote against this Act shall contain the words: "Against a special levy for additional Deputy Sheriffs to aid in enforcement of law and order in Harnett County", or words substantially the same.

Sec. 5. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1042

CHAPTER 1159

AN ACT TO CORRECTLY DEFINE AND ESTABLISH THE CORPORATE LIMITS OF THE TOWN OF MARION.

WHEREAS, the several Private Acts of the General Assembly of North Carolina establishing and defining the corporate limits of the Town of Marion contain certain typographical errors and some of the lines and boundaries therein described are somewhat vague and uncertain; and

WHEREAS, the board of alderman of said town has caused the present corporate limits of said town to be correctly surveyed and described by E. D. Braley, surveyor, and desires to have the correct corporate limits of Town of Marion defined and established by the General Assembly of North Carolina according to said survey and map bearing date of March 1st, 1951; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Marion shall be as follows:

Beginning at a conc. mon. on North McDowell Avenue, N 36-58 W, 891.50' from the center of Oak Street (coordinate N 22,765.79, E 21,995.75).
Then S 53-02 W, 216.45' to a conc. mon. near the South corner of the
W. W. Wall Mill (N 22,635.63, E 21,822.81).
Then N 36-00 W, 452.82' to a conc. mon. (N 23,001.97, E 21,556.65).
Then N 38-38 W, 330.00' to a conc. mon. (N 23,259.75, E 21,350.62).
Then S 51-22 W, 264.00' to a conc. mon. (N 23,094.93, E 21,144.39).
Then N 38-38 W, 1,386.90' crossing Yancey Road to a conc. mon. in the
original Halltown Road (N 24,178.32, E 20,278.51).
Then S 58-37 W, 1,593.30' to a conc. mon. on the South side of Airport
Road (N 23,348.60, E 18,918.30).
Then with the original Morganton-Asheville Road S 0-58 E, 169.10' to a conc. mon. (N 23,179.52, E 18,921.15). S 22-18 W, 128.58' to a conc. mon. (N 23,060.56, E 18,872.36). S 9-31½ W, 412.51' to a conc. mon. (N 22,663.74, E 18,804.10). S 27-21 W, 341.30' to a conc. mon. (N 22,350.59, E 18,647.30).

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Then S 27-45½ W, 183.30' to a conc. mon. in front of the Eugene Cross resident (N 22,188.39, E 18,561.93).

Then S 23-41 E, 1,331.60' to a conc. mon. on the West side of Logan Street near Zion Hill Street (N 20,968.94, E 19,096.81).

Then S 54-19 W, 1,820.93' to a conc. mon. on the top of Phoenix Knob (N 19,906.72, E 17,617.76).

Then S 51-35 W, 1,455.90' to conc. mon. (N 19,001.97, E 16,477.04), the northern corner of the reservoir property.

Then S 50-51 W, 250.00' to a conc mon. (N 18,844.13, E 16,283.17), the western corner of the reservoir property.

Then S 28-12 E, 199.64' to a conc. mon. (18,668.19, E 16,377.51), the southern corner of the reservoir property.

Then S 81-44 E, 1,137.10' to a conc. mon. near Carson Street (N 18,504.70, E 17,502.80).

Then S 47-44 W, 66.00' to conc. mon. (N 18,460.31, E 17,453.96).

Then S 9-16 E, 198.00' to a conc. mon. near Cross Mill Methodist Church (N 18,264.89, E 17,485.84).

Then to and with the fence between Drexel Factory and Cross Mill as follows: N 82-14 E, 330.68' (N 18,309.59, E 17,813.51). N 82-10 E, 406.69' (N 18,365.02, E 18,216.41). S 44-43 E, 117.40' (18,281.60, E 18,299.01). S 68-15 E, 77.02' (N 18,253.06, E 18,370.55). S 82-42 E, 40.47' (N 18,247.92, E 18,410.69). S 42-24 E, 118.40' to a conc. mon. at the fence, 50' from the center line of the main line track of the Southern R. R. (N 18,164.18, E 18,487.16).

Then along the N. W. side of the railroad and 50' from the center line of the main line track as follows: S 52-28 W, 253.09' to a conc. mon. (N 18,009.99, E 18,286.46). S 50-21 W, 429.04 to a conc. mon. (N 17,736.22, E 17,956.22). S 46-13 W, 386.80' to a conc. mon. near the culvert at the Cross Mill Pond (N 17,468.58, E 17,676.97).

Then S 1-04 E, 865.66' to a conc. mon. (N 16,603.07, E 17,693.08), on the West side of the old Crooked Creek Road and South of the Colored School.

Then N 61-15 E, 2,224.20' to Young's Fork of Muddy Creek and a reference mon. on the North bank. (N-17,672.78, E 19,642.98).

Then with Young's Fork of Muddy Creek as it meanders, described by the following reference lines and offsets to the creek:

S 64-59 E, 313.80' to a conc. mon. (N 17,540.08, E 19,927.34). Offsets to creek: Station o/00, 32' Rt.; o/50, 45' Rt.; 1/00, 65' Rt.; 1/50, 55' Rt.; 2/00, 20' Rt.; 2/50, 20' Rt.; 3/00, 25' Rt. S 73-44, E 577.60' to a conc. mon. (N 17,378-29, E 20,481.82). Offsets: Sta. o/00, 25' Rt.; o/50, 50' Rt.; 1/00, 60' Rt.; 1/50, 66' Rt.; 2/00, 57' Rt.; 2/50, 42' Rt.; 3/00, 22' Rt.; 3/50, 14' Rt.; 4/00, 18' Rt.; 4/50, 36' Rt.; 5/00, 42' Rt. N 84-21 E, 526.90' to the center of a sewer manhole (N 17,430.16, E 21,006.16). Offsets: Sta. o/00, 45' Rt.; o/50, 45' Rt.; 1/00, 57' Rt.; 1/50, 47' Rt.; 2/00, 32' Rt.; 2/50, 20' Rt.; 3/00, 20' Rt.; 3/50, 47' Rt.; 4/00, 70' Rt.; 4/50, 100' Rt.; 5/00, 115' Rt. N 84-31½ E, 559.03' to a conc. mon. South of the stable (N 17,483.49, E 21,562.64.) Offsets: Sta. o/50, 86' Rt.; 1/00, 71' Rt.; 1/50, 71' Rt.; 2/00, 36' Rt.; 2/44,
center of creek; 2/77, 55' Lt.; 3/20 center of creek, 3/60, 31' Rt.; 4/00, 34' Rt.; 4/50, 44' Rt.; 5/00, 40' Rt.; S 80-51 E, 363.47' to a conc. mon. North of the riding ring (N 17,425.69), (E 21,921.48). Offsets: Sta. 0/00, 22' Rt.; 0/50, 18' Rt.; 1/00, 38' Rt.; 1/50, 37' Rt.; 2-25, 8' Lt.; 2/75, 24' Lt.; 3/25, 16' Lt. S 89-54 E, 295.12' to a conc. mon. (N 17,425.18, E 22,216.60). Offsets: Sta. 0/50, 18' Lt.; 1/00, 22' Lt.; 1/50, 28' St. N 74-28 E, 205.52' to a conc. mon. (N 17,480.22 E, 22,414.61). Offsets: Sta. 0/00, 42' Lt.; 0/50, 52' Lt.; 1/00, 59' Lt.; 1/50, 18' Lt. S 65-07 E, 1,008.65' to a conc. mon. (N 17,055.81, E 23,329.63). Offsets: Sta. 0/00, 16' Lt.; 0/50, 40' Lt.; 1/00, 56' Lt.; 1/50, 60' Lt.; 3/00, 50' Lt.; 3/50, 23' Lt.; 4/00, 21' Lt.; 4/50, 26 Lt.; 5/50, 60' Lt. 6/00, 81' Lt.; 6/50, 112' Lt.; 7/00, 113' Lt.; 7/50, 109' Lt.; 8/00, 85' Lt.; 8/65, center of creek; 9/00, 90' Rt.; 9/50, 84' Rt. S 52-15 E, 418.50' to a conc. mon. (N 16,799.60, E 23,660.53'). Offsets: Sta. 0/25, 10' Rt.; 0/50, 19' Rt.; 1/00, 39' Rt.; 1/50, 38' Rt.; 2/00, 56' Rt.; 2/50, 64' Rt.; 3/00 68' Rt.; 3/50, 68' Rt.; 4/00, 35' Rt.; Then due North, 362.64' to a conc. mon. on the North side of U. S. 221, 30' from the center line, (N 17,162.24, E, 23,660.53.) Then along the North side of U. S. 221, 30' from the center line, S 57-10 E, 348.76' to a conc. mon. (N 16,973.14, E 23,953.58). Then S 68-36 E, 182.00' to the center of a creek (N 16,906.73, E 24,123.03). Then with the creek, N 22-01 E, 526.78' to a point South of the Southern Railway branch line and 50' from the center line (N 17,395.10, E 24,320.49). Then along the South side of the R. R., 50' from the center line, N 47-41 W, 549.00' to a concrete monument in the cemetery, (N 17,764.70, E 23,914.54). Then across the R. R. N 22-52 E, 106.10' to a conc. mon. on the North side and 50' from the center line (N 17,862.46, E 23,955.77). Then along the North side of the R. R., 50' from the center line, as follows: N 47-41 W, 57.27' (N 17,901.02, E 23,913.42). N 48-06 W, 121.70' (N 17,982.29, E 23,822.84). N 51-05 W, 115.38' (N 18,054.77, E 23,733.07). N 55-56 W, 138.34' (N 18,132.60, E 23,617.97). N 60-54 W, 156.45' (N 18,208.69, E 23,481.27). N 61-40 1/2 W, 255.61' to a conc. mon. at creek (N 18,329.97, E 23,256.27). Then N 14-13 E, 2,731.45' to a conc. mon. at the site of the old Elhanan School (N 20,977.75, E 23,927.09). Then across State St. and E. Court St. N 8-54 E, 1,954.56' to a conc. mon. on the South side of what was once the Morganton Road (N 22,908.78, E 24,229.35). Then S 49-20 W, 336.61' to a conc. mon. (N 22,689.42, E 23,974.03). Then S 75-45 W, 103.70' to a conc. mon. (N 22,663.89, E 23,873.52). Then N 76-57 W, 144.66' to a conc. mon. of Clinchfield Mill (N 22,696.55, E 23,732.60). Then N 73-40 W, 172.55' to a conc. mon. (N 22,745.07, E 23,567.01). Then N 43-37 1/2 W, 109.83' to a conc. mon. (N 22,824.57, E 23,491.23). Then N 9-14 1/2 W, 146.48' to a large iron eyebolt at a large oak tree near Oak St. (N 22,969.15, E 23,467.71).
Then with the southern margin of Oak Street, 20' from the center line, S 54-37½ W, 751.74' to a conc. mon. (N 22,533.95, E 22,854.76).

S 27-28½ W, 335.49' to a conc. mon. near High Street (N 22,236.30, E 22,699.98).

S 38-08½ W, 252.75' to a conc. mon. at the intersection of Oak St. and North McDowell Ave. (N 22,037.52, E 22,543.88).

Then with the center of N. McDowell Ave. N 36-58 W, 911.50' to a conc. mon., the beginning point, (N 22,765.79, E 21,995.75).

This survey is computed by plane coordinates based on the true meridian and an assumed position of N 20,000.00', E 20,000.00' for the center of the intersection of Main St. and Court St., which point is marked by an iron pipe set in the pavement. The survey was made with a transit, azimuths being converted into bearings referred to the true meridian. Measurements were made with a steel tape, horizontally and compensated for temperature and pull.

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 14th day of April, 1951.

H. B. 1045

CHAPTER 1160

AN ACT TO AMEND ARTICLE 15 OF CHAPTER 116 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO EDUCATIONAL ADVANTAGES FOR CHILDREN OF WAR VETERANS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 116 of the General Statutes is hereby amended by striking out Article 15 of said Chapter 116, as amended, and inserting in lieu thereof the following:

"Art. 15. Educational advantages for Children of World War Veterans.

"Sec. 116-149. Definitions. (a) As used in this Article, "veteran" means a person who served as a member of the Armed Forces of the United States at any time between April 6, 1917, the date of the declaration of war with respect to the war known as World War I, and July 2, 1921, or between December 7, 1941, the date of the declaration of war with respect to the war known as World War II, and December 31, 1946, and who was separated from the Armed Forces under conditions other than dishonorable.

(b) As used in this Article, "eligible child" means—

(1) A child of a veteran who was a legal resident of North Carolina at the time of said veteran's entrance into the Armed Forces, or

(2) A veteran's child who was born in North Carolina and has lived in North Carolina continuously since birth.

"Sec. 116.150. Scholarship. A scholarship granted pursuant to this Article shall consist of free tuition, room and a reasonable board allowance in any state educational institution and such other items and insti-
tutional services as are embraced within the so-called institutional matriculation fees and other special fees and charges required to be paid as a condition to remaining in said institution and pursuing the course of study selected.

"Every applicant for benefits pursuant to this Section shall furnish a statement from the United States Veterans Administration stating such facts as the Administration records disclose showing that the applicant comes within the provisions of this Article.

"A scholarship granted pursuant to this Article shall not extend for a longer period than four academic years with respect to any one child, which years, however, need not be consecutive.

"Sec. 116-151. Classes of eligible children entitled to scholarships. An eligible child shall be entitled to and granted a scholarship as provided by this Article if such child falls within the provisions of any one of the three classes described below, subject to any limitations set out therein:

(1) Class I: Any eligible child whose father was killed in action or died from wounds or other causes while a member of the Armed Forces during either period of military service described in Section 116-149, or whose father has died as a direct result of injuries, wounds, or other illness contracted during said period of service.

(2) Class II: Any eligible child whose father is or was a veteran who, at the time the benefits pursuant to this Article are sought to be availed of, is suffering from, or who at the time of his death, was suffering from, a service-connected disability of thirty per cent (30%) or more as rated by the United States Veterans Administration; provided, that benefits pursuant to Section 116-150 for this class of eligible children shall be limited to not more than ten eligible children in any one school year; and provided further, that if more than ten such eligible children apply for such benefits in any one school year the North Carolina veterans commission shall designate the ten children who shall receive such benefits. A statutory award for tuberculosis pulmonary arrested shall be considered as meeting the criteria of disability as set forth with respect to this class.

(3) Class III: Any eligible child whose father is or was a veteran who, at the time the benefits pursuant to this Article are sought to be availed of, is suffering from, or who at the time of his death was suffering from, one hundred per cent (100%) disability, as rated by the United States Veterans Administration, and drawing compensation thereof whether service-connected or otherwise; provided, that benefits pursuant to Section 116-150 for this class of eligible children shall be limited to not more than fifteen children in any one school year, and; provided further, that if more than fifteen children of this class apply for such benefits in any one school year, the North Carolina Veterans Commission shall designate the fifteen children who shall receive such benefits.

"Sec. 116-152. Institution reimbursed for free room rent and board. Any state educational institution furnishing free room rent and board allowance pursuant to this Article shall be reimbursed therefor from the State Contingency and Emergency Fund at such rate as the Director of the Budget may determine to be reasonable."
Sec. 2. This Act shall not have the effect of revoking or otherwise affecting any scholarship of tuition and fees or award of free room and board heretofore made pursuant to any law in force at the time such scholarship or award was granted, and such scholarships and awards shall continue in full force for the period for which granted.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective September 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1047  CHAPTER 1161

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES RELATING TO MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-125 (b) as it appears in the 1943 General Statutes is amended by adding after the word "calls" in line 3 the following words "and vehicles driven by Inspectors in the employ of the North Carolina Utilities Commission."

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 14th day of April, 1951.

H. B. 1048  CHAPTER 1162

AN ACT RELATING TO THE METHOD OF COLLECTING THE EXCISE TAX ON UNFORTIFIED AND FORTIFIED WINES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (r) of Section 18-81 of the General Statutes is hereby amended by striking out the second, third, fourth and fifth paragraphs of said subsection (1949 Cumulative Supplement) and by inserting in lieu thereof the following:

"Unless the Commissioner of Revenue shall by regulation prescribe a method other than the use of tax stamps, the payment of the tax levied in this subsection shall be evidence by the affixing to the bottles or containers wherein such beverages are offered for sale North Carolina wine taxpaid stamps, which shall be of such design and of such denomination as shall be prescribed by the Commissioner of Revenue; provided, however, that no stamp evidencing the payment of unfortified wine tax shall be of a smaller denomination than six cents (6c). The Commissioner of Revenue shall make arrangements with some manufacturer to manufacture and release wine taxpaid stamps provided for in this Section, and said stamps shall be sold at a discount of two per cent (2%) as sole com-
compensation for North Carolina wine taxpaid stamp losses sustained in the
process of production of wines, and no compensation or refund shall be
made for taxpaid wines given as free goods or advertising or for losses
sustained by spoilage and breakage incident to the sale and distribution
of wines. The provisions of subsections (c) through (n), inclusive, of this
Section shall be applicable with respect to the requirement of affixing
wine taxpaid stamps to bottles or containers wherein wine is sold, and
the words "taxpaid crowns and lids" or similar words used in such sub-
sections shall be taken to include wine taxpaid stamps. The Commissioner
of Revenue shall have authority to promulgate rules and regulations re-
tative to the time and manner of affixing wine taxpaid stamps and such
other rules and regulations as may be deemed expedient and proper to
carry out and enforce the provisions of this Section, and he may require
bottlers, jobbers, wholesalers and retailers to render such reports in such
form and at such times as in his discretion may be deemed necessary in
the proper administration of this Section. Any person, firm or corporation
violating any of the provisions of this Section or any of the rules and
regulations issued hereunder shall be guilty of a misdemeanor and shall
be punished by fine or imprisonment or by both fine and imprisonment,
in the discretion of the court.

"The Commissioner of Revenue is hereby authorized and empowered
to provide by regulation for the collection of the taxes levied in this sub-
section by a method other than the use of tax stamps when it appears to
the commissioner that said tax may be more conveniently and efficiently
collected in some way other than by the use of tax stamps as provided
herein."

Sec. 2. Section 18-85 of the General Statutes is hereby rewritten to
read as follows:

"Section 18-85. Tax on Spirituous Liquors; Sale of Fortified Wines in
A. B. C. Stores. In lieu of taxes levied in Schedule E of the Revenue Act
on the sale of spirituous liquors, there is hereby levied a tax of eight and
one-half per cent (8½%) on the retail price of spirituous distilled liquors
of every kind that is sold in this State, including liquors sold in county
or municipal liquor stores. Provided, however, that in no event shall the
amount paid under this Section by county or municipal liquor stores exceed
one-half of the net profits from liquors sold through such stores in any
county or municipality. The taxes levied in this Section shall be payable
monthly, at the same time and in the same manner as taxes levied in
Schedule E of the Revenue Act, and the liability for such tax shall be
subject to all the rules, regulations and penalties provided in Schedule E
and in other Sections of the Revenue Act for the payment or collection
of taxes.

"Spirituous liquors as referred to in this Section shall be deemed to
include any alcoholic beverages containing an alcoholic content of more
than twenty-four per cent (24%) by volume.

"Fortified wines may be sold in county or municipal alcoholic beverage
control stores duly established under the authority of Article 3 of this
Chapter or of any other applicable law."
Sec. 3. Chapter 18 of the General Statutes is hereby amended by inserting therein a new Section, to be designated as Section 18-85.1, which Section shall read as follows:

"Section 18-85.1. Tax on Fortified Wines. In addition to other taxes levied in this Article, there is hereby levied a tax upon the sale of fortified wines as defined in Sections 18-96 and 18-99 of forty cents (40c) per gallon. Unless the Commissioner of Revenue shall by regulation prescribe a method other than the use of tax stamps, the payment of such tax is to be evidenced by the affixing to the bottles or containers wherein such wine is sold of North Carolina wine taxpaid stamps, which stamps shall be of such design and shall be issued in such denominations as may be prescribed by the Commissioner of Revenue; provided, however, that no stamp shall be issued of a lesser denomination than four cents (4c). All of the provisions of subsection (r) of Section 18-81 relative to the tax on unfortified wines shall be applicable to the tax levied in this Section. Any person, firm or corporation violating any of the provisions of this Section or any of the rules and regulations promulgated by the Commissioner of Revenue relative to the administration of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine or imprisonment or by both fine and imprisonment, in the discretion of the court.

"The Commissioner of Revenue is hereby authorized and empowered to provide by regulation for the collection of the taxes levied in this Section by a method other than the use of tax stamps when it appears to the commissioner that said tax may be more conveniently and efficiently collected in some way other than by the use of tax stamps as provided herein."

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed, except that with respect to acts or transactions occurring before the effective date of this Act, such laws and clauses of laws shall remain in effect.

Sec. 5. This Act shall be in full force and effect from and after October 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1053

CHAPTER 1163

AN ACT TO AMEND CHAPTER 115, SECTION 368 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PERMIT THE TREASURER OF LOCAL SCHOOL ADMINISTRATIVE UNITS TO SIGN WARRANTS DRAWN ON THE STATE TREASURER IN LIEU OF THE SECRETARY OF LOCAL BOARDS AND TO PERMIT THE USE OF FACSIMILE SIGNATURES OF SUCH WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-368 is hereby amended by adding an additional unnumbered paragraph after the end of subsection 2 thereof to read as follows:

"The signatures of the Chairman and Secretary of the County Board of Education and the Board of Trustees of any City Administrative Unit
required by subsections 1 and 2 hereof may be affixed to such warrants by a signature machine. When such machine is used on warrants drawn on the State Treasurer, the same may be used only in accordance with such rules and regulations as may be prescribed by the State Board of Education with the approval of the State Treasurer. The use of such signature machine shall not be employed in any County or City Administrative Unit until the governing board thereof has adopted a resolution authorizing the use of same and accepting the full responsibility for any unauthorized or improper use of such machine. In all cases, the Secretary to the County Board of Education and the surety on his bond, or the Secretary to the City Administrative Unit and the surety on his bond, making use of such signature machine, shall be liable for any illegal, improper or unauthorized use of such machine."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1057

CHAPTER 1164

AN ACT TO PROMOTE TOURIST TRADE IN THE SMOKY MOUNTAIN AREA OF WESTERN NORTH CAROLINA, TO PERPETUATE CHEROKEE INDIAN AND PIONEER HISTORY, TRADITIONS AND FOLKLORE, TO PROMOTE THE DEVELOPMENT OF THE SMOKY MOUNTAIN AREA, AND TO APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS ($25,000.00) IN AID OF SUCH OBJECTIVES.

WHEREAS, the Smoky Mountain area of Western North Carolina affords scenic attractions unsurpassed in the Eastern part of the United States and within easy access to a large segment of the population of the United States; and

WHEREAS, the area is rich in dramatic and historical Cherokee Indian and pioneer incidents and data, from the time of De Soto's visit to the present, which should be perpetuated and preserved through continuous and organized effort; and

WHEREAS, the Cherokee Historical Association, Incorporated, produced and presented a historic drama of the Cherokee Indians entitled: "Unto These Hills," during July and August, 1950; and

WHEREAS, 107,000 paid admissions were received to see said drama, and the Cherokee Historical Association, Incorporated, is desirous of building a replica of an ancient Cherokee village near the site of Mountain Side Theatre at Cherokee, which village would be open to the public for six or eight months each year and would be an added attraction for the hundreds of thousands of tourists who annually visit Smoky Mountain National Park: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. In order to promote the objective of the Cherokee Historical Association, Incorporated, as set forth in the preamble, and to aid in the
tourist trade in the Western Counties of the State, and in advertising the commercial, industrial and resort advantages of that area, there is hereby appropriated to the Cherokee Historical Association, Incorporated, the sum of twenty-five thousand dollars ($25,000.00) out of any unexpended balances, current surplus or any other type of surplus of the General Fund, to be used by the trustees of the Cherokee Historical Association, Incorporated, in building, developing and establishing a replica of an ancient Cherokee Indian Village near the site of the present Mountain Side Theatre at Cherokee, North Carolina.

Sec. 2. The trustees of the Cherokee Historical Association, Incorporated, by the acceptance of this grant-in-aid or contribution by the State of North Carolina, do hereby agree and will repay to the General Fund of the State from any future profits that may be derived or accumulated from admission charges to said reproduction or replica of this ancient Cherokee Indian Village a sum sufficient to liquidate and discharge the appropriation of said twenty-five thousand dollars ($25,000.00) herein made.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1069

CHAPTER 1165

AN ACT TO AMEND SECTION 20-161, CHAPTER 20 OF THE GENERAL STATUTES RELATING TO THE STOPPING OF TRAILERS OR SEMI-TRAILERS ON THE HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Section 20-161 of Chapter 20 of the General Statutes of North Carolina is amended by changing the word "or" in line 6 from the end of said subsection to the word "and".

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 May 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1078

CHAPTER 1166

AN ACT TO REDONATE AND CONVEY ONE ACRE OF STATE OWNED LAND TO SHAW UNIVERSITY FOR EDUCATIONAL PURPOSES.

WHEREAS, by Chapter 149 of the Public Laws of 1881, one acre of State-owned ground on South Wilmington Street in the City of Raleigh, being the southeast corner of the lot on which the old Governor's mansion was located, was donated to the trustees of Shaw University, to be by
them held in trust for the purpose of establishing a medical college for colored students, with the proviso that if the property should cease to be used for the purpose of a colored medical college the title to the land should be vested again in the State of North Carolina; and

WHEREAS, a medical college for colored students, being the Leonard Medical School of Shaw University, was established in 1884 and located on the property donated to the trustees of Shaw University; and

WHEREAS, the Leonard Medical School of Shaw University was maintained until 1910, when the foundation which provided funds to help operate and keep up the medical school withdrew its support; and

WHEREAS, this property is now used by the trustees of Shaw University for Religious Education, Science, and Liberal Arts; Now, therefore, The General Assembly of North Carolina do enact:

Section 1. That certain tract of land heretofore donated to the trustees of Shaw University under the provisions of Chapter 149 of the Public Laws of North Carolina, Session 1881, and more particularly described therein, is hereby rededicated, granted and conveyed in fee simple to the trustees of Shaw University.

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 upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1085 CHAPTER 1167

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A BOARD OF TRUSTEES FOR WESTERN CAROLINA TEACHERS COLLEGE AMENDING G. S. 116-46.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-46 is hereby amended by striking out that part of said Section reading as follows:

"The Board of Trustees of the Western Carolina Teachers' College shall consist of nine persons to be appointed by the Governor, and shall hold office for four years from and after their appointment. Within thirty days from March 10, 1925, the Governor shall appoint five members of the board. Within six months from March 10, 1925, the Governor shall appoint four others members of the board. At the time of making the appointments as herein provided for the Governor shall designate which members of the present board are to be succeeded by his appointees. Any vacancies occurring in the board shall be filled by the Governor."

Said Section is further amended by substituting the following for the part stricken out above:

"From and after the first Monday in May, 1953, the Board of Trustees of Western Carolina Teachers College shall consist of twelve persons to be appointed by the Governor, three of whom shall be appointed for a term of two years, three for a term of four years, three for a term of six years and three for a term of eight years, the terms of all said trustees to begin
on the first Monday in May, 1953, upon the expiration of the terms of the present board of trustees who shall continue to serve until that time. Thereafter, the successors to the members of the board of trustees shall be appointed by the Governor at the expiration of each term for terms of eight years. All of said trustees shall serve until their successors are duly appointed and qualified. Any vacancies occurring in the board shall be filled by the Governor for the unexpired term of the member who causes such vacancy."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1086

CHAPTER 1168


WHEREAS, by Chapter 1097 of the Session Laws of 1947 there was appropriated to the North Carolina State Art Society, a corporation under the patronage and control of the State, the sum of one million dollars ($1,000,000.00) which was to be made available for expenditure for the purchase of works of art when a like amount had been secured by the North Carolina State Art Society through gifts to be added to said sum all of which, according to said Act, was to be used for the purchase of works of Art as provided in said law; and

WHEREAS, the Samuel H. Kress Foundation, by letter dated January 24, 1951, addressed to Robert Lee Humber of Greenville, North Carolina, made the following proposal:

"In view of what you have stated about the progress made up to this time, with respect to the establishment of the North Carolina State Museum of Art at Raleigh, North Carolina, Messrs. Spencer, Emerson and myself are prepared to recommend to the board of trustees of the Samuel H. Kress Foundation the inclusion of Raleigh, North Carolina in our program for the establishment of galleries throughout the United States to receive a Samuel H. Kress Collection of Paintings, consisting of outstanding Italian Renaissance Art and other similar paintings of a value of at least one million dollars. It is only fair to say that any paintings we may contribute will be conditioned upon our usual method of entrusting the paintings for the benefit of the public under the terms of an indenture to be agreed upon. We will insist upon adequate building provisions for the accommodation, care and exhibition of any works of art which we may contribute, and the making of adequate arrangements for their safekeeping."
"Our procedure in such matters is to study the requirements of the community in respect to the character of the paintings to be selected to satisfy the needs of the local museum as well as the art programs of both the public school and the community.

"Since you must act immediately, as explained in our conference, to match the funds for the purchase of art, which were set aside in 1947 by the General Assembly of North Carolina, this is your authority to assure the Governor, the Legislature and others that the Samuel H. Kress Foundation intends to cooperate with you in accomplishing an adequate and practical working objective.

"We assure you of our complete cooperation in the accomplishment of your program, and in your efforts to enlist the financial support of the people of North Carolina, its outstanding citizens and families from whom most of your aid must be obtained so that they will take a deep, personal, active interest in the proper organization and administration of the State Museum of Art of North Carolina to make it an inspiration and center of art education.

"We are particularly interested in the development of a deeper spiritual character on the part of our coming generations, which is the sole objective of accomplishment from the time, effort and work that I am personally applying to art."; and

WHEREAS, on February 14, 1951, Robert Lee Humber, as Chairman of the Executive Committee of the North Carolina State Art Society, addressed a letter to Mr. R. H. Kress of the Samuel H. Kress Foundation, which read as follows:

"It is with the deepest appreciation that I acknowledge the receipt of your letter of January 24, 1951, announcing the intentions of the Samuel H. Kress Foundation to give the North Carolina State Art Society a collection of outstanding Renaissance paintings of a value of at least a million dollars.

"I want to assure you that the knowledge of your gift has already brought expressions of warm approval and gratitude from citizens throughout the State, including the Governor and other high officials of the Commonwealth. I convey to you their gratitude and eager desire to receive the collection at the earliest possible date.

"It is understood, moreover, that this gift will be governed by an indenture to be executed between the Samuel H. Kress Foundation and the North Carolina State Art Society, stipulating that the State of North Carolina will provide a building to house the State Art Gallery, that shall be fireproof in construction, adequately appointed to exhibit the pictures and equipped to assure the collection proper care. It is also understood that this collection will be kept intact as a memorial to Mr. Samuel H. Kress, and that it will be maintained by North Carolina permanently for the benefit of the public.

"If these conditions constitute the major provisions of the contemplated indenture, I would appreciate your confirming this understanding.

"In the near future I hope that I will be able to inform you that the Legislature has taken official action to accept this generous gift on your
part and to release for the purchase of art the million dollars that was
set aside for this purpose by the General Assembly of 1947."; and

WHEREAS, on February 14, 1951, the Samuel H. Kress Foundation, in
a letter signed by the controlling director thereof, R. H. Kress, wrote to
Robert Lee Humber as follows:

"Mr. Robert Lee Humber

Greenville

North Carolina

Dear Mr. Humber:

Referring to your letter of February 14, 1951:—

Our Foundation assumes the responsibility of keeping in touch with the
paintings and objects of art which will be in the Samuel H. Kress Col-
llections throughout the United States, as to our force supervising or
doing whatever restoration is necessary to the paintings or the frames
which may not have been caused by careless handling or other damage
beyond our control resulting in their destruction; in that case, it would
not to be our responsibility to replace same.

It is also understood, as part of the indenture entered into by the
Samuel H. Kress Foundation, that the paintings are not to be loaned with-
out the written permission of the Trustees of the Kress Foundation.

We will naturally continue our cooperation with the North Carolina
State Art Society as part of our national work in improving the organi-
zation and administration not only of those galleries with which my
Brother’s name might be directly associated, but also in connection with
the educational work which we are doing as a national project.

You can consider our offer, in our letter of January 24, 1951, as legally
binding on our Foundation bona fide and definite just the same as the
conditions which will enter into the signing of the indenture that will
apply to all of those galleries with which we are directly associated as
part of the Samuel H. Kress Collection.

Yours truly,

SAMUEL H. KRESS FOUNDATION

/s/ R. H. Kress."

WHEREAS, the donation of works of art offered by the Samuel H.
Kress Foundation and the other offers contained in said correspondence
fully comply in substance and effect with the conditions attached to the
appropriation made to the North Carolina State Art Society by Chapter
1097 of the Session Laws of 1947; and

WHEREAS, the offer of the Samuel H. Kress Foundation to include
the North Carolina State Museum of Art at Raleigh, North Carolina, to
be conducted by the North Carolina State Art Society in their program
for the establishment of Galleries throughout the United States to receive
the Samuel H. Kress Foundation Collection of Paintings to include the
outstanding Italian Renaissance Art and other similar paintings, together
with the appropriation heretofore made by the General Assembly of North
Carolina, makes certain the establishment of a State Museum of Art in
North Carolina which will be an inspiration and center of Art Education
for the development of the deeper spiritual character for coming gener-

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WHEREAS, it is highly desirable for the benefit of all the people of the State of North Carolina that the gift of the Samuel H. Kress Foundation should be accepted to be housed in a structure in the City of Raleigh, as referred to in the correspondence, when such structure may be available at some time in the future when world conditions shall become more normal and the financial condition of the State would be considered as justifying such expenditure: Now, therefore, The General Assembly of North Carolina do enact:

Section 1. The North Carolina State Art Society, a corporation under the patronage and control of the State of North Carolina, is hereby authorized and empowered to accept the offer of the Samuel H. Kress Foundation as set forth in the correspondence in the preamble to this Act, which said offer of the Samuel H. Kress Foundation shall be considered as in full compliance with the condition attached to the appropriation made by Chapter 1097 of the Session Laws of 1947 to the North Carolina State Art Society and the said appropriation shall become available for expenditure by the North Carolina State Art Society in the manner provided by said Act when the Attorney General shall certify to the State Treasurer and Director of the Budget that a valid and binding obligation has been properly executed by the Samuel H. Kress Foundation carrying out the proposal set forth in the preamble of this Act in the form approved by the Board of Directors of the North Carolina State Art Society and also approved by the Governor and Council of State as to the substance and contents thereof.

G. S. 140-5.6 is hereby amended by adding at the end of said Section the following:

"Before any purchases of works of art shall be made by the 'State Art Commission', such purchases shall be approved by the Board of Directors of the Executive Committee of the North Carolina State Art Society and appraised by the Director or Chief Curator of the National Gallery of Art of Washington, D. C., as to the value, fitness, desirability and other features which should be considered in connection with such purchases. Dominant emphasis shall be placed upon the acquisition of masterpieces of the American, British, French, Spanish, Flemish and Dutch Schools. No expenses shall be incurred in travel for the purpose of inspecting works of art until approved in advance by the Governor and Council of State."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1088  CHAPTER 1169
AN ACT TO AUTHORIZE THE EXTENSION OF THE BOUNDARIES OF A CITY ADMINISTRATIVE UNIT AND THE LEVY OF SUPPLEMENTARY TAXES THEREIN WHEN AUTHORIZED BY A VOTE OF THE PEOPLE IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Upon a written petition of a majority of the governing board of any city administrative unit in Orange County which has voted a supplementary tax, the county board of education, after approving the petition, shall present the same to the board of county commissioners of said county and ask for an election on the question of the enlargement of the boundary lines of any such district so as to include any contiguous territory, and an election in such district including such new territory may be ordered and held under rules governing elections as set forth in Articles 22, 23 and 24 of Chapter 115 of the General Statutes. In such election, the persons voting therein shall determine whether or not such additional territory shall be included in such administrative unit and whether or not special taxes shall be levied therein to operate schools therein of a higher standard than that provided by State support not exceeding a rate which shall be specified in the order for the holding of such election.

Sec. 2. That in the event such election is called and held and taxes therein voted on are approved by a majority of the qualified voters voting in such election, any existing authority for supplementary taxes in such existing city administrative unit shall terminate upon the effective date for the levy of the taxes authorized by vote in such election in lieu of the taxes then being levied in such district.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1089  CHAPTER 1170
AN ACT TO AMEND G. S. 46-7.1 RELATING TO COMPENSATION OF COMMISSIONERS FOR PARTITION OF LANDS.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 46-7.1 is hereby amended by striking out the period at the end and inserting in lieu thereof a colon, and adding the following:

"Provided, however, the compensation for commissioners for the partition or division of lands in Harnett County shall be not less than ten dollars ($10.00) per day for each commissioner."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

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H. B. 1091  CHAPTER 1171

AN ACT RELATING TO COURT COSTS IN THE MAYOR'S COURT OF THE TOWN OF ENFIELD IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In all criminal cases wherein the defendant is imprisoned in the City Jail of the Town of Enfield, there shall be taxed the additional sum of one dollar ($1.00) as part of the costs in every case in which the defendant or prosecuting witness or prosecutor is ordered to pay the costs, which said one dollar ($1.00), to be known as the jail fee, shall be paid into the General Fund of the Town of Enfield, and shall be used to assist in defraying the expense of operating the city jail.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1092  CHAPTER 1172

AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES RELATING TO THE PROMOTION OF THE USE AND SALE OF AGRICULTURAL PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-550, as the same appears in the 1949 cumulative supplement, is amended by inserting in line nine between the word "with" and the word "handlers" the word and punctuation "growers."

Said Section is further amended by inserting between the word "increased" and the word "use" in line 11, the word and punctuation "production."

Sec. 2. G. S. 106-553, as the same appears in the 1949 cumulative supplement, is amended by adding at the end thereof, the following: "such assessments may also be used for the purpose of financing or contributing toward the financing of a program of production, use and sale of any and all such agricultural commodities."

Sec. 3. G. S. 106-564, as the same appears in the 1949 cumulative supplement, is amended by adding at the end thereof the following: "such assessments may also be used for the purpose of financing or contributing toward the financing of a program of production, use and sale of any and all such agricultural commodities."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.
CHAPTER 1173

AN ACT RELATING TO THE COMPENSATION OF COUNTY COMMISSIONERS AND RELATING TO THE JAILER’S IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Each member of the Board of County Commissioners of Yadkin County shall be paid ten dollars ($10.00) for each meeting of said board attended, not to exceed three meetings per month, in addition to such travel allowance as may be authorized by law.

Sec. 2. House Bill No. 349 entitled “An Act Relating to the Allowance for Clerical Assistance, fees and Mileage Allowances of Certain Officials of Yadkin County”, ratified March 20, 1951, is hereby amended by rewriting Section 3 thereof to read as follows:

“Sec. 3. G. S. 153-180 is hereby amended by adding a new paragraph at the end thereof to read as follows:

“In Yadkin County the board of county commissioners is authorized to fix such jailer’s fees at any sum it may see fit, not to exceed one dollar and a half ($1.50) per day for each prisoner.”

Sec. 4. This Act applies only to Yadkin County.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

CHAPTER 1174

AN ACT TO AMEND G. S. 153-10, RELATING TO THE AUTHORITY OF COUNTY COMMISSIONERS TO INTERDICT CERTAIN SHOWS.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of G. S. 153-10 is hereby amended by inserting between the word “Washington” and the word “Wilson” the word “Wilkes”.

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 14th day of April, 1951.
CHAPTER 1175

AN ACT TO AMEND THE LAWS RELATING TO THE POLICE PENSION FUND OF THE CITY OF WILMINGTON AS HEREAFTER SET FORTH.

The General Assembly of North Carolina do enact:

Section 1. That the Police Pension Fund of Wilmington, North Carolina, as created by Chapter 55 of the Private Laws of 1915 and laws amendatory thereof, shall be operated by a board of trustees as hereinafter set forth, and said board when appointed as herein provided shall have and be vested with all of the powers and duties as trustees as hereinafter provided by the Acts aforesaid. Said board of trustees shall consist of four members, one member shall be appointed by the Council of the City of Wilmington, one member shall be appointed by the Wilmington Police Department, and the third member of said board shall be selected and appointed by the first two members appointed as aforesaid, and the City Clerk of the City of Wilmington is hereby designated as a member of the said board of trustees without voting power. The first three members of said board to be appointed and selected as aforesaid shall serve without compensation, and the said three members of said board shall serve for a term of four years beginning on the first day of May, 1951, and until their successors are selected and appointed, and the city clerk appointed as aforesaid shall serve as clerk and treasurer of said pension fund and shall receive such compensation for services rendered as may be determined and fixed by the said board of trustees.

Sec. 2. That the last paragraph of Section 1, of Chapter 684, of the Session Laws of 1945, beginning with the word "a" to and including the word "policewoman" is hereby repealed, and said paragraph shall hereafter be and read as follows:

"Any police officer of the City of Wilmington who has served twenty-five (25) years in and as a member of the Wilmington Police Department or who has attained the age of fifty-five (55) years may retire upon his own request in writing given to the trustees of said pension fund, and upon such written application he shall be retired and his name placed upon the pension roll. The words 'police Officer' shall be deemed to include 'policewoman' ".

Sec. 3. That the subsection designated as (7) in Section 1, of Chapter 1254, of the Session Laws of 1949, beginning with the word "that" and ending with the word "Wilmington" is hereby repealed and said subsection designated as (7) shall hereafter be and read as follows:

"(7) That in all criminal actions arising within the limits of the City of Wilmington, North Carolina, brought into Superior Court, the Recorder's Court, or in Magistrate's Courts, in said city, wherein the defendant or defendants enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or a jury, and are required to and do pay the costs, there shall be taxed in the bill of cost a fee of two dollars ($2.00) for the Police Pension Fund of the City of Wilmington and the same shall be collected as all other costs in criminal cases are collected by the clerk, recorder, magistrate, or other officer of the courts authorized to receive
and collect costs, and such funds so received shall be accounted for and turned over monthly to the Treasurer of the Police Pension Fund of the City of Wilmington.”

Sec. 4. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1103  

CHAPTER 1176  

AN ACT AMENDING GENERAL STATUTES 103-5 RELATING TO SUNDAYS AND HOLIDAYS.  

The General Assembly of North Carolina do enact:  

Section 1. That General Statutes, Section 103-5 be and it is hereby amended by deleting the period at the end of said Section and adding the following: “and where the courthouse in any county is closed on Saturday or any other day by order of the board of county commissioners of said county and the day or the last day required for filing an advance bid or the filing of any pleading or written instrument of any kind with any officer having an office in the courthouse, or the performance of any act required or permitted to be done in said courthouse falls on Saturday or other day during which said courthouse is closed as aforesaid, then said Saturday or other day during which said courthouse is closed as aforesaid shall be deemed a holiday; and said advance bid, pleading or other written instrument may be filed, and any act required or permitted to be done in the courthouse may be done on the next day during which the courthouse is open for business.

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 its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1105  

CHAPTER 1177  

AN ACT TO GIVE SPECIAL AUTHORITY TO THE BOARD OF COMMISSIONERS OF PENDER COUNTY TO ANNUALLY LEVY TAXES FOR THE SPECIAL PURPOSE OF MAINTAINING A RURAL POLICE FORCE AND PROVIDING AND MAINTAINING SPECIAL EQUIPMENT FOR LAW ENFORCEMENT AND IN ADDITION TO TAXES ALLOWED BY THE CONSTITUTION.  

The General Assembly of North Carolina do enact:  

Section 1. The Board of County Commissioners of Pender County is authorized and empowered to employ rural policemen in such number as it may deem appropriate for Pender County, to prescribe their qualifications
and duties, to establish headquarters for such policemen, and to fix their salaries. Such policemen shall have the power, authority, and duty to execute all process and notices of whatever nature directed to them by any authority competent to issue such process or notices and shall have the same authority to make arrests and execute criminal process as is by law vested in the sheriff.

Sec. 2. The expenses of the maintenance and operation of the rural policemen herein provided for shall be paid from the General Fund of Pender County. Such policemen shall serve at the will of the Board of County Commissioners of Pender County and shall be under its direct supervision and control.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1108

CHAPTER 1178

AN ACT TO PROHIBIT THE OPERATION OF ANY MOVING PICTURE SHOW OR THEATRE IN CURRITUCK COUNTY DURING CERTAIN HOURS ON SUNDAY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to operate a moving picture show or theatre where movies are publicly shown for compensation, either indoors or outdoors, at any place in Currituck County, outside of the corporate limits of a city or town in said county, on Sunday, except between the hours of 12:30 P.M. and 6:00 P.M., or between the hours of 8:30 P.M. and midnight. Violation of this Act is punishable by a fine of twenty-five dollars ($25.00) or imprisonment in the discretion of the court.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1118

CHAPTER 1179

AN ACT TO PROVIDE AN APPROPRIATION FOR THE ADMINISTRATION OF THE STATE STREAM SANITATION COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina or from any unexpended balances, current surplus or any type of surplus that may exist in said general fund the sum of forty-nine thousand eight hundred eighty dollars ($49,880.00) for the fiscal year 1951-52, and forty-six thousand five hundred eighty dollars ($46,580.00) for the fiscal year 1952-53. The said appropriation is hereby made
to the North Carolina State Board of Health and shall be used to pay the administrative, travel, office, personnel and any and all other expenses necessary to perform the duties and administer the functions provided, authorized and invested in the State Stream Sanitation Commission.

Sec. 2. The object of appropriation heretofore made to the Department of Conservation and Development for the Water Resources Division of said department, being in the amount of twenty-five thousand three hundred fifty-four dollars ($25,354.00) for each fiscal year of the biennium beginning July 1st, 1951, and totalling the sum of fifty thousand seven hundred eight dollars ($50,708.00) for the complete biennium to be made available and to be used by the State Stream Sanitation and Conservation Committee, is hereby appropriated and reappropriated to the North Carolina State Board of Health for the use of the State Stream Sanitation Commission in said sum and amount of fifty thousand seven hundred eight dollars ($50,708.00), the same to be used by the said State Stream Sanitation Commission for the payment of the administrative and other expenses as provided in Section 1 of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1123

CHAPTER 1180

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN DURHAM COUNTY IN THE TENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Durham County in the Tenth Judicial District is rewritten to read as follows:

"Durham—Eighth Monday before the first Monday in March, for one week, for the trial of criminal cases only; seventh Monday before the first Monday in March, to continue for three weeks, the first two weeks to be for the trial of civil cases only, and the third week to be for the trial of civil or criminal cases, or both; third Monday before the first Monday in March, for one week, for the trial of criminal cases; second Monday before the first Monday in March, for one week, for the trial of criminal cases only; first Monday before the first Monday in March, to continue for four weeks, the first three weeks to be for the trial of civil cases only, and the fourth week to be for the trial of civil or criminal cases or both; third Monday after the first Monday in March, to continue for two weeks, for the trial of criminal cases only; fifth Monday after the first Monday in March, to continue for three weeks, the first two weeks to be for the trial of civil cases only, and the third week to be for the trial of civil or criminal cases, or both; eighth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; tenth Monday after the first
Monday in March, for one week, for the trial of criminal cases; eleventh Monday after the first Monday in March, for one week, for the trial of criminal cases only; twelfth Monday after the first Monday in March, to continue for three weeks, the first two weeks to be for the trial of civil cases only, and the third week to be for the trial of civil or criminal cases or both; fifteenth Monday after the first Monday in March, for one week, for the trial of criminal cases; sixteenth Monday after the first Monday in March, for one week, for the trial of criminal cases only; seventh Monday before the first Monday in September, for one week, for the trial of criminal cases only; fifth Monday before the first Monday in September, to continue for two weeks, for the trial of civil or criminal cases, or both; first Monday before the first Monday in September, for one week, for the trial of criminal cases; first Monday in September, to continue for two weeks, for the trial of criminal cases only; second Monday after the first Monday in September, to continue for three weeks, the first two weeks to be for the trial of civil cases only, and the third week to be for the trial of civil or criminal cases, or both; fifth Monday after the first Monday in September, for one week, for the trial of criminal cases only; sixth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only; eighth Monday after the first Monday in September, to continue for two weeks, the first week to be for the trial of civil cases only, and the second week to be for the trial of civil or criminal cases or both; twelfth Monday after the first Monday in September, for one week, for the trial of criminal cases; thirteenth Monday after the first Monday in September, for one week, for the trial of criminal cases only; fourteenth Monday after the first Monday in September, for one week, for the trial of criminal cases.

“In case of conflict of any of the regularly established terms of the courts of the Tenth Judicial District with the terms above set out, the said terms of court here established shall be considered special terms, and the Chief Justice of the Supreme Court shall assign a regular, special or emergency judge to hold each said special term.”

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

Sec. 3. This Act shall become effective May 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1126  CHAPTER 1181

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS TO PROVIDE FOR THE ADJUSTMENT OF SALARIES OF PUBLIC SCHOOL TEACHERS, PRINCIPALS, SUPERINTENDENTS AND SUPERVISORS IN THE PUBLIC SCHOOLS OF THIS STATE FOR THE FISCAL YEAR 1950-1951.

The General Assembly of North Carolina do enact:

Section 1. Section 20 1/2 of Chapter 1249 of the Session Laws of 1949, as amended by Chapter 1291 of the Session Laws of 1949, insofar as it
relates to or affects the payment of additional salaries to public school teachers, principals, superintendents and supervisors in the public schools of this State for the fiscal year 1950-1951, is repealed.

Sec. 2. A supplemental appropriation out of the General Fund of the State in the sum of eight million one hundred thousand dollars ($8,100,000.00) is hereby made for the purpose of adjusting the salaries of public school teachers, principals, superintendents and supervisors in the public schools of this State for the fiscal year 1950-1951, substantially in accordance with the salary schedules to be established by the State Board of Education for the school year 1951-1952. The additional salaries to such public school teachers, principals, superintendents and supervisors shall be made available to and payable as of the end of the school year 1950-1951.

Sec. 3. The Director of the Budget and the Advisory Budget Commission are hereby authorized to determine the necessary amounts and to allocate the necessary funds to the State Board of Education, upon its application, for the use of the nine months school term and vocational education.

Sec. 4. The additional salaries herein provided for shall not be subject to the provisions of law creating the Teachers' and State Employees' Retirement System.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. 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 April, 1951.

H. B. 1131

CHAPTER 1182

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY FOUR OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, AS AMENDED BY CHAPTER TWO HUNDRED THIRTY-ONE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-NINE, AS AMENDED BY CHAPTER EIGHT HUNDRED FORTY-ONE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED FORTY-SEVEN, RELATING TO THE CIVIL SERVICE COMMISSION OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That Section 3, subsection (a) of Article 14 of Section 3 of the Public-Local and Private Laws of 1937, as amended, be further amended by striking out the following portion in lines five and six thereof, namely, "Two Hundred Fifty Dollars ($250.00) per month", and inserting in lieu thereof the following:

"Three Hundred Fifty Dollars ($350.00) per month."

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 full force and effect from and after July 1st, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1134  

CHAPTER 1183  

AN ACT TO PROVIDE FOR THE EXPENDITURE OF FEDERAL GRANTS MADE TO THE NORTH CAROLINA MEDICAL CARE COMMISSION FOR THE CONSTRUCTION OF A UNIT ON THE CAMPUS OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO BE DEVOTED TO THE TREATMENT OF TUBERCULOSIS AND MANAGED AND OPERATED BY THE BOARD OF THE NORTH CAROLINA SANATORIUM FOR TUBERCULOSIS.

WHEREAS, funds in the amount of five hundred eleven thousand, two hundred fifty dollars ($511,250.00) have heretofore been appropriated by the General Assembly of North Carolina for the building and construction of a unit of the North Carolina Tuberculosis Sanatorium at Chapel Hill, as has been determined under the provisions of the appropriation appearing as Project No. 16 under the head of New Projects of the North Carolina Sanatorium in Chapter 1248 of the Session Laws of 1949; and

WHEREAS, for the purpose of furnishing and making available said unit for the treatment of tuberculosis, it is desirable that Federal funds be used to supplement the State Appropriation heretofore made: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-120, as the same appears in the Cumulative Supplement of 1949, is hereby amended by adding at the end of said Section a new paragraph which shall read as follows:

"Out of funds that may be made available to the North Carolina Medical Care Commission on or after July 1, 1951, by Federal grants in aid or out of funds so made available by virtue of an Act of the Congress of the United States popularly referred to as the Hill-Burton Act or out of funds made available by any other Federal Act, and consistent with and in conformity with said Hill-Burton Act, or any other Federal Act by which said funds may be made available to said commission, the North Carolina Medical Care Commission shall appropriate, pay over to and make available to the North Carolina Sanatorium for the treatment of tuberculosis any sum that may be necessary not exceeding five hundred thousand dollars ($500,000.00) to supplement the appropriation heretofore made by the State of North Carolina for the building, construction, furnishing and equipping of a new unit which shall be used, governed and operated in accordance with plans to be agreed upon by the North Carolina Sanatorium for the Treatment of Tuberculosis and the University of North Carolina to the end that services may be rendered for the diagnosis and treatment of tuberculosis and other respiratory and related diseases.

The North Carolina Medical Care Commission may make available to any eligible hospital, sanatorium, clinic, or other medical facilities for
the treatment of disease operated by the State of North Carolina or under its direction and control, or under the direction and control of any of its agencies or institutions, any unallocated Federal sums or balances remaining after all grants in aid for local approvable projects made by the said commission have been completed, disbursed or encumbered for all objects for which such grants in aid are available and for which said unallocated balances remain."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1139    CHAPTER 1184

AN ACT TO PLACE ASHE COUNTY UNDER THE STATE-WIDE PRIMARY LAWS.

The General Assembly of North Carolina do enact:

Section 1. Article 19 of subchapter II of Chapter 163 of the General Statutes, as amended, relating to primary elections be, and the same is hereby, made applicable to Ashe County, and from and after the effective date of this Act, all political parties in Ashe County shall nominate and select candidates according to the State-wide Primary Laws, as well as any and all other election laws necessary to carry the State-wide Primary Laws into effect for said county.

Sec. 2. This Act shall apply to Ashe County only.

Sec. 3. Chapter 170 of the Public Laws of 1937, in so far as it conflicts with the provisions of this Act, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. 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 April, 1951.

H. B. 1142    CHAPTER 1185

AN ACT TO AMEND HOUSE BILL NO. 463 RATIFIED 27 MARCH 1951 RELATING TO THE TERMS OF SUPERIOR COURT IN ALEXANDER COUNTY IN THE FIFTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of House Bill No. 463, ratified 27 March 1951 is amended by striking out in line 2 of said quoted portion the word "first" and substituting in lieu thereof the word "second".

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 upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1143  CHAPTER 1186
AN ACT TO AMEND SECTION 18-140 OF THE GENERAL STATUTES RELATING TO PERSONNEL OF THE MALT BEVERAGE DIVISION.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) G. S. 18-140, as the same appears in the Cumulative Supplement of 1949, is hereby amended by striking out in the first sentence the words “and who shall be paid such compensation as the board with the approval of the Governor shall fix.”

Sec. 2. Subsection (b) of G. S. 18-140, as the same appears in the Cumulative Supplement of 1949, is hereby amended by striking out the last sentence of said subsection (b).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1147  CHAPTER 1187
AN ACT TO AMEND CHAPTER 110 OF THE GENERAL STATUTES RELATING TO THE HOURS OF LABOR OF CERTAIN MINOR GIRLS EMPLOYED IN MOTION PICTURES THEATRES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 110-2 is amended by striking out the period following the word “day” in the fifth line of the last proviso thereof, inserting a semicolon therefor, and adding the following: “and provided further, that girls between the ages of seventeen and eighteen years may be employed as ticket takers, concession attendants, and cashiers in motion picture theaters up to 10:30 at night under such rules and regulations as the Commissioner of Labor may prescribe.”

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 14th day of April, 1951.

H. B. 1155  CHAPTER 1188
AN ACT RELATING TO THE LEVY OF TAXES IN THE TOWN OF BOILING SPRINGS IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of raising revenue for defraying the expenses incident to the proper government of the municipality, the governing body of the Town of Boiling Springs shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all
taxable property in the municipality at a rate not exceeding one dollar and fifty cents ($1.50) on the one hundred dollar ($100.00) valuation of said property.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1157

CHAPTER 1189

AN ACT TO AMEND S. B. 24, RATIFIED ON MARCH 21, 1951, RELATING TO THE PRACTICE OF PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of S. B. No. 24 is hereby amended by striking out the period at the end and inserting a colon in lieu thereof and adding the following:

"Provided, however, all persons who have been citizens and residents of Durham County for at least 15 years, and who have been engaged in the practice of palmistry, fortune telling or clairvoyance under a privilege license issued by Durham County and the city in which such practice is conducted for as much as five years, shall be exempt from the provisions of this Act."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1158

CHAPTER 1190

AN ACT TO AUTHORIZE THE TOWN OF PINEVILLE, IN MECKLENBURG COUNTY, TO CONSTRUCT, MAINTAIN AND FURNISH TO THE CHIEF OF POLICE AND JAILER A DWELLING HOUSE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Pineville, in Mecklenburg County, is hereby authorized, in its discretion, to construct and furnish to the chief of police and jailer as part of his compensation a dwelling house, the cost of which shall not exceed the amount of nine thousand five hundred dollars ($9,500.00). The payment for such dwelling house may be made from profits derived from the operation of A. B. C. Stores or from any other available nontax funds of the town. Upon completion the board of commissioners may lease such dwelling house to the chief of police and jailer for such term and upon such conditions as in its discretion may seem just and proper, or it may furnish such dwelling house to the chief of police and jailer as a part of his compensation for services.
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In the event the chief of police and jailer, or his successor, shall for any reason cease to occupy such dwelling house, the board of commissioners may sell, lease or otherwise dispose of such dwelling house in the same manner as other municipally owned property.

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 14th day of April, 1951.

H. B. 1160  CHAPTER 1191

AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY, THE COUNTY WELFARE BOARD, AND THE COUNTY BOARD OF EDUCATION OF SAID COUNTY TO PUBLISH SEMI-ANNUALLY FINANCIAL STATEMENTS IN SOME NEWSPAPER IN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Transylvania County, the County Welfare Board and the County Board of Education of said County are hereby required to publish semi-annually in some newspaper of general circulation in Transylvania County a semi-annually financial statement showing the receipts, disbursements and financial condition of each such board. The semi-annually financial statement required to be published in a newspaper as required by this Act shall contain such information as is necessary to show the financial status of each such board, but it shall not be necessary to publish or show in such semi-annually financial statements single or individual items of receipts and disbursements. As to disbursements, the said financial statement shall show the total sum expended under such object of disbursement or expenditure or under each budgetary subject or topic, and as to receipts or revenues, said statement shall show the total of receipts or revenues derived under each general subject or type of receipt, together with the names of the various funds to which said receipts have been allocated, charged or credited. The County Board of Welfare shall not be required to disclose the name of any person to which disbursements have been made, or in cases where it is provided by law or regulation, by either a State or Federal agency, such disclosures are prohibited and secrecy is required. The County Board of Education, however, shall be required to reflect and show in its semi-annually financial statement the amounts disbursed, spent or allocated for each individual school building in each individual school unit. The County Commissioners of Transylvania County shall publish as herein provided the disbursements of each department of its control, including the sheriff’s department, the register of deeds, the Clerk of Superior Court, the county accountant, and the county attorney, and each shall be published as above provided in separate items in addition to the provisions incorporated herein.

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Sec. 2. It shall be unlawful for the board of county commissioners, or any member thereof, or the County Board of Welfare, or any member thereof, or the County Board of Education, or any member thereof, to willfully fail or refuse to compile and publish the semi-annually financial statements herein required. The semi-annually financial statements herein required shall be published by each board in some newspaper as heretofore provided at the end of each calendar quarter and for one issue of said newspaper for one week and within a period of fifteen (15) days from and after the end of each calendar quarter.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1165

CHAPTER 1192

AN ACT TO AMEND CHAPTER 1095 OF THE SESSION LAWS OF 1947 RELATING TO THE JURISDICTION OF THE FRANKLINTON MAYOR'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 162 of the Private Laws of 1929 as amended by Section 1 of Chapter 1095 of the Session Laws of 1947 is hereby amended by striking out the words "one mile" in the third line of subsection 2 and in the third line of subsection 3 of said Section 1 as the same appears on page 1649 of the Session Laws of 1947 and inserting in each place in lieu thereof the words "two miles".

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

Sec. 3. This Act shall become effective May 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1167

CHAPTER 1193

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF DARE COUNTY TO ZONE AREAS IN DARE COUNTY AND TO ESTABLISH A ZONING COMMISSION OR COMMISSIONS THEREIN FOR SAID PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. For the purposes hereinafter set out, the Board of County Commissioners of Dare County is hereby authorized and empowered to zone areas in Dare County. To carry out said purpose, the board of county commissioners is hereby authorized and empowered to appoint a zoning commission to consist of five (5) resident property owners of Dare County, who shall serve without compensation for terms of four years each. Said zoning commission, upon petition of fifteen per cent (15%) of the property owners of any proposed area to be zoned, shall be vested with the powers
and authority as hereinafter provided by the terms of this Act. Said petition shall describe the proposed area to be zoned by metes and bounds.

Sec. 2. The aforesaid zoning commission so authorized shall serve until their successors are duly appointed and qualified by the board of county commissioners. The board of county commissioners shall every four years after the appointment of the original five member zoning commission appoint their successors for the next four years.

Sec. 3. For the purpose of promoting health, safety, morals, or the general welfare of any area to be zoned, the said zoning commission is hereby empowered to regulate and restrict the height, number of stories, and size of dwellings and other structures, the per cent of lot that may be occupied, the size of yards, courts, or other open spaces, the density of population, and the location and use of buildings, structures and land used for trade, industry, residence or other purposes.

Sec. 4. For any or all of said purposes, the zoning commission may divide any or all of the areas to be zoned into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings through each district, but the regulations in one district may differ from those in other districts.

Sec. 5. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of the population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such area.

Sec. 6. The zoning commission shall conduct a public hearing before adopting any plan for any area to be zoned. Prior to the public meeting, the commission shall cause notice of the hearing to be published in a newspaper of general circulation in the area, at least ten days prior to the hearing. At the public hearing all interested parties shall be afforded an opportunity to present their views prior to the adoption of the plan. Upon the adoption by the zoning commission of a plan and regulations with respect to the area involved, the said plan shall thereupon immediately go into effect, except in cases of appeal to the board of county commissioners or to the courts. Notice of appeal shall be given at the time of the adoption of the plan or within ten days thereafter. Notice of any appeal noted after the adjournment of the meeting of the zoning commission at which the plan is adopted shall be given by delivery or by transmittal through the mail to members of the zoning commission and to the Clerk of the Board of Commissioners of Dare County. The
date of the hearing of the appeal before the board of county commissioners shall be determined by the board and notice thereof shall be served upon the parties appealing by United States mail to the address indicated on the notice of appeal. After the zoning plan has been adopted, the board of county commissioners may by resolution, whenever and as often as it may deem it for the public interest and welfare, change or add to the zoning plan. Before making a change or addition, the matter shall be referred to the zoning commission for its recommendation. The zoning commission may, on its own motion, recommend changes or additions to the zoning plan of the areas covered by this Act.

Sec. 7. Upon receipt of, or recommendation of, a proposed change, the zoning commission shall hold a public hearing thereon. Notice of said hearing shall be published in the same manner as that provided in Section 6. At the hearing, all interested parties shall be afforded an opportunity to present their views prior to the final vote upon the proposed change or addition. A majority vote of the zoning commission shall be sufficient to pass any proposed plan or change in the plan adopted. Every decision of such commission shall, however, be subject to review by proceedings in the nature of certiorari.

Sec. 8. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Act or of any regulation or plan made and adopted by the zoning commission or the board of county commissioners, the proper local authorities and the zoning commission and the county commissioners, in addition to any other remedies, may, and they are hereby authorized and empowered to, institute any appropriate action or proceeding to prevent and restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent and restrain the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Such remedies shall also be available to the above named authorities to prohibit, restrain and prevent the violation of any zone regulation or plans made by the zoning commission while an appeal therefrom is pending.

Sec. 9. This Act shall not apply to any incorporated city or town in Dare County, or to any area within the corporate limits of any city or town in Dare County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1168  

CHAPTER 1194

AN ACT TO AUTHORIZE THE WILSON COUNTY BOARD OF EDUCATION TO TRANSFER TITLE TO CERTAIN SCHOOL PROPERTY TO THE BOARD OF TRUSTEES OF ELM CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The Wilson County Board of Education is hereby authorized to transfer title to any and all school property located in Toisnot Township, Wilson County, title to which is now vested in the Wilson County Board of Education, to the Board of Trustees of the Elm City Administrative Unit.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1169  

CHAPTER 1195

AN ACT TO AMEND G. S. 7-70 RELATING TO TERMS OF COURT IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court of Buncombe County in the 19th Judicial District is hereby amended by striking out the word "only" wherever it appears in the first two paragraphs of that portion of said Section, and that portion is further amended by adding at the end of the second paragraph thereof a new sentence to read as follows:

"The foregoing designation of terms of court 'for the trial of civil cases' or 'for the trial of criminal cases' shall serve to indicate the primary function of each such term of court, and cases for hearing or trial at such term shall be calendared and jury lists drawn accordingly: Provided, at all said terms of court both civil and criminal actions may be tried."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1170  

CHAPTER 1196

AN ACT TO AMEND SECTION 20-7 OF THE GENERAL STATUTES RELATING TO THE MOTOR VEHICLE LAWS.

The General Assembly of North Carolina do enact:

Section 1. Amend subsection (f) of Section 20-7 of the General Statutes by adding at the end thereof the following:

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“Any operator may at any time within sixty days prior to the expiration of his license apply for a new license and if the applicant meets the requirements of this Article, the department shall issue a new license to him. A new license issued within sixty days prior to the expiration of an applicant's old license or within twelve months thereafter shall automatically expire four years from the date of the expiration of the applicant’s old license.”

Sec. 2. Amend subsection (g) of Section 20-7 of the General Statutes by striking out the period at the end thereof, inserting a colon in lieu thereof and by adding thereto the following:

“Provided, further, that no chauffeur's license issued hereunder shall expire in less than six months from the date of issuance.”

Sec. 3. Amend subsection (o) of Section 20-7 of the General Statutes by striking out the period at the end of said subsection, inserting a colon in lieu thereof and by adding thereto the following:

“Provided, that no person whose operator’s license has expired shall be convicted of operating a motor vehicle without an operator's license if he produces in court a valid new operator’s license issued to him within thirty days after the expiration of his prior license.”

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1172

CHAPTER 1197

AN ACT TO PERMIT THE COUNTY BOARD OF EDUCATION OF GUILFORD COUNTY TO DISPOSE OF CERTAIN PROPERTY WITHOUT OFFERING THE SAME AT PUBLIC AUCTION.

WHEREAS, the County Board of Education of Guilford County is the owner of a tract of land no longer used for school purposes lying between the Alamance School Teacherage and the property of the Alamance Presbyterian Church, and of the Goshen school property, soon to be abandoned by reason of the removal of the Goshen school to a new building at a different location, and

WHEREAS, it appears that both of the above tracts of property can be disposed of more advantageously at private sale than at public auction: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That authority is hereby given the County Board of Education of Guilford County to sell at private sale the tract of land lying between the Alamance School Teacherage and the Alamance Presbyterian Church property, and to sell at private sale the Goshen School property, and to execute deeds to the same upon payment of the purchase price.

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.
Sec. 3. That this law 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 April, 1951.

H. B. 1173  
CHAPTER 1198

AN ACT FIXING FEES, COMMISSIONS AND COSTS TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF WAKE COUNTY NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Fees and commissions to be charged by the Clerk of Superior Court of Wake County shall be those fixed by this Act; provided, however, that the fee or commission to be charged by the Clerk of Superior Court of Wake County for any service shall be that provided by the General Statutes of North Carolina if no fee or commission for such service is fixed in this Act. The provisions of the General Statutes of the State of North Carolina applicable to collection of fees and commissions by Clerks of Superior Court shall be applicable to the collection by the Clerk of Superior Court of Wake County of the fees and commissions fixed by this Act.

Sec. 2. The Clerk of the Superior Court of Wake County shall charge no fee for the following:

(a) Administering oath of office to any official or employee of the State of North Carolina, of Wake County, or any territorial subdivision thereof, or any municipality within said county who is required by law to take such oath.

(b) Taking official bonds and acknowledgments thereof of any public official of Wake County or any territorial division thereof.

(c) Certificate and seal on any university or college loan fund note.

(d) Certificate and seal for admittance into State Hospital for care of tubercular patients.

Sec. 3. Definition of fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, persons or corporation administering or accountable for, as executor, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a.—d.b.n., collector, guardian, trustee, commissioner, receiver, surviving partner, or otherwise, any fund, property, trust or estate with respect to which the clerk has jurisdiction; and it also includes any person or persons or corporations whose account or accounts the clerk is authorized or directed or required by law or any order of the Superior Court, to audit or approve.

Sec. 4. The term "copy sheet" as used in this Act shall be construed to mean 100 words.

Sec. 5. Acknowledgments, fifty cents (50c).

Sec. 6. Adoption proceeding, total clerk's fees in and for the entire proceeding to be eight dollars ($8.00), plus the fees herein provided for orders and notice in case of service of summons by publication, when used.

Sec. 7. Affidavits, administering oath and making jurat, fifty cents (50c).
Sec. 8. Alien registration, two dollars ($2.00).
Sec. 9. Appeal from clerk to judge two dollars ($2.00).
Sec. 10. Appeal from justice of peace or from any inferior court to the Superior Court, one dollar and fifty cents ($1.50).
Sec. 11. Appointment of fiduciaries:
(a) Executors, application, oath, docketing, indexing and issuing letters testamentary in duplicate, three dollars and fifty cents ($3.50).
(b) Administrators, application, oath, taking bond and justification, docketing, indexing and issuing letters in duplicate, three dollars and fifty cents ($3.50).
(c) Collectors: Application, oath, taking bond and justification, docketing, indexing and issuing letters in duplicate, three dollars and fifty cents ($3.50).
(d) Guardians: Application, oath, docketing, taking bond and justification, indexing and issuing letters in duplicate, three dollars and fifty cents ($3.50).
Sec. 12. Approval of bond, with or without seal, one dollar ($1.00).
Sec. 13. Attachment order, one dollar ($1.00).
Sec. 14. Auditing and recording final account of commissioner or other fiduciary appointed by the judge or clerk to sell real estate, one-fourth of one per cent (1/4 of 1%) on first 1,000 plus one twentieth of one per cent (1/20 of 1%) on the balance, the commission in any case not to exceed twenty-five dollars ($25.00).
Sec. 15. Capias, each defendant, one dollar fifty cents ($1.50).
Sec. 16. Caveat to will, costs computed as in other civil actions.
Sec. 17. Certificate, fifty cents (50c).
Sec. 18. Certificate of dissolution or domestication, recording and indexing, one dollar and fifty cents ($1.50).
Sec. 19. Change of name: Entire proceeding before the clerk and certificate as to change, with seal, eight dollars ($8.00).
Sec. 20. Commission, including but not limited to commission to take deposition, with seal, one dollar and fifty cents ($1.50).
Sec. 21. Competency proceedings:
(a) Proceeding to declare persons incompetent, total clerk's fees in and for the entire proceeding to be ten dollars ($10.00).
Sec. 22. Confession of judgment, total clerk's fees in and for the entire proceeding to be three dollars ($3.00).
Sec. 23. Confirmation or approval of clerk's order or judgment by the judge, one dollar ($1.00).
Sec. 24. Confirmation of sale, whether signed by judge or clerk, one dollar and fifty cents ($1.50).
Sec. 25. Continuance: In civil cases, fifty cents (50c) in criminal cases, thirty cents (30c) for each defendant.
Sec. 26. Copying record or paper on file, twenty-five cents (25c) per copy sheet.
Sec. 27. Copy of summons, fifty cents (50c).
Sec. 28. Cross-indexing of judgment in civil and criminal cases, twenty-five cents (25c) for first defendant and ten cents (10c) for each additional defendant.
Sec. 29. Cross-indexing judgment or confirmation in special proceed-
ings, twenty-five cents (25c) for first defendant and ten cents (10c) for
each additional defendant.

Sec. 30. Deed of separation, taking acknowledgment of husband and
wife, with specific examination of wife, with or without seal, two dollars
($2.00).

Sec. 31. Divorce actions, where no answer is filed, ten dollars ($10.00)
plus process tax of two dollars ($2.00) and jury tax of five dollars ($5.00);
stenographer’s fee of four dollars ($4.00); and no other fees shall be
charged under this Act, and no fee shall be charged for first certified
copy of the judgment.

Sec. 32. Docketing indictments, one dollar and fifty cents ($1.50) for
defendant in bill.

Sec. 33. Docketing judgment in civil or criminal case, one dollar ($1.00).

Sec. 34. Docketing summons, seventy-five cents (75c).

Sec. 35. Docketing and indexing sheriff’s levy, two dollars ($2.00).

Sec. 36. Docketing petition in ex parte proceeding, one dollar and
fifty cents ($1.50).

Sec. 37. Examination of insane person, two dollars ($2.00).

Sec. 38. Execution against person and docketing the return, two dollars
($2.00).

Sec. 39. Execution against specific property and docketing the return,
two dollars ($2.00).

Sec. 40. Execution on money judgment and docketing the return, two
dollars ($2.00).

Sec. 41. Execution for possession of property and docketing the return,
two dollars ($2.00).

Sec. 42. Fees for auditing final account of receiver, executor, adminis-
trator, administrator d.b.n., administrator c.t.a., administrator c.t.a.—d.b.n.,
collector, guardian, trustee or other fiduciary except when otherwise spe-
cifically provided in this Act, shall be calculated upon the total amount
of both receipts and disbursements upon which the fiduciary is entitled to
commissions and shall be at the following rates:

On the first five thousand dollars ($5,000.00) or any part thereof, one-
fifth of one per cent (1/5 of 1%); on the next ten thousand dollars ($10,-
000.00) or any part thereof, one-tenth of one per cent (1/10 of 1%); on the
next twenty thousand dollars ($20,000.00) or any part thereof, one twentieth
of one per cent (1/20 of 1%); on the next forty thousand dollars ($40,-
000.00) or any part thereof, one fortieth of one per cent (1/40 of 1%); on the
excess, one eightieth of one per cent (1/80 of 1%); provided the min-
imum fee shall be five dollars ($5.00).

Sec. 43. Filing, recording and indexing accounts of fiduciary, the fol-
lowing fees shall be collected by the Clerk of the Superior Court for filing,
recording and indexing annual, final and other accounts of executor, ad-
ministrator, administrator d.b.n., administrator c.t.a., administrator c.t.a.
—d.b.n., collector, guardian, surviving partner, trustee, receiver or other
fiduciary.
(a) If amount reported as receipts does not exceed three hundred dollars ($300.00), one dollar ($1.00).

(b) If over three hundred dollars ($300.00) and not exceeding one thousand dollars ($1,000.00), one dollar and fifty cents ($1.50).

(c) If over one thousand dollars ($1,000.00) and not exceeding ten thousand dollars ($10,000.00), two dollars and fifty cents ($2.50).

(d) If over ten thousand dollars ($10,000.00) and not exceeding twenty thousand dollars ($20,000.00), three dollars and fifty cents ($3.50).

(e) If over twenty thousand dollars ($20,000.00) five dollars ($5.00)

The amount of receipts brought forward from former reports shall be excluded in calculating the aforementioned fees.

Sec. 44. Filing and indexing bond required of commercial college or business school and notice of approval to State Board of Education, three dollars ($3.00).

Sec. 45. Filing and indexing fiduciary’s inventory, two dollars ($2.00).

In addition thereto, twenty-five cents (25c) for each copy sheet or fraction for recording.

Sec. 46. Filing papers, each case, fifty cents (50c).

Sec. 47. Filing written motions, one dollar ($1.00).

Sec. 48. Final judgment in criminal cases, one dollar and fifty cents ($1.50) for each defendant.

Sec. 49. Foreclosure of deed of trust, mortgage deed or other instrument under power of sale; docketing fee, three dollars ($3.00), to be collected upon the filing with the clerk of the first paper relative to such foreclosure, and an additional fee, to be collected at the time final report of receipts and disbursements is filed, of one-fourth of one per cent (¼ of 1%) on first thousand of gross sales price, plus one-twentieth of one per cent (1/20 of 1%) on the balance thereof, and, in each case where an increased bid is filed and order or resale is entered, there shall be, in addition to the fees above prescribed in this Section, a fee for each item for which there is a fee in special proceedings and in the same amount. In no case shall the fees charged by the clerk exceed fifty dollars ($50.00).

Sec. 50. Habeas corpus, entire proceeding, seven dollars ($7.00).

Sec. 51. Hearing before clerk, three dollars ($3.00) for each hour or fraction thereof. Minimum fee, three dollars ($3.00).

Sec. 52. Inebriacy proceeding, total clerk’s fees in and for entire proceeding to be eight dollars ($8.00).

Sec. 53. Injunction: Taking bond or undertaking and justification, one dollar and fifty cents ($1.50).

Sec. 54. Injunction order, one dollar and fifty cents ($1.50).

Sec. 55. Issuing citation, one dollar ($1.00).

Sec. 56. Issuing transcript, printed form, one dollar ($1.00), which includes issuance of certificate of satisfaction.

Sec. 57. Issuing transcript, irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction of a page, which includes issuance of certificate of satisfaction.

Sec. 58. Judgment, signing of in civil action by clerk or judge, whether interlocutory or final, one dollar and fifty cents ($1.50) for each defendant,
Sec. 59. Judgment, signing of, in special proceeding by clerk or judge, whether interlocutory or final, two dollars ($2.00) regardless of number of defendants.

Sec. 60. Judgment nisi and issuing scire fa for defaulting witness, juror or surety on bail, bond or recognizance, seven dollars ($7.00); no additional fees for recording of minutes, docketing and indexing to be charged.

Sec. 61. Jury tax: On every indictment or criminal proceeding tried or otherwise disposed of, the party convicted or adjudged to pay the costs shall pay a jury tax of five dollars ($5.00); in civil actions the party adjudged to pay the costs shall pay a jury tax of five dollars ($5.00); but this tax shall not be charged in any civil action unless a jury is empaneled.

Sec. 62. Legitimation proceeding, entire proceeding before clerk, and copy of order, seven dollars and fifty cents ($7.50).

Sec. 63. Letters of appointment of fiduciary, each certified copy with seal, one dollar ($1.00).

Sec. 64. Liens: Filing, docketing and indexing, one dollar and fifty cents ($1.50).

Sec. 65. Limited partnership agreement, filing and indexing, three dollars ($3.00).

Sec. 66. Lis pendens, docketing notice of, indexing and cancelling, seventy-five cents (75c) for first page, plus fifty cents (50c) for each additional page or fraction.

Sec. 67. Notary public, qualifying, indexing and notification to Governor, one dollar ($1.00).

Sec. 68. Notice, whether signed by the clerk or judge, fifty cents (50c), plus ten cents (10c) for each person in excess of one to whom notice is to be given.

Sec. 69. Notifying solicitor of removal of guardian, one dollar and fifty cents ($1.50).

Sec. 70. Order of arrest, each defendant, one dollar and fifty cents ($1.50).

Sec. 71. Order in claim and delivery, one dollar ($1.00).

Sec. 72. Order extending time for pleading in civil actions and special proceedings, fifty cents (50c).

Sec. 73. Order not otherwise provided for, whether signed by judge or clerk, fifty cents (50c).

Sec. 74. Other commissions to be collected by the clerk;

(a) Five per cent (5%) commission shall be allowed by the clerk on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office.

(b) In each case where money is placed in his hands by virtue of his office to be administered by him, for minor children, insane persons or inebriates, three per cent (3%) on the first five hundred dollars ($500.00) or fraction thereof, and one per cent (1%) on all in excess of five hundred dollars ($500.00).

(c) No commission shall be allowed the clerk on judgments, decrees, except as herein provided, executions, deposits, under Section 45-28 of the General Statutes of North Carolina, and moneys paid under condemnation proceedings; provided, however, that where money is paid into the
clerk's office under a decree of court for the use and benefit of a wife or children or other dependents, the clerk shall charge a commission of five per cent (5%) of all moneys so received by him, but the commission on any one payment so made to him shall not exceed one dollar ($1.00). Such commissions shall be paid by the defendant to the clerk at the time each payment is made by him under a decree of court.

Sec. 75. Partnership or assumed name certificate, filing and indexing, one dollar ($1.00).

Sec. 76. Permit to purchase or receive weapon, one dollar ($1.00).

Sec. 77. Petition and order, one dollar and fifty cents ($1.50) in addition to recording fee.

Sec. 78. Photographer's bond (or other bond of similar nature) filing and indexing, three dollars ($3.00).

Sec. 79. Postage, actual amount necessarily expended.

Sec. 80. Preparing bill of costs, one dollar ($1.00).

Sec. 81. Presentment, one dollar ($1.00) for each defendant.

Sec. 82. Privy examination before Clerk Superior Court, fifty cents (50c).

Sec. 83. Probate of any instrument (except will), twenty-five cents (25c).

Sec. 84. Probate of chattel mortgage and conditional sales agreement, twenty-five cents (25c).

Sec. 85. Probate of will in common form: Taking depositions of witnesses and entering certificate of probate and recording first four sheets of will, two dollars and fifty cents ($2.50) each additional sheet or fraction, one dollar ($1.00). For each codicil the fee shall be two dollars ($2.00) in addition.

Sec. 86. Recognizance: Where no bond is taken, fifty cents (50c).

Sec. 87. Recording and indexing assignment of judgment, seventy-five cents (75c).

Sec. 88. Recording corporation certificate of credit union or certificate of cooperative association, three dollars ($3.00) plus fifty cents (50c) for each page or fraction thereof in excess of four, certificate of Secretary of State to be considered a page.

Sec. 89. Recording and indexing amendment to corporation certificate, certificate of credit union or certificate of cooperative association, the same fee as that of the original of these certificates.

Sec. 90. Recording minutes in any case, twenty-five cents (25c) per copy sheet or fraction.

Sec. 91. Recording minutes in criminal and civil cases, fifteen cents (15c) per copy sheet or fraction.

Sec. 92. Recording or copying papers, except as otherwise provided in this Act, fifteen cents (15c) per copy sheet. Cost of photostating plus ten cents (10c) per page for verification, plus fifty cents (50c) for certificate and seal.

Sec. 93. Recording transcripts from justice of peace or other inferior courts, printed form, seventy-five cents (75c) irregular form, seventy-five cents (75c) for first page and fifty cents (50c) for each additional page or fraction of a page.
Sec. 94. Registration certificates of nurses, architects, medical doctors, surgeons, dentists, optometrists, chiropodists, chiropractors, osteopaths and other persons required to be registered in the same manner, with seal, one dollar ($1.00).

Sec. 95. Renunciation of right to qualify as administrator, executor or guardian, fifty cents (50c).

Sec. 96. Restoring maiden name after absolute divorce, two dollars ($2.00).

Sec. 97. Seal of office, fifty cents (50c).

Sec. 98. Stenographer: At the time of docketing criminal or civil action, one dollar ($1.00). In each action where stenographer is actually used, fee of ten dollars ($10.00) per day or fraction of day.

Sec. 99. Subpoena, twenty-five cents (25c) for each witness named therein.

Sec. 100. Substitution of trustee in deed of trust or trust indenture, one dollar and fifty cents ($1.50).

Sec. 101. Summons, in civil action and special proceedings, regardless of number of defendants, one dollar and fifty cents ($1.50).

Sec. 102. Taking bond and justification of surety thereon, one dollar ($1.00).

Sec. 103. Verification of any paper filed or recorded in office, ten cents (10c) per copy sheet in addition to the fees for certificate and seal.

Sec. 104. Warrant, one dollar and fifty cents ($1.50).

Sec. 105. Widow's dissent to will, one dollar and fifty cents ($1.50).

Sec. 106. Widow's year's allotment. Docketing report of allotment and rendering judgment for deficiency under G. S. 30-15. 30-16. 30-17, two dollars ($2.00).

Sec. 107. This Act shall apply only to Wake County.

Sec. 108. That all laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 109. This Act shall be in full force and effect from and after its ratification and shall be applicable to all fees, commissions and costs uncollected at the time of its ratification in all pending actions, proceedings, special proceedings and matters.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1176

CHAPTER 1199

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm, or corporation to engage in the business of a professional bondsman, or surety, without first paying an annual license fee to the City of Salisbury and County of Rowan in the sum of one hundred dollars ($100.00) each.

Sec. 2. Every person, firm, or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule
of financial condition with the Clerk of the Superior Court, and the financial responsibility of the obligor named in all bail or other bonds executed by said professional bondsman shall be approved by said clerk. When, in the opinion of said clerk of the Superior Court, the financial condition of any professional bondsman is inadequate to justify acceptance of further bonds, he shall demand from such professional bondsman a deposit of security in such value as to secure the State in the collection of any forfeited penalty.

Sec. 3. The term professional bondsman, as herein used, shall be construed to include any individual, group of individuals, or corporation, who shall, for pay or profit, execute any bond for the release of any person or property from custody of law, or for the guarantee of any penalty contained in any bond, or recognizance.

Sec. 4. It shall be unlawful for any professional bondsman to solicit business by or through any attorney at law, court official, or law enforcement officer, or to pay to, give, or lend to any said person or persons money or other things of value as pay or gratuity for such service.

Sec. 5. It shall be unlawful for any professional bondsman to solicit business, directly or through another, in any jail, court house, court room, or other municipal or governmental building.

Sec. 6. It shall be unlawful for any professional bondsman, court official, or law enforcement officer to recommend to any person incarcerated or bailed, any particular attorney at law, or firm practicing law, or to advise such person with respect to the law or court procedure.

Sec. 7. No sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or the wife of any sheriff, deputy sheriff, policeman, constable, jailer or assistant jailer, shall in any case become bail for any prisoner, for money or property. Nor shall any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or their wives, become bail as agents for any professional bondsman. Nor shall they recommend any particular professional bondsman, or attorney at law.

Sec. 8. It shall be unlawful for any attorney, or court official, or law enforcement officer to accept any pay or gratuity from any professional bondsman for any service rendered, directly or indirectly, to said bondsman, except fees fixed by law or as compensation for professional services rendered in the customary practice of the legal profession.

Sec. 9. It shall be unlawful for any professional bondsman to charge or receive as compensation for his services to any person a sum in excess of five per cent (5%) of the penalty of any bond. A minimum charge of five dollars ($5.00) may be made. No person bailed shall be surrendered as provided by law during the pendency of his cause unless the professional bondsman shall return to such person one half of the charge made and received by him for his service. Provided, however, no refund shall be required of said professional bondsman if such person, during the pendency of his cause, shall fail to make his appearance as required by his recognizance.

Sec. 10. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and upon conviction the
court shall suspend or revoke the license of such professional bondsman for a period of two years.

Sec. 11. The Governing Board of the City of Salisbury or the Board of County Commissioners shall have the power to inquire into the violation of any of the provisions of this Act and to revoke the license of any professional bondsman upon satisfactory proof of such violation, after said bondsman has been given an opportunity to be heard in his defense. Whenever any license has been revoked it shall be unlawful to reissue said license to any person, firm, or corporation for a term of two (2) years after the revocation of same. The revocation of either municipal or county license shall automatically revoke any other license issued to said bondsman. Any professional bondsman shall have the right to appeal said revocation to the Superior Court.

Sec. 12. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Sec. 13. That this Act shall apply to Rowan County only.

Sec. 14. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1179

CHAPTER 1200

AN ACT TO AMEND CHAPTER 7, SECTION 70, OF THE GENERAL STATUTES OF 1943, TO CHANGE THE TERMS OF THE SUPERIOR COURT IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of Section 7-70 of the General Statutes of North Carolina, fixing the terms of Superior Court for Caldwell County in the Sixteenth Judicial District, is hereby rewritten to read as follows:

"Caldwell—First Monday before the first Monday in March; second Monday before the first Monday in September, each to continue two weeks for the trial of civil and criminal cases; eleventh Monday after the first Monday in March, to continue two weeks, for the trial of civil and criminal case; twelfth Monday after the first Monday in September, to continue two weeks, for the trial of civil and criminal cases; the eighth Monday before the first Monday in March, to continue two weeks, for the trial of civil cases only; eighth Monday after the first Monday in March, to continue two weeks, for the trial of civil cases only; fourth Monday after the first Monday in September, to continue two weeks, for the trial of civil cases only; thirteenth Monday after the first Monday in March to continue two weeks, for the trial of civil cases only; first Monday in September, to continue two weeks, for the trial of civil cases only. For the last five terms provided for above, the Chief Justice of the Supreme Court may assign a regular, special, or emergency judge when the judge regularly assigned to
the district is unable to hold said terms for any cause set out in Article IV, Section 11, of the Constitution.

"If the regular judge holding the courts in the Sixteenth District is not available for any cause set out in Article IV, Section 11, of the Constitution, to hold any of the terms of court provided for in this Act, the Chief Justice of the Supreme Court shall assign a judge to hold such term or terms from among the regular, special or emergency judges."

Sec. 2. All general, special, and local laws and clauses of laws in conflict with this Act are hereby repealed, it being the intent and purpose of this Act that the terms of court herein provided for shall supersede and be in substitution of all other terms of court in Caldwell County.

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 14th day of April, 1951.

H. B. 1180

CHAPTER 1201

AN ACT TO AMEND AN ACT TO AUTHORIZE THE SHERIFF OF GRAHAM COUNTY TO APPOINT A DEPUTY, AND TO REPEAL CHAPTER 150 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO THE OFFICE OF DEPUTY SHERIFF OF GRAHAM COUNTY, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO ALLOW EXPENSES FOR THE SHERIFF OF GRAHAM COUNTY, RATIFIED MARCH 22, 1951.

The General Assembly of North Carolina do enact:

Section 1. That certain Act entitled "AN ACT TO AUTHORIZE THE SHERIFF OF GRAHAM COUNTY TO APPOINT A DEPUTY, AND TO REPEAL CHAPTER 150 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO THE OFFICE OF DEPUTY SHERIFF OF GRAHAM COUNTY, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO ALLOW EXPENSES FOR THE SHERIFF OF GRAHAM COUNTY," and being designated as H. B. 545 and ratified March 22, 1951, is hereby amended by rewriting Section 3 of said Act so that the same shall read as follows:

"Sec. 3. The Board of County Commissioners of Graham County shall pay said deputy sheriff a monthly salary of $125.00 per month, and in addition he shall be allowed all fees for such papers and civil and criminal processes that he personally serves."

Sec. 2. To further amend said Act as above designated by rewriting Section 4 of said Act so that the same shall hereafter read as follows:

"Sec. 4. In addition to all other salaries and fees heretofore allowed the Board of County Commissioners of Graham County shall pay over to and allow the high sheriff of said county the sum of $100.00 per month as expenses of his office or any other expenses that he may incur in the performance of his duties, and said sum shall be retroactive to January 1, 1951."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1181 CHAPTER 1202
AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO DEFINE THE PERIOD OF REVOCATION OF DRIVERS’ LICENSES.

The General Assembly of North Carolina do enact:

Section 1. Rewrite the definition of "revocation" in Section 20-6 of the General Statutes so that the same shall hereafter be read as follows:

"'Revocation' shall mean that the licensee's privilege to drive a vehicle is terminated for the period stated in the order of revocation."

Sec. 2. Rewrite subsection (d) of G. S. 20-19 of the General Statutes (1949 Cumulative Supplement) to read as follows:

"(d) When a license is revoked because of a second conviction for driving under the influence of intoxicating liquor or a narcotic drug, the period of revocation shall be three years."

Sec. 3. Rewrite subsection (e) of Section 20-19 of the General Statutes (1949 Cumulative Supplement) to read as follows:

"(e) When a license is revoked because of a third or subsequent conviction for driving under the influence of intoxicating liquor or a narcotic drug, the revocation shall be permanent: Provided, that the Department may, after the expiration of five years, issue a new license upon satisfactory proof that the former licensee has been of good behavior for the past five years, and that his conduct and attitude is such as to entitle him to favorable consideration."

Sec. 4. Rewrite subsection (f) of Section 20-19 of the General Statutes (1949 Cumulative Supplement) to read as follows:

"(f) When a license is revoked for any other reason, the period of revocation shall be one year."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec 6. 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 April, 1951.

H. B. 1182 CHAPTER 1203
AN ACT TO AMEND ARTICLE 14 OF CHAPTER 160 OF THE GENERAL STATUTES SO AS TO MAKE ZONING REGULATIONS APPLICABLE TO BUILDINGS CONSTRUCTED BY THE STATE OF NORTH CAROLINA AND ITS POLITICAL SUBDIVISIONS.

The General Assembly of North Carolina do enact:

Section 1. Article 14 of Chapter 160 of the General Statutes is amended by adding a new Section immediately following G. S. 160-181, to be designated as G. S. 160-181.1, and to read as follows:

1245
“G. S. 160-181.1. All of the provisions of this Article are hereby made applicable to the erection and construction of buildings by the State of North Carolina and its political subdivisions.”

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 14th day of April, 1951.

H. B. 1183  CHAPTER 1204

AN ACT TO INCREASE CERTAIN FEES OF OFFICERS AND JUSTICES OF THE PEACE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the fees now allowed by law when the cost is not taxed against the county, officers serving certain papers shall be allowed and there shall be taxed in the bills of costs the following amounts in addition to the amounts now allowed by law for said officers: One ($1.00) dollar for each warrant of arrest; one ($1.00) dollar for serving each civil summons on each party.

Sec. 2. That in addition to other fees now allowed by law and when the cost is not taxed against the county, justices of the peace shall receive the following additional amounts to be taxed in the bills of costs: One ($1.00) dollar for each trial when issues are joined, and fifty ($.50) cents, if no issues are joined, for trial and judgment.

Sec. 3. That the Board of County Commissioners of Ashe County when the cost is not taxed against the county, shall have the right in their discretion to fix the amount of jail fee to be allowed the jailer of Ashe County and such fees as fixed by the said board shall be taxed in the bills of costs in addition to the fees now allowed by law.

Sec. 4. That except as herein provided all fees for officers and justices of the peace shall remain as now fixed by law.

Sec. 5. That this Act shall apply to Ashe County only.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. 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 April, 1951.

H. B. 1184  CHAPTER 1205

AN ACT TO REGULATE THE SALE OF BAY RUM IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any bay rum in Rockingham County, or to cause any delivery of bay rum to be made in Rockingham County pursuant to any sale thereof, except
(1) When such sale is made to a pharmacy or drug store, supervised by a person licensed as a pharmacist or assistant pharmacist as described in Section 90-71 of the General Statutes;
(2) When such sale is made pursuant to a prescription of some duly licensed physician; or
(3) When such sale is made to a duly licensed barber for use in the course of treatments given or services performed in a barber shop, and not for resale.

Sec. 2. Any person who violates any provisions of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, 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 become effective thirty days after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1186

CHAPTER 1206

AN ACT TO REGULATE THE SALE OF BAY RUM IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any bay rum in Union County, or to cause any delivery of bay rum to be made in Union County pursuant to any sale thereof, except

(1) When such sale is made to a pharmacy or drug store, supervised by a person licensed as a pharmacist or assistant pharmacist as described in Section 90-71 of the General Statutes;
(2) When such sale is made pursuant to a prescription of some duly licensed physician; or
(3) When such sale is made to a duly licensed barber for use in the course of treatments given or services performed in a barber shop, and not for resale.

Sec. 2. Any person who violates any provisions of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, 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 become effective thirty days after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1187   CHAPTER 1207

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO APPROPRIATE THE SUM OF THREE HUNDRED DOLLARS ANNUALLY FOR ADDITIONAL CLERICAL ASSISTANCE FOR THE OFFICE OF THE CLERK OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Transylvania County is hereby authorized, in its discretion, to appropriate out of general county funds the sum of three hundred dollars ($300.00) annually for the purpose of furnishing additional clerical assistance for the office of the Clerk of Superior Court of Transylvania County.

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1189   CHAPTER 1208

AN ACT TO PROVIDE THAT CERTAIN POLICE OFFICERS OF THE TOWN OF NASHVILLE, IN NASH COUNTY, NEED NOT BE QUALIFIED RESIDENTS AND VOTERS THEREIN.

The General Assembly of North Carolina do enact:

Section 1. The provisions of G. S. 160-25 requiring mayors, commissioners, intendants of police, aldermen or other chief officers of any city or town to be qualified voters therein shall not apply to chief of police and other policemen of the Town of Nashville, in Nash County. The provisions of G. S. 160-25 shall continue to apply to the mayor, and board of commissioners of said town.

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 14th day of April, 1951.

H. B. 1190   CHAPTER 1209

AN ACT TO AMEND G. S. 131-7 RELATING TO THE TRUSTEES OF THE LEE COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-7 is hereby amended by striking out the period at the end and inserting in lieu thereof a colon and adding the following:

"Provided, however, practicing physicians shall be eligible for election to the Board of Trustees of the Lee County Hospital."

1248
Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1191  CHAPTER 1210

AN ACT TO AMEND CHAPTER 150 OF THE PUBLIC-LOCAL LAWS OF 1941, RELATING TO THE DUTIES AND COMPENSATION OF THE SOLICITOR OF THE WASHINGTON RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 150 of the Public-Local Laws of 1941 be and the same is hereby amended by adding the following provision at the end of said Section: "Provided, that the Board of County Commissioners of Beaufort County may, in its discretion, pay said prosecuting attorney $50.00 per week for each term of said Superior Court during which he assists the District Solicitor."

Sec. 2. That 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 14th day of April, 1951.

H. B. 1192  CHAPTER 1211

AN ACT RELATING TO THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF SCHOOL DISTRICTS FOR SPECIAL BOND TAX UNITS AND THE LEVY OF TAXES IN MOORE COUNTY FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. All the provisions of Chapter 279 of the Public-Local Laws of 1937 are hereby made applicable to Moore County.

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 14th day of April, 1951.

H. B. 1193  CHAPTER 1212

AN ACT AMENDING G. S. 2-26, 2-28, 2-29, 2-30, 2-31, 2-32, 2-33, 2-34 and 2-35, IN RESPECT TO FEES OF THE CLERK OF THE SUPERIOR COURT OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-26 is hereby amended by adding the following proviso thereto:
“Provided: In Transylvania County the fees of the Clerk of the Superior Court shall be the following, and no other, namely:

Advertising and selling under mortgage in lieu of bond, two dollars ($2.00) for sales of real estate and one dollar ($1.00) for sales of personal property.

Affidavit, including jurat and certificate, fifty cents (50c).
Appeal from justice of the peace, fifty cents (50c).
Appeal to the Supreme Court, including certificate and seal, two dollars ($2.00).
Appointing and qualifying justices of the peace, to be paid by the justice, fifty cents (50c).
Apprenticing infant, including indenture, one dollar ($1.00).
Attachment, order in, fifty cents (50c).
Auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final accounts of executors.

Bill of costs, preparing same, fifty cents (50c).
Bond or undertaking, including justification, one dollar ($1.00).
Capias, each defendant, one dollar fifty cents ($1.50).
Capias, when the defendant is not arrested thereunder, shall be such sum as the commissioners of his county may allow.
Caveat to a will, entering and docketing same for trial, two dollars ($2.00).
Certificate, except where it is a charge against the county, fifty cents (50c); and where it is a charge against the county, the fee shall be such sum not exceeding twenty-five cents (25c) as the board of commissioners shall allow.

Commission, issuing, seventy-five cents (75c).
Continuance, fifty cents (50c).
Docketing ex parte proceedings, fifty cents (50c).
Docketing indictment, fifty cents (50c).
Docketing liens, one dollar ($1.00).
Docketing summons, fifty cents (50c).
Execution and return thereon, including docketing, one dollar ($1.00); and certifying return to clerk of any county where judgment is docketed, fifty cents (50c).
Filing all papers, twenty-five cents (25c) for each case.
Guardian, appointment of, including taking bond and justification, two dollars ($2.00).
Impaneling jury, twenty-five cents (25c).
Indexing liens on lien book, ten cents (10c).
Indictment, each defendant in the bill, one dollar ($1.00).
Injunction, order for, including taking bond or undertaking and justification, one dollar fifty cents ($1.50).
Judgment, final, in term-time, civil action, one dollar fifty cents ($1.50).
Appeal from the clerk to the judge, one dollar ($1.00).
Judgment, final, against each defendant, in criminal actions, one dollar fifty cents ($1.50).
Judgment, final, before the clerk, one dollar ($1.00).
Judgment by confession, without notice, all services, three dollars ($3.00).
Judgment in favor of widow for year's support, fifty cents (50c).
Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents (50c).
Juror ticket, including jurat, ten cents (10c).
Justification of sureties on any bond or undertaking, except as otherwise provided, seventy-five cents (75c).
Letters of administration, including bond and justification of sureties, two dollars ($2.00).
Motions, entry and record of, fifty cents (50c).
Notifying solicitors of removal of guardian, one dollar ($1.00).
Order enlarging time for pleading, and all interlocutory orders, in special proceedings and civil actions, fifty cents (50c).
Order of arrest, one dollar ($1.00).
Order for appearance of apprentice, on complaint of master, one dollar ($1.00); for appearance of master on complaint of apprentice, one dollar ($1.00).
Order for the registration of a deed or other writing, which has been proved or acknowledged in another county, or before a judge, justice, notary or other officer, except a chattel mortgage, fifty cents (50c).
Postage, actual amount necessarily expended.
Presentment, each person presented, twenty-five cents (25c).
Probate of a deed or other writing, proved by a witness, including the certificate, twenty-five cents (25c).
Probate of a deed or other writing, acknowledged by the signers or makers, including all except married women, who acknowledged at the same time, with the certificate thereof, fifty cents (50c).
Probate of a deed, or other writing, executed by a married woman, for her acknowledgment and private examination, with the certificate thereof, fifty cents (50c).
Probate of limited partnership, one dollar ($1.00).
Probate of will in common form and letters testamentary, one dollar ($1.00).
Qualifying justice of the peace, to be paid by the justice, fifty cents (50c).
Qualifying members of the board of commissioners, to be paid by the commissioners, fifty cents (50c).
Recognizance, each party where no bond is taken, fifty cents (50c).
Recording and copying papers, per copy-sheet, twenty cents (20c).
Recording appointment of process agent for nonresident, one dollar ($1.00).
Recording names, qualification, and expiration of term of office of justices of the peace, five cents (5c) for each name.
Registering trained nurses, including certificate of registration, one dollar ($1.00).
Recording certificates of incorporation of corporation, five dollars ($5.00).
Recording names of jurors as required by law, five cents (5c) for each name.

Resignation of guardian, relinquishment of right to administer, or to qualify as executor, receiving, filing and noting same, twenty-five cents (25c).

Seal of office, when necessary, fifty cents (50c).
Subpoena, each name, twenty-five cents (25c).

Summons, in civil actions or special proceedings, including all the names therein, one dollar fifty cents ($1.50), and for every copy thereof, fifty cents (50c).

Transcript of judgment, fifty cents (50c).

Transcript of any matter of record or papers on file, per copy-sheet, twenty cents (20c).

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.

Witness ticket, including jurat, ten cents (10c).

Five per cent (5%) commissions shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office; and three per cent (3%) on all sums of money not exceeding five hundred dollars ($500.00) placed in his hands by virtue of his office, except on judgments, decrees, executions, and deposits under Article 3 of Chapter 54; and upon the excess over five hundred dollars of such sums, one per cent (1%)."

Sec. 2. G. S. 2-28 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County the fee to be charged by the Clerk of the Superior Court for the probate of a Federal crop lien or a Federal chattel mortgage given to secure a seed and fertilizer loan from the United States government, or crop production loans, livestock loans, and/or other loans made by the regional agriculture credit corporation of Raleigh, North Carolina and/or Production Credit Associations in North Carolina as provided for by the Farm Credit Act of Congress of 1933, or the North Carolina Rural Rehabilitation Corporation or other relief organizations by relief clients, shall be limited to twenty-five cents (25c) for each probate."

Sec. 3. G. S. 2-29 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County the Clerk of the Superior Court is hereby authorized to collect as advance court cost on all suits started in any court the sum of seven dollars fifty cents ($7.50) for one defendant, and one dollar fifty cents ($1.50) for each additional defendant, which fees shall include any process tax or tax on suits and sheriff fees. (1935, c. 379, s. 2.)"

Sec. 4. G. S. 2-30 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County the Clerk of the Superior Court is authorized to collect from the appellant in all cases in appeals from justices of the peace court to the Superior Court four dollars ($4.00) as advance
cost to be applied on the court cost including the process tax. (1935, c. 379, s. 1.)"

Sec. 5. G. S. 2-31 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County the fee for cross-indexing the name of each party to any action or proceeding required to be cross-indexed by law shall be ten cents (10c) for each name entered upon the cross-index records."

Sec. 6. G. S. 2-32 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County the fee for docketing any judgment shall be ten cents (10c) per copy sheet, minimum charge twenty-five cents (25c)."

Sec. 7. G. S. 2-33 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County for auditing annual accounts of receivers, executors, guardians, administrators, administrators with will annexed, trustees for incompetents, trustees under wills, surviving partner, where the total receipts and disbursements do not exceed eleven thousand dollars ($11,000.00), the fee shall be twenty-five cents (25c) for each one hundred dollars ($100.00) on receipts and disbursements or a fraction thereof through one thousand dollars ($1,000.00). If the receipts and disbursements exceed one thousand dollars ($1,000.00), the fee shall be for the receipts and disbursements above one thousand dollars ($1,000.00), five cents (5c) on each one hundred dollars ($100.00) or a fraction thereof through eleven thousand dollars ($11,000.00). When the receipts and disbursements exceed eleven thousand dollars ($11,000.00), the fee for the amount of same above eleven thousand dollars ($11,000.00) shall be one-tenth of one per cent (1%) on the amount of receipts and disbursements in excess of eleven thousand dollars ($11,000.00), but in no event shall the fee be less than one dollar ($1.00) nor more than twenty-five dollars ($25.00)."

Sec. 8. G. S. 2-34 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County for auditing final accounts of receivers, executors, administrators, administrators with will annexed, collectors, trustees for incompetents, trustees under wills, guardians or surviving partner, the fee shall be fifty cents (50c) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10c) per each one hundred dollars ($100.00) or a fraction thereof on everything above one thousand dollars ($1,000.00), but in no event shall the fee be less than two dollars ($2.00). Provided, that when stocks, bonds or any other personal property is delivered to any heir or distributee without converting the same into cash, these fees shall be computed and charged on the same just as though they had been converted into cash; the value of said stocks, bonds, etc., to be fixed as of the date of death, or qualification of the fiduciary."
Sec. 9. G. S. 2-35 is hereby amended by adding the following proviso thereto:

"Provided: In Transylvania County for auditing final accounts of trustees, mortgagees, commissioners, or other persons, firms, or corporations selling real estate under foreclosure proceeding required to render such final report, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) of receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) on each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00), provided that the minimum fee shall be one dollar fifty cents ($1.50) and the maximum fee shall not exceed twenty-five dollars ($25.00)."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1196

CHAPTER 1213

AN ACT TO REGULATE THE COMPENSATION OF THE SHERIFF OF MADISON COUNTY WITH REFERENCE TO THE BOARDING OF PRISONERS IN THE COUNTY JAIL.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act, the Sheriff of Madison County shall receive as his compensation for the boarding of prisoners in the Madison County Jail the sum of one dollar ($1.00) per day per prisoner for each and every prisoner confined in said jail.

Sec. 2. That this Act shall apply only to Madison County.

Sec. 3. That the board of county commissioners shall pay the sum provided for by this Act out of the general county fund.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed insofar as they apply to Madison County.

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1198

CHAPTER 1214

AN ACT FIXING THE COMPENSATION OF THE CORONER OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In lieu of all other compensation and expense allowances, the coroner of Pender County shall be paid out of the general fund a monthly salary of fifty dollars ($50.00), together with a travel allowance of five cents (.05c) per mile while engaged in the discharge of his official duties.
Sec. 2. The first payment of salary herein provided shall begin as of the first Monday in December, 1952, and a monthly payment of fifty dollars ($50.00) shall be paid on the last day of each succeeding month.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1199

CHAPTER 1215

AN ACT TO AMEND G. S. 7-70, RELATING TO THE TERMS OF SUPERIOR COURT IN YADKIN COUNTY IN THE SEVENTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Yadkin County in the Seventeenth Judicial District is rewritten so as to read as follows:

"Yadkin—Eighth Monday before the first Monday in March, to continue for one week, for the trial of civil and criminal cases; fourth Monday before the first Monday in March, to continue for three weeks, for the trial of civil and criminal cases; tenth Monday after the first Monday in March, to continue for one week, for the trial of civil and criminal cases; second Monday before the first Monday in September, to continue for one week, for the trial of criminal cases only; tenth Monday after the first Monday in September, to continue for one week, for the trial of civil cases only; eleventh Monday after the first Monday in September, to continue for one week, for the trial of civil cases only; twelfth Monday after the first Monday in September, to continue for one week, for the trial of civil and criminal cases."

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

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1201

CHAPTER 1216

AN ACT AUTHORIZING FARM AGENTS AND VOCATIONAL AGRICULTURE TEACHERS TO VACCINATE SWINE IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All County Farm Agents and Vocational Agriculture Teachers in Caswell County are hereby authorized to vaccinate swine within the county for the prevention of hog cholera and other diseases, subject, however, to the same provisions of law as apply to licensed veterinarians, with the exception of the requirement as to being a licensed veterinarian.
Sec. 2. This Act shall apply only to Caswell County and Edgecombe County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1202

CHAPTER 1217

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO EXTEND ITS WATER LINES AND SELL WATER OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Board of Aldermen of the Town of Waynesville are authorized and empowered to extend their water lines outside the corporate limits of Waynesville to other communities and areas in Haywood County and to manage said water lines and collect water rents on such terms and in such manner as the mayor and board of aldermen may determine, and in particular are authorized and empowered to contract with Lake Junaluska Assembly, Inc. for the distribution of water to the inhabitants of the community of Lake Junaluska.

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1203

CHAPTER 1218

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY TO ORDER A REVALUATION OF PROPERTY FOR AD VALOREM TAX PURPOSES IN SAID COUNTY IN THE YEAR 1952.

WHEREAS, there has not been a general revaluation of real property for ad valorem tax purposes in Haywood County for a number of years; and

WHEREAS, there is a present need for a revaluation and reassessment of real property and personal property to be had in said county in order to equalize tax valuations throughout the county and thus bring about greater uniformity and equality in taxation: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Haywood County is hereby authorized, in its discretion, to order a revaluation and reassessment of all taxable property in Haywood County, both real and personal for purposes of ad valorem taxation, as of January 1, 1952, such revaluation and reassessment to be carried through under and in accordance with the provisions of subchapter II of Chapter 105 of the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 3. This Act shall become effective upon its ratification.
In the General Assembly read three times and ratified, this the 14th day of April, 1951

H. B. 1205

CHAPTER 1219

AN ACT TO AUTHORIZE THE NORTH CAROLINA LEAGUE FOR CRIPPLED CHILDREN TO RECEIVE AND DISBURSE THE UNEXPENDED PORTION OF THE DAISY ALICE WARD FUND.

WHEREAS, Daisy Alice Ward, a child residing in Chowan County, North Carolina, as the result of an accident, was terribly burned and an appeal was made by attending physicians of the Edenton Hospital for help in securing special nursing, expensive drugs and other care not available for a patient in the financial condition of her parents; and

WHEREAS, this appeal was carried over the radio by broadcasts made by W. E. Debnam and response was received from hundreds of donations made by persons, many of which were anonymous, amounting to a total of over fifteen thousand dollars ($15,000.00) and many persons volunteered to give their skin to be grafted to the burned areas of the child's body; and

WHEREAS, in spite of all these efforts, Daisy Alice Ward died as a result of her serious injuries and there now remains unexpended of the fund raised for her benefit the sum of $11,587.79 which is deposited in the Bank of Edenton, Edenton, North Carolina to the credit of the Daisy Alice Ward fund which is in charge of local trustees of said fund; and

WHEREAS, after the death of said child, W. E. Debnam announced over the radio and notice was given by the press to all persons who had contributed to this fund that a proportion of same unexpended would be refunded to them if requested and notice was given that if the requests were not made, the money would be set up in a special fund to be administered by the North Carolina League for Crippled Children for the immediate assistance of any child, regardless of race, who needed emergency treatment over and beyond that available to such child under the usual ordinary welfare provisions and the ability of the parents of such child to provide the same; and

WHEREAS, no further demands are now being made for a refund of any more contributions to the said fund and the trustees thereof have recommended that the said balance on hand be paid to the North Carolina League for Crippled Children to be expended for the purposes cited in this preamble: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the trustees of the Daisy Alice Ward fund, now deposited in the Bank of Edenton, Edenton, North Carolina, are authorized and empowered to pay the said fund over to the North Carolina League for Crippled Children to be set up by them in a special fund to be administered by them for immediate assistance of any child, regardless of race, who needs emergency treatment over and beyond that available by the ordinary welfare provisions of law and the ability of the parents or family of such child to provide the same. The North Carolina League for Crippled Chil-
dren shall administer the said fund without any charge whatever for their services in connection with the same. The payment of the said fund upon the order of the trustees thereof to the North Carolina League for Crippled Children shall relieve the Bank of Edenton, the depository thereof, from all liability for the application and expenditure of said fund. If any person who has made a contribution to the said fund shall request a refund of their proportionate part thereof before the said fund has been expended for the purposes herein set forth upon proper proof of their claim therefor, the North Carolina League for Crippled Children shall refund the same to the person making demand.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1206

CHAPTER 1220

AN ACT TO AUTHORIZE THE GOVERNOR OF NORTH CAROLINA TO EXECUTE ON BEHALF OF THE STATE A DEED TO CERTAIN PROPERTY IN THE CITY OF RALEIGH TO BE USED BY THE CITY OF RALEIGH FOR PARK AND RECREATIONAL PURPOSES.

WHEREAS, the State of North Carolina is the owner of certain lands hereinafter described which for many years have not been used by the State and still are not being used by the State, and no use of said lands by the State is contemplated;

WHEREAS it is desired to permit the City of Raleigh to make appropriate use of said lands for park and recreational purposes, with reversionary rights reserved in the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Governor of the State of North Carolina, with the approval of the Council of State, is hereby authorized to execute on behalf of the State a deed of lease or other appropriate written instrument by the terms of which the State of North Carolina shall permit the City of Raleigh, without monetary consideration but upon such terms and conditions as shall be considered reasonable and appropriate by the Governor and the Council of State, to have possession of and use the lands hereinafter described for public park and recreational purposes:

"That tract of land located in the City of Raleigh known as the Old Confederate Soldiers' Home, being bounded on the North by Newbern Avenue, on the East by South Tarboro Road, on the South by East Har- gett Street and on the West by South State Street; being approximately five and one-half acres."

Sec. 2. The deed of lease or other instrument providing for the use of said property by the City of Raleigh as authorized by Section 1 shall contain a condition that the City of Raleigh shall have and use the property leased only so long as it shall be used for public park and recreational purposes, and that at such time as it is no longer used for said purposes,
and in any event, regardless of the use being made of the lands, upon 90 days’ written notice from the State of North Carolina to the City of Raleigh indicating an intention to terminate said lease, the said lease shall immediately terminate and the lands shall immediately revert to the State of North Carolina free and discharged of any right, title or interest therein leased or transferred to the City of Raleigh.

Sec. 3. The City of Raleigh shall improve and develop the aforesaid lands for public park and recreational purposes, subject to the approval of the Board of Public Buildings and Grounds of the State of North Carolina. Whenever, in the opinion of the board, the City of Raleigh is not properly developing and maintaining the said lands for the stated purposes, the board shall call the matter to the attention of the City Council of the City of Raleigh, in writing, and if the City then fails for a period of 90 days to begin to take proper steps to meet the objections of the board, the board may repossess the aforesaid lands for the State.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1209  
CHAPTER 1221  
AN ACT TO AUTHORIZE THE TOWN OF ASHEBORO TO EXTEND ITS WATER AND SEWER LINES.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the Town of Asheboro is hereby authorized to construct or reconstruct such water and sewer lines outside the corporate limits of said town as it may deem fit, to furnish water and sewer services to nonresidents of said town, and to make such charges for said services as said governing body may deem reasonable.

Sec. 2. Said governing body is hereby authorized and empowered to acquire, by purchase or gift, existing water and sewer lines located outside of the corporate limits of said town.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1210  
CHAPTER 1222  
AN ACT REGULATING FEES OF JUSTICES OF THE PEACE OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In all civil actions originating in the courts of Justices of the Peace of Buncombe County, the justice of the peace before whom said action is commenced shall charge as advance costs one dollar and a half
($1.50), in addition to the fees now provided by Chapter 142 of the Public-
Local Laws of 1927.

Sec. 2. In all civil actions originating before any Justice of the Peace
of Buncombe County, said Justice of the Peace shall, in addition to charges
now permitted for first defendant, be allowed to charge fifty cents (50c)
for each additional defendant.

Sec. 3. Section 21 of Chapter 142 of the Public-Local Laws of 1927 is
hereby amended by striking out the words “75 cents” following the comma
after the word “complaint” in line 15 and inserting in lieu thereof the
words “one dollar and seventy-five cents ($1.75).

Sec. 4. All laws and clauses of laws in conflict with this Act are
hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1211

CHAPTER 1223

AN ACT AMENDING HOUSE BILL NUMBER 791 ENTITLED “AN
ACT TO INCORPORATE THE TOWN OF SPRING LAKE IN CUM-
BERLAND COUNTY”, HERETOFORE ENACTED BY THE GEN-
ERAL ASSEMBLY OF 1951 AND RATIFIED ON THE NINTH DAY
OF APRIL, 1951.

The General Assembly of North Carolina do enact:

Section 1. House Bill Number 791, entitled “An Act to Incorporate the
Town of Spring Lake in Cumberland County”, heretofore enacted by the
General Assembly of 1951 and ratified on the ninth day of April, 1951, is
hereby amended by rewriting Section 3 thereof so as to read as follows:

“Sec. 3. At an election to be held on June 5, 1951, there shall be elected
in the Town of Spring Lake in accordance with the provisions of Article
3 of Chapter 160 of the General Statutes of North Carolina as amended,
with the exception of the date for holding such elections the following
officers:

A mayor and five aldermen. The mayor and the five aldermen so
elected shall constitute the Governing Body of the Town of Spring Lake
and such governing body may appoint such other officers and employ such
assistants as the governing body of the town may deem necessary for the
better governance of the town.

Thereafter, at the time of holding of the general municipal election in
1953 and biennially thereafter, successors to the governing body elected
on June 5, 1951 shall be elected in the Town of Spring Lake in accord-
ance with the provisions of Article 3 of Chapter 160 of the General Stat-
utes of North Carolina as amended.”

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

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th
day of April, 1951.
H. B. 1213  CHAPTER 1224
AN ACT TO PROVIDE FOR THE ISSUANCE OF DELAYED MARRIAGE CERTIFICATES.

The General Assembly of North Carolina do enact:

Section 1. In all those cases where a minister or other person authorized by law to perform marriage ceremonies has failed to file his return thereof in the office of the register of deeds who issued the license for such marriage, the register of deeds of such county is authorized to issue a delayed marriage certificate upon being furnished with one or more of the following:

(1) The affidavit of at least two witnesses to the marriage ceremony;
(2) The affidavit of one or both parties to the marriage, accompanied by the affidavit of at least one witness to the marriage ceremony;
(3) The affidavit of the minister or other person authorized by law who performed the marriage ceremony, accompanied by the affidavit of one or more witnesses to the ceremony or one of the parties thereto.

Sec. 2. The certificate issued by the register of deeds under authority of this Act shall contain the date of the delayed filing, the date the marriage ceremony was actually performed, and all such certificates issued pursuant to this Act shall have the same evidentiary value as any other marriage certificates issued pursuant to law.

Sec. 3. The register of deeds shall issue the certificate provided for in this Act upon the payment of a fee of one dollar and fifty cents ($1.50) for each such certificate.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 April, 1951.

H. B. 1215  CHAPTER 1225
AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE COUNCIL OF THE CITY OF WILMINGTON AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That at the general municipal election to be held in the City of Wilmington on May 8, 1951, there shall be elected by the qualified voters of said city five members of the council of said city whose terms of office shall commence at twelve o'clock Noon on May 31, 1951. The two members elected and receiving respectively the highest number of votes in said election shall serve for a period of four years and until their successors are duly elected and qualified, and the remaining three members elected, as aforesaid, shall serve for a period of two years and until their successors are duly elected and qualified. Upon the expiration of the re-
H. B. 1216

CHAPTER 1226

AN ACT TO PROVIDE A UNIFORM BILL OF COSTS FOR JUSTICES OF THE PEACE IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees in courts of the Justices of the Peace of New Hanover County shall be as follows:

**CIVIL ACTIONS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summons</td>
<td>$0.50</td>
</tr>
<tr>
<td>Additional defendants</td>
<td>$0.50</td>
</tr>
<tr>
<td>Affidavit</td>
<td>$0.50</td>
</tr>
<tr>
<td>Affidavit for removal</td>
<td>$0.50</td>
</tr>
<tr>
<td>Order of removal</td>
<td>$0.50</td>
</tr>
<tr>
<td>Subpoenas</td>
<td>$0.15</td>
</tr>
<tr>
<td>Trial and Judgment, all cases</td>
<td>$1.50</td>
</tr>
<tr>
<td>Trial by jury and Judgment, all cases</td>
<td>$3.00</td>
</tr>
<tr>
<td>Return to appeal</td>
<td>$0.50</td>
</tr>
<tr>
<td>Transcript of Judgment</td>
<td>$0.25</td>
</tr>
<tr>
<td>Execution</td>
<td>$0.50</td>
</tr>
<tr>
<td>Continuance</td>
<td>$0.50</td>
</tr>
<tr>
<td>Bond to stay execution</td>
<td>$0.50</td>
</tr>
<tr>
<td>Notices</td>
<td>$0.50</td>
</tr>
<tr>
<td>Attachment, issuing papers</td>
<td>$1.50</td>
</tr>
<tr>
<td>Claim and Delivery, Issuing Papers</td>
<td>$1.50</td>
</tr>
<tr>
<td>Replevin Bond</td>
<td>$0.50</td>
</tr>
<tr>
<td>Ejectment, issuing papers</td>
<td>$1.50</td>
</tr>
<tr>
<td>Tax Garnishment</td>
<td>$1.00</td>
</tr>
<tr>
<td>Allotting Widow's Year's Support, J. P. fee</td>
<td>$3.00</td>
</tr>
<tr>
<td>Commissioner's fee in allotting widow's support</td>
<td>$1.00</td>
</tr>
<tr>
<td>Commissioner's allowance per mile</td>
<td>$0.10</td>
</tr>
</tbody>
</table>

**CRIMINAL ACTIONS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affidavit and Warrant, one defendant</td>
<td>$1.00</td>
</tr>
<tr>
<td>Additional defendants</td>
<td>$0.50</td>
</tr>
<tr>
<td>Subpoenas</td>
<td>$0.15</td>
</tr>
<tr>
<td>Commitment</td>
<td>$0.50</td>
</tr>
<tr>
<td>Recognizance</td>
<td>$0.50</td>
</tr>
<tr>
<td>Trial and Judgment</td>
<td>$1.50</td>
</tr>
</tbody>
</table>
Jury trial and judgment .......... Each 3.00
Bond ................................ Each .50
Affidavit for removal ............... Each .50
Order of removal .................... Each .50
Capias ................................ Each 1.00
Sci. Fa. ................................ Each 1.00
Continuance ......................... Each .50

Sec. 2. Before a party shall be entitled to a trial by jury before a Justice of the Peace of New Hanover County, he shall deposit with the justice the sum of six dollars ($6.00) for jury fee, and the justice shall pay to all persons who attend as jurors pursuant to the summons, which shall include those who do serve and those who do not serve, the sum of fifty cents (50c) each, which shall be included in the judgment as part of the costs, in case the party demanding the jury recover judgment, but not otherwise. The justice shall refund to the party making the deposit the fees of all jurors who do not attend.

Sec. 3. Items of cost not covered by the provisions of this Act shall remain the same as now prescribed by law for said courts.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1217

CHAPTER 1227

AN ACT TO AMEND CHAPTER 613 OF THE PUBLIC-LOCAL LAWS, REGULAR SESSION, 1913, RELATING TO THE RECORDER'S COURT AT MOORESVILLE, IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 613 of the Public-Local Laws, Regular Session, 1913, is amended by adding to Section 7 of that Chapter the following subsection:

"(5) When any person shall request a trial by jury, the cause shall automatically be transferred to the Superior Court of Iredell County for trial."

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1219  CHAPTER 1228

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS 1923, THE SAME BEING THE CHARTER OF THE CITY OF GREENSBORO, SO AS TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 37, Private Laws 1923, as amended, the same being the Charter of the City of Greensboro, is hereby further amended as follows:

Sec. 2 (a) of said Chapter 37, Private Laws 1923, is hereby amended so that the corporate limits of the City of Greensboro as heretofore defined are hereby altered so as to include therein the following described territory, to wit:

Beginning at a point in the western margin of Lawndale Drive, said point being the intersection of the corporate line of the City of Greensboro and the western property line of Lawndale Drive, and running thence northwardly along the western margin of said Lawndale Drive 907.8 feet, more or less, to the Sears, Roebuck and Company North property line; thence with said Sears, Roebuck and Company line North 89 degrees and 30 minutes West 1,847.8 feet, more or less, to a point in the center line of the A & Y Railroad; thence with the center line of said A & Y railroad South 36 degrees and 25 minutes East 1,030.0 feet, more or less, to a point in the corporate line of the City of Greensboro; thence with said corporate line South 86 degrees 19 minutes and 30 seconds East 1,300 feet, more or less, to the point of beginning.

The territory hereby annexed to City of Greensboro shall have exactly the same status in every respect as the territory within the present corporate limits of the City of Greensboro but outside the corporate limits of the City of Greensboro as the same existed just prior to March 15, 1923.

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 14th day of April, 1951.

H. B. 1220  CHAPTER 1229

AN ACT TO AMEND CHAPTER 286, PUBLIC-LOCAL LAWS 1933, AS AMENDED BY CHAPTER 137, PUBLIC-LOCAL LAWS 1937, RELATING TO FEES OF OFFICERS OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 137 of the Public-Local Laws of 1937 is amended by striking out the entire first paragraph of subsection (a) of said Section and inserting in lieu thereof the following:

“(a) The Clerk of the Superior Court of Catawba County shall receive for his services as clerk of said court a salary, to be fixed by the board
of commissioners of said county, of not less than four thousand dollars ($4,000.00), nor more than five thousand dollars ($5,000.00), payable monthly; and for his services as clerk of the recorder's court of said county he shall receive a salary of not less than sixty dollars ($60.00) nor more than one hundred dollars ($100.00) per month; and for his services as judge of the juvenile court he shall receive a salary of not less than thirty dollars ($30.00) nor more than fifty dollars ($50.00) per month, all to be paid by the county."

Sec. 2. Section 1 of Chapter 137 of the Public-Local Laws of 1937, as amended by Chapter 292 of the Session Laws of 1947, is amended by striking out the words "not less than ninety dollars nor more than two hundred fifty dollars" in lines 6 and 7 of the second paragraph of subsection (a) and inserting in lieu thereof the following:

"not less than two hundred fifty dollars ($250.00) nor more than three hundred fifty dollars ($350.00)". Section 1 is further amended by striking out the words "not less than sixty dollars nor more than one hundred fifty dollars" in lines 12 and 13 of said paragraph and inserting in lieu thereof the following:

"not less than one hundred fifty dollars ($150.00) nor more than two hundred fifty dollars ($250.00)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1221

CHAPTER 1230

AN ACT TO FIX THE FEES OF THE CORONER OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Coroner of Catawba County, in full compensation for the performance of his official duties, shall, from and after July 1, 1951, receive the following fees, to be fixed by the board of county commissioners:

For each inquest held, not less than fifteen dollars ($15.00) nor more than twenty-five dollars ($25.00).

For each death certificate executed, not less than ten dollars ($10.00) nor more than fifteen dollars ($15.00).

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

Sec. 3. This Act shall become effective July 1, 1951.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1223  CHAPTER 1231

AN ACT TO REPEAL SECTIONS 8, 9, AND 10 OF CHAPTER 72 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO THE APPOINTMENT OF RURAL POLICEMEN IN DURHAM COUNTY AND TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL DEPUTY SHERIFFS IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Sections 8, 9, and 10 of Chapter 72 of the Public-Local Laws of 1921 are repealed.

Sec. 2. In lieu of the appointment of rural policemen provided for in Section 8 of Chapter 72 of the Public-Local Laws of 1921, the Sheriff of Durham County is authorized to appoint two deputy sheriffs for said county who shall be appointed in addition to those which are now or may hereafter be authorized by law. The salaries of such additional deputy sheriffs shall be fixed by the Board of County Commissioners of Durham County, but in fixing said salaries, the board shall at all times take into consideration the recommendations of the sheriff of said county with respect thereto. The additional deputy sheriffs herein provided for shall be clothed with all the authority, power, and duties which are now vested in other deputy sheriffs of Durham County, and shall be under the direct supervision and control of the sheriff of said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1225  CHAPTER 1232


The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State are hereby authorized to purchase sets of Volumes 2A, 2B and 2C of the General Statutes of North Carolina, prepared and published by the Michie Company under the supervision of the Department of Justice of the State of North Carolina, such purchases to be at the State Contract price, and in such number as the Governor and the Council of State may deem necessary. The Governor and Council of State shall distribute the volumes so purchased, in such number and in such manner as to them may seem desirable or needful, to the Justices of the Supreme Court, the Judges of the Superior Courts,
the Solicitors of the Judicial Districts, the Supreme Court Library and to various other State officials, departments and agencies for any proper State use.

Sec. 2. The Governor and Council of State are hereby authorized to expend out of the Contingency and Emergency Fund whatever sum may be necessary to purchase sets of Volumes 2A, 2B, and 2C as provided in this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1226  CHAPTER 1233
AN ACT TO REPEAL CHAPTER 76 OF THE PRIVATE LAWS OF 1931 RELATING TO STOCK AND CATTLE RUNNING AT LARGE IN THE VILLAGE OF PORTSMOUTH IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 76 of the Private Laws of 1931 is hereby repealed.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1229  CHAPTER 1234
AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY TO ADOPT RULES AND REGULATIONS REGULATING OR PROHIBITING THE USE OF LOUD-SPEAKERS AND OTHER PUBLIC ADDRESS AND BROADCASTING SYSTEMS WITHIN CERTAIN BEACH AREAS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Dare County is hereby authorized and empowered, in its discretion, to adopt or enact by resolution of the board, rules and ordinances regulating or prohibiting, as to time and place, the use of loud-speakers or public address or broadcasting systems within any populated beach areas designated in such resolution and lying in Dare County between the Wright Memorial Bridge and Oregon Inlet.

Sec. 2. Any rule or ordinance adopted or enacted pursuant to this Act shall become effective from and after ten days following its publication in a newspaper published in Dare County, one such publication being sufficient compliance with the requirements of this Act.

Sec. 3. Any person, firm, association or corporation violating any rule or ordinance adopted or enacted pursuant to this Act shall, upon convic-
tion or submission, be guilty of a misdemeanor, punishable by a fine not in excess of fifty dollars ($50.00) or imprisonment not in excess of 30 days.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1230  
CHAPTER 1235
AN ACT RELATING TO COSTS IN CRIMINAL CASES IN THE WENDELL RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. In all cases tried in the Wendell Recorder's Court where the prisoner is convicted or pleads guilty or enters a plea of nolo contendere and is adjudged to pay the costs, there may, in the discretion of the judge, be taxed as a part of such costs a mileage fee at the rate of seven cents (7c) per mile for travel expense necessarily incurred by any peace officer in conveying such prisoner to or from the Wake County jail. Such fee shall be disbursed by the clerk of said court to the officer incurring said travel expense.

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

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1232  
CHAPTER 1236
AN ACT TO ENABLE THE CITY OF CHARLOTTE AND THE COUNTY OF MECKLENBURG TO APPROPRIATE FUNDS FOR THE OPERATION AND MAINTENANCE OF THE CHARLOTTE COMMUNITY COLLEGE SYSTEM.

WHEREAS, the Charlotte Community College System is successfully providing for citizens of both Charlotte and Mecklenburg County educational facilities of particular need within the community all in accordance with the provisions of Chapter 786 of the Session Laws of the 1949 General Assembly of N. C., as amended, and it is found as a fact that the use of public funds to aid and assist in the operation and maintenance of said college would be for a public purpose: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Charlotte is hereby authorized and empowered, in its discretion, to appropriate from the general funds of the city a sum of money, not to exceed $25,000.00 during any one fiscal year, for the purpose of aiding and assisting in the cost of operating the Charlotte Community College System.
Sec. 2. That the Board of Commissioners of the County of Mecklenburg is hereby authorized and empowered, in its discretion to appropriate from the general funds of the county, a sum of money, not to exceed $25,000.00 during any one fiscal year, for the purpose of aiding and assisting in the cost of operating the Charlotte Community College System.

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 from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1233

CHAPTER 1237

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY SHERIFF FOR JACKSON COUNTY WHOSE PRINCIPAL DUTIES WILL BE PERFORMED IN CULLOWHEE TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Jackson County is hereby authorized, empowered and directed to appoint a deputy sheriff for Jackson County who shall be assigned by the sheriff of said county to Cullowhee Township, in which said township he shall perform the principal part of his duties. The Board of County Commissioners of Jackson County is authorized, empowered and directed to pay said deputy sheriff for the performance of his official duties a sum not exceeding one thousand eight hundred dollars ($1,800.00) per annum, to be paid in equal monthly installments, and said sum or salary for said deputy sheriff shall be paid out of the general fund of the county, or any other available county funds.

Sec. 2. The said deputy sheriff herein provided shall perform all of the duties and shall have all of the powers and authorities of a deputy sheriff, and the said duties shall be performed under the direction of the sheriff of Jackson County. It is the purpose of this Act to provide Cullowhee Township with a deputy sheriff and the principal and primary duties of said deputy sheriff shall be performed in Cullowhee Township, but this shall not prohibit the sheriff of Jackson County from assigning said deputy sheriff to perform other incidental assignments and duties elsewhere in the county according to the judgment and discretion of the sheriff of said county. The deputy sheriff provided for in this Act shall serve at the will of the sheriff of Jackson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
H. B. 1234  CHAPTER 1238

AN ACT TO AMEND HOUSE BILL NO. 328 RATIFIED ON THE 23RD DAY OF MARCH, 1951.

The General Assembly of North Carolina do enact:

Section 1. Amend House Bill No. 328, ratified on the 23rd day of March, 1951, by adding the following:

"Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

"Sec. 15. This Act shall be in full force and effect from and after April 1, 1951."

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. B. 1235  CHAPTER 1239

AN ACT AUTHORIZING THE ROBESON COUNTY BOARD OF COMMISSIONERS TO DEED OR LEASE CERTAIN PROPERTY TO THE NORTH CAROLINA CANCER INSTITUTE, INCORPORATED.

WHEREAS, the 1951 Session of the General Assembly has appropriated the sum of fifty thousand dollars ($50,000.00) for the purpose of enabling the North Carolina Cancer Institute, Incorporated, to establish a hospital for the treatment of indigent cancer patients; and

WHEREAS, said appropriation is made upon the condition that suitable property be available to establish such hospital; and

WHEREAS, the County of Robeson County Home property is no longer needed for the purposes for which it has previously been used and is suitable property upon which to establish said hospital; and

WHEREAS, it is the desire of the Robeson County Board of Commissioners, and other interested parties, that said property be conveyed or leased to the North Carolina Cancer Institute, Incorporated, to be used by it so long as it maintains thereupon a hospital for the treatment of indigent cancer patients: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Robeson County is authorized and empowered to deed, lease, or rent at a nominal sum, the old County of Robeson County Home, or so much thereof as may be necessary, located four miles west of Lumberton between the old State Highway No. 74 and the Red Springs-Lumberton Road, to the North Carolina Cancer Institute, Incorporated, upon such terms and conditions as it may consider advisable but any such deed, lease or contract shall provide that the property conveyed, leased or rented, shall revert back to the County of Robeson upon the failure of the North Carolina Cancer Institute, Incorporated, to use such property for the purposes herein expressed for a period of time for as much as one year.
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 14th day of April, 1951.

H. B. 1236

CHAPTER 1240
AN ACT TO AMEND G. S. 55-26 RELATING TO THE POWERS OF CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-26 is hereby amended by rewriting subsection 1 of that Section to read as follows:
"To have succession, by its corporate name, for the period, perpetual or for a term of years, as specified in its charter, and when the charter contains no such specification, for a period of 60 years."

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 14th day of April, 1951.
RESOLUTIONS

S. R. 1

RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

Resolved by the Senate, the House of Representatives concurring:

Section 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business, and invite him to address a joint session of the General Assembly to be held in the House of Representatives Thursday, January 4th, 1951, at ten-thirty A. M., and at any other time he desires either in person or in writing.

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

In the General Assembly read three times and ratified, this the 16th day of January, 1951.

S. R. 5

RESOLUTION 2

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT EIGHT-THIRTY O'CLOCK P. M., JANUARY EIGHTH, ONE THOUSAND NINE HUNDRED AND FIFTY-ONE.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That His Excellency, the Governor, be and he is hereby invited to address a joint session of the Senate and the House of Representatives at eight-thirty o'clock P. M., January 8th, 1951.

Sec. 2. This Resolution is in force and effect from and after its passage.

In the General Assembly read three times and ratified, this the 16th day of January, 1951.

S. R. 11

RESOLUTION 3

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S ADDRESS AND BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That 3,000 copies of the address and budget message of His Excellency, W. Kerr Scott, Governor of North Carolina, be forthwith printed and delivered at the Governor's Office for such distribution of the same as he may desire to make.

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Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of January, 1951.

S. R. 19

RESOLUTION 4

A JOINT RESOLUTION COMMEMORATING THE ANNIVERSARY OF THE BIRTH OF THE LATE RUFUS A. DOUGHTON.

WHEREAS, today, January 10, 1951, is the anniversary of the birth of the late Rufus A. Doughton; and

WHEREAS, Rufus A. Doughton served his party and the people of this State for many years faithfully and with devotion; and

WHEREAS, he served as a member of the General Assembly for fourteen regular sessions; and

WHEREAS, he served as Speaker of the House of Representatives in 1891; and

WHEREAS, he served as Lieutenant Governor of the State; and

WHEREAS, he served as Chairman of the Highway Commission; and

WHEREAS, he served as Commissioner of Revenue; and

WHEREAS, he held many other high governmental positions during his long life of public service; and

WHEREAS, a son of this illustrious public servant, Honorable J. K. Doughton, is now serving his second term in the House of Representatives of this General Assembly, representing Alleghany County, the birthplace and home of his distinguished father; and

WHEREAS, it is the desire of this General Assembly to commemorate the anniversary of the birth of this devoted servant:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That when the General Assembly adjourns on the tenth day of January, 1951, it do adjourn in memory of Rufus A. Doughton.

Sec. 2. That this Resolution shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of January, 1951.

H. R. 22

RESOLUTION 5

A JOINT RESOLUTION CALLING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND SENATE ON MONDAY, JANUARY 15, 1951, TO COMMEMORATE THE FIFTIETH ANNIVERSARY OF THE INAUGURATION OF FORMER GOVERNOR CHARLES BRANTLEY AYCOCK AND INVITING SENATOR CLYDE R. HOEY TO ADDRESS THIS JOINT SESSION.

WHEREAS, This year is the Fiftieth Anniversary of the Inauguration of North Carolina’s great and beloved educational former Governor, Charles Brantley Aycock, and it is deemed fitting and proper that events in his illustrious career, particularly his leadership in stimulating public education in this State, should be commemorated on this occasion:
1951—Resolutions

Now, therefore, be it resolved by the House of Representatives, Senate concurring:

Section 1. That the House of Representatives and the Senate meet in joint session at 8:30 o'clock P. M. on Monday, January 15, 1951, in the Hall of the House for the purpose of commemorating the Fiftieth Anniversary of the Inauguration of North Carolina's distinguished son and former Governor, Charles Brantley Aycock.

Sec. 2. That United States Senator Clyde R. Hoey, former Governor of North Carolina, shall be invited to address the joint session and make the memorial address honoring former Governor Charles Brantley Aycock. That a committee of five, composed of three members of the House of Representatives and two members of the Senate shall be appointed by the Speaker of the House and President of the Senate to extend the invitation to Senator Hoey to address this joint session and to make other necessary arrangements for this meeting.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified this the 18th day of January, 1951.

S. R. 38

RESOLUTION 6

A RESOLUTION OF RESPECT TO THE LATE DOCTOR GEORGE MARION COOPER.

WHEREAS, the death of Dr. George Marion Cooper, Assistant State Health Officer, which occurred on Monday, December 18, 1950, removed from our midst one of the greatest public health officials and humanitarians North Carolina has ever known; and

WHEREAS, his efforts in behalf of the underprivileged, especially among mothers and babies, not only were signally outstanding, but bore widespread and beneficial results in every part of our State;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That official recognition be given the life and services of this distinguished and useful native of Sampson County, who, for 35 years was associated with the State Board of Health.

Sec. 2. That a copy of this Resolution be given the Secretary and State Health Officer, and copies to Doctor Cooper's three surviving children.

Sec. 3. That today's adjournment be in honor of Doctor Cooper.

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

In the General Assembly read three times and ratified, this the 18th day of January, 1951.
A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE OF THE HOUSE AND SENATE TO INVESTIGATE THE ACTION THUS FAR TAKEN BY THE DEPARTMENT OF AGRICULTURE AND THE BUDGET BUREAU WITH RESPECT TO THE EXPENDITURE OF THE APPROPRIATION MADE BY THE GENERAL ASSEMBLY OF 1949 FOR THE CONSTRUCTION OF A COLISEUM AT THE STATE FAIR GROUNDS, AND DIRECTING THAT NO FURTHER ACTION BE TAKEN TOWARDS COMPLETION OF ANY PLANS FOR SUCH WORK UNTIL FURTHER AUTHORIZED BY THE GENERAL ASSEMBLY.

WHEREAS, by Chapter 1248 of the Session Laws of 1949, the General Assembly of 1949 appropriated to the Department of Agriculture, for permanent improvements at the State Fair Grounds, the sum of one million, two hundred fifty-seven thousand dollars ($1,257,000.00) for the construction of a Coliseum; and

WHEREAS, the Department of Agriculture has advertised for bids awarded and executed contracts for the construction of the building at the State Fair Grounds designated and called by it as the Livestock Judging Pavilion, in accordance with plans and specifications drawn by architects and engineers employed by the Department of Agriculture; and

WHEREAS, the question has arisen as to whether or not it would be advisable and proper to undertake at this time the construction of such a building as was contemplated by the General Assembly of 1949 in making its appropriation:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That a committee consisting of 8 members, 5 to be appointed by the Speaker of the House of Representatives, and 3 to be appointed by the President of the Senate, be appointed for the purpose of promptly investigating the matters set forth in the preamble to this Resolution. The said committee, when appointed, shall be directed to report its recommendations and findings to the General Assembly at the earliest feasible time to the end that appropriate action may be taken with respect thereto.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of January, 1951.
RESOLUTION 8


WHEREAS, the State Board of Education normally replaces about ten per cent (10%) of the school buses annually; and
WHEREAS, by conditions resulting from the National Emergency and the likelihood that motor truck manufacture will be curtailed or otherwise affected by the prevailing conditions; and
WHEREAS, the State Board of Education has given consideration to the probable results of these conditions and has sought information from manufacturers and Government officials and has been advised that it is extremely important to immediately place orders for the normal replacement of buses which would occur in the fiscal year 1951-1952 to the end that delivery of such buses may be made as soon as possible; and
WHEREAS, the Advisory Budget Commission has recommended the appropriation of two million, one hundred twenty-one thousand dollars ($2,121,000.00) for the fiscal year 1951-1952 for said purpose, the item being set out under Article IX as item 6, entitled "Purchase of School Buses", as shown on line 255, page 1 of the Budget Appropriation Bill for the biennium 1951-1953; and
WHEREAS, in these conditions it is considered advisable to authorize the purchase of the transportation equipment contemplated for the fiscal year 1951-1952 to the end that such equipment may be purchased as soon as possible.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, as follows:

Section 1. That the State Board of Education and the Division of Purchase and Contract are hereby authorized to forthwith take the steps necessary to acquire and purchase the school buses and service equipment contemplated in item 6 of Section IX, entitled "Public Schools" as set out in line 255, page 13 of the Budget Appropriation Bill for the biennium 1951-1953 in the amount of two million, one hundred twenty-one thousand dollars ($2,121,000.00).

Sec. 2. That the State Board of Education and the Division of Purchase and Contract are authorized and empowered to enter into contracts for the purchase of such transportation equipment prior to the first day of July, 1951, providing for the expenditure of the appropriation of two million, one hundred twenty-one thousand dollars ($2,121,000.00) which shall become available for the fiscal year of the biennium beginning on the first day of July, 1951.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 81st day of January, 1951.
H. R. 244

RESOLUTION 9

A JOINT RESOLUTION REQUESTING THE GOVERNOR TO WITHDRAW THE CALL FOR A SPECIAL ELECTION TO FILL THE VACANCY IN THE OFFICE OF SENATOR FROM THE TWENTY-NINTH SENATORIAL DISTRICT.

WHEREAS, the untimely death of Honorable W. B. Reeves, the duly elected Senator from the Twenty-ninth Senatorial District, consisting of Ashe, Alleghany and Watauga Counties, occurred on the 5th day of January, 1951, after the Legislature to which he was elected was in session; and

WHEREAS, W. Kerr Scott, Governor of North Carolina, in the performance of his duties and in compliance with the law, called a special election to fill said vacancy to be held in said senatorial district on the 17th day of February, 1951; and

WHEREAS, the legislature will have been in session about forty legislative days before a new Senator could be elected and take his seat in the Senate; and

WHEREAS, the expense of holding such special election would be considerable for each county in the senatorial district and to the State of North Carolina if said special election is held; and

WHEREAS, the Chairmen of the Democratic and Republican Executive Committees of the Counties of Ashe, Alleghany and Watauga, constituting the said senatorial district, have joined in requesting that the said special election shall not be held:

Now, therefore, it is resolved by the House of Representatives, the Senate concurring, as follows:

Section 1. That W. Kerr Scott, Governor of North Carolina, is hereby authorized, empowered and requested to recall and rescind the order calling a special election for the election of a Senator from the Twenty-ninth Senatorial District which was directed to be held in said order on the 17th day of February, 1951, and the State Board of Elections, upon recall of the said order for the said special election is hereby authorized, empowered and directed to discontinue all proceedings for holding said special election.

Sec. 2. This Resolution is adopted on account of the peculiar facts existing in the Twenty-ninth Senatorial District with reference to said vacancy and shall not be considered controlling as a precedent in other circumstances.

Sec. 3. This Resolution will be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1951.
S. R. 163

RESOLUTION 10

A JOINT RESOLUTION ACCEPTING THE INVITATION TO THE MEMBERS OF THE LEGISLATURE TO VISIT CAMP LEJEUNE.

WHEREAS, Major General Ray A. Robinson, Commanding General of the United States Marine Base at Camp Lejune, and Colonel J. G. Goldberg has extended the Members of the General Assembly a cordial invitation to visit and inspect the United States Marine Base at Camp Lejeune on Wednesday, March 7, 1951:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring, as follows:

Section 1. That the invitation extended by Major General Ray A. Robinson, Commanding General of the United States Marine Base at Camp Lejeune, and by Colonel J. G. Goldberg to the Members of the General Assembly to visit and inspect Camp Lejeune on Wednesday, March 7, 1951, is accepted with expressions of appreciation for this invitation to visit and inspect this great Marine Base located in North Carolina.

Sec. 2. That a copy of this Resolution, certified by the Secretary of State, shall, upon ratification, be furnished to Major General Ray A. Robinson and to Colonel J. G. Goldberg.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

S. R. 164

RESOLUTION 11

A JOINT RESOLUTION ACCEPTING THE INVITATION TO THE MEMBERS OF THE LEGISLATURE TO VISIT CHERRY POINT.

WHEREAS, Major General L. E. Woods, Commanding General of the United States Marine Base at Cherry Point, Major E. P. Dunn and Captain A. F. Vergote today extended to the members of the General Assembly a cordial invitation to visit and inspect the United States Marine Base at Cherry Point on Wednesday, March 14, 1951:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring, as follows:

Section 1. That the invitation extended by Major General L. E. Woods, Commanding General of the United States Marine Base at Cherry Point, and by Major E. P. Dunn and Captain A. F. Vergote to the members of the General Assembly to visit and inspect Cherry Point on Wednesday, March 14, 1951, is accepted with expressions of appreciation for this invitation to visit and inspect this great Marine Base located in North Carolina.

Sec. 2. That a copy of this Resolution, certified by the Secretary of State shall, upon ratification, be furnished to Major General L. E. Woods and to Major E. P. Dunn and Captain A. F. Vergote.

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

In the General Assembly read three times and ratified, this the 14th day of February, 1951.
RESOLUTION 12

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE WALTER D. SILER.

WHEREAS, the General Assembly of North Carolina has been profoundly shocked and grieved on account of the recent death of the Honorable Walter D. Siler, at this home in Siler City, North Carolina, on the 11th day of February, 1951; and

WHEREAS, the Honorable Walter D. Siler was a distinguished native citizen of Chatham County, North Carolina, and has served his State and County over a long period of years as a Legislator, as Superior Court Solicitor, as Superior Court Judge, as an Assistant Attorney General of North Carolina, and as a presidential elector; and

WHEREAS, during his lifetime, the Honorable Walter D. Siler rendered service of great and abiding value in many ways as an outstanding lawyer, judge, and civic leader; and

WHEREAS, the General Assembly of North Carolina wishes to make record of its appreciation of his life and accomplishments and its sincere sorrow on account of his death:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of the Honorable Walter D. Siler not only the General Assembly of this State, but the State of North Carolina as a whole, has experienced a great loss and is profoundly grieved at the termination of the life of this distinguished North Carolinian.

Sec. 2. The General Assembly of North Carolina does hereby express its highest appreciation of him as a citizen and useful public servant and expresses its sympathy to his family and loved ones upon his passing.

Sec. 3. That a copy of this Resolution, duly certified, shall be furnished to his family.

Sec. 4. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 14th day of February, 1951.

RESOLUTION 13

A JOINT RESOLUTION IN APPRECIATION OF THE LIFE AND SERVICES OF THE LATE WILLIAM ROY HAMPTON.

WHEREAS, on January 24, 1951, the State of North Carolina suffered a tragic public loss in the untimely death of William Roy Hampton, who died at the age of 62 years in Plymouth, the town of his birth, in Washington County, North Carolina; and

WHEREAS, Roy Hampton throughout the years of his life gave to an unusual degree of his time and energy and talents in the interest of his friends and for the betterment of his State, exemplifying in his quiet and unpretentious character rare qualities of personal loyalty and devotion to the public welfare; and

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WHEREAS, in the course of an active career he served his community in various official and unofficial capacities, contributing in many and effective ways to the educational, political and industrial advancement of his own section of the State and making his influence felt in the cause of practical progress throughout the entire State, serving with distinction as State Senator from his district, in which capacity, in addition to his active and intelligent interest in the general public welfare, in his later years as Chairman of the Board of Conservation and Development he played a particularly effective part in shaping the present policies and program of the Department of Conservation and Development looking toward an improvement of the laws and administrative procedure affecting commercial fisheries of North Carolina.

Roy Hampton was a recognized authority and an energetic leader in this field, being thoroughly familiar with the many problems confronting the fishing industry as a whole and enjoying to a remarkable degree the confidence and respect of all classes of our citizens directly and indirectly dependent on this industry for their livelihood and prosperity; and

WHEREAS, his passing at the height of his usefulness represents to many of us the loss of a loyal personal friend, and to the State itself the loss of an untiring and unselfish public servant;

Now, therefore, be it resolved by the Senate, the House concurring:

First, that the General Assembly of North Carolina desires by this Resolution to give formal expression to its deep appreciation of the life and character of William Roy Hampton, a loyal friend and a devoted servant.

Second, that this Resolution become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1951.

S. R. 229  RESOLUTION 14


WHEREAS, the County of Wayne, the City of Goldsboro, and the Chamber of Commerce of the City of Goldsboro, in Wayne County, have extended an invitation to the Senate and the House of Representatives to attend a barbecue supper on the 7th day of March, 1951, at 7:00 P.M., in the Community Building in the City of Goldsboro in honor of the esteemed Speaker of the House of Representatives; and

WHEREAS, it is the desire of the General Assembly to accept this invitation:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1951 Session of the General Assembly hereby accepts with great appreciation the kind invitation of the County of Wayne, the
City of Goldsboro, and the Chamber of Commerce of the City of Goldsboro, to attend a barbecue supper in honor of W. Frank Taylor, esteemed Speaker of the 1951 House of Representatives, to be held in the Community Building in the City of Goldsboro on the 7th day of March, 1951, at 7:00 P.M.

Sec. 2. It is resolved that this Resolution be spread upon the Journal of the House of Representatives and the Journal of the Senate, and that a copy of this Resolution be sent to the Board of County Commissioners of Wayne County, to the Governing Board of the City of Goldsboro, and to the Honorable James Butler, Secretary of the Chamber of Commerce of the City of Goldsboro, who extended this kind invitation on behalf of the County of Wayne and the City of Goldsboro.

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

In the General Assembly read three times and ratified, this the 22nd day of February, 1951.

H. R. 446

RESOLUTION 15

A JOINT RESOLUTION INVITING HONORABLE JAMES F. BYRNES, GOVERNOR OF SOUTH CAROLINA, TO ADDRESS THE JOINT SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, Honorable James F. Byrnes, the Governor of our sister State, South Carolina, formerly a Justice of the Supreme Court of the United States and the Secretary of State and an outstanding leader in the National Government, will be in Raleigh, North Carolina, on the 15th day of March, 1951; and

WHEREAS, the General Assembly of North Carolina would be greatly interested and pleased to have him address a Joint Session of the House of Representatives and the Senate on the occasion of his visit: Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That Honorable James F. Byrnes, Governor of the State of South Carolina, be invited to address the General Assembly of North Carolina at 12:00 noon on Thursday, the 15th day of March, 1951, and that the House of Representatives and the Senate shall meet in Joint Session in the Hall of the House of Representatives at the said time for said purpose.

Sec. 2. That a committee be appointed to extend the invitation to address the Joint Session of the General Assembly to the Honorable James F. Byrnes, the said committee to be composed of five (5) members, two of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Speaker of the House of Representatives. The Governor of the State of North Carolina is requested to serve as an ex officio member of the said committee and act as chairman thereof.

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

In the General Assembly read three times and ratified, this the 1st day of March, 1951.

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RESOLUTION 16

A JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF PRICE STABILIZATION TO REMOVE PRESENT UNWORKABLE ORDERS AS TO COTTON AND TO PERMIT THE READY MOVEMENT OF NEXT YEAR'S COTTON CROP.

WHEREAS, cotton is one of the basic industries of this nation; and
WHEREAS, cotton has long been the basis of North Carolina's economic life and the growing and processing reaches into every phase of life of the citizens of North Carolina and the nation; and
WHEREAS, the United States of America is in a critical period and cotton is essential to the national defense efforts; and
WHEREAS, at the present time cotton is in temporary short supply and the cotton farmers and producers of North Carolina and the nation have been asked to produce more than 16,000,000 bales of cotton as part of the national defense effort which is a sixty per cent (60%) increase in production; and
WHEREAS, due to the recent Federal regulations as contained in the order from the Office of Price Stabilization issued January 25, 1951, free trade and free flow of this commodity is at a complete standstill and conditions have become chaotic adversely affecting the farmers, cotton merchants, manufacturers, ginners, warehousemen, bankers, transportation systems and directly or indirectly, all phases of normal business:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the President of the United States and the proper governmental agencies, including the United States Department of Agriculture and the Office of Price Stabilization, are requested to immediately remove the present unworkable order pertaining to cotton in order to permit the resumption of normal distribution and processing of raw cotton; to assure the cotton farmer that the 16,000,000 bales he has been asked to produce by our government will move readily as in the past.

Sec. 2. That the Secretary of State immediately transmit copies of this Resolution to the President of the United States; the United States Secretary of Agriculture, Charles S. Brannan; the Administrator of the Office of Price Stabilization, Michael DiSalle; and to the North Carolina Members of Congress.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1951.
RESOLUTION 17

A JOINT RESOLUTION EXPRESSING APPRECIATION FOR THE HOSPITALITY OF MAJOR GENERAL RAY A. ROBINSON AND HIS COMMAND AT CAMP LEJEUNE AND TO SENATORS HICKS, LARKINS AND RANKIN AND REPRESENTATIVES HEWLETT, RAMSAY, STONER, VENTERS AND WHITLEY FOR THEIR WORK IN MAKING ARRANGEMENTS FOR THE OCCASION.

WHEREAS, pursuant to an invitation extended to the members of the General Assembly by Major General Ray A. Robinson, Commanding Officer of Camp Lejeune, the members of the General Assembly did, on March 7, 1951, visit Camp Lejeune, at which time they were extended many courtesies by General Robinson and his staff and, in addition to receiving most gracious and hospitable treatment, were afforded the opportunity, by special demonstrations, of observing simulated modern warfare; and

WHEREAS, arrangements for the trip were made by Senate committee consisting of Senators Larkins, chairman, Hicks and Rankin and by House committee consisting of Representatives Venters, chairman, Hewlett, Ramsay, Stoner and Whitley, which arrangements added greatly to the pleasure and enjoyment of the members of the General Assembly:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The members of the Senate and the House of Representatives of North Carolina, on behalf of themselves, their wives and other invited guests, hereby express to Major General Ray A. Robinson and the officers of his staff and other military personnel under his command their sincere and deep appreciation for the invitation to visit Camp Lejeune and for the many courtesies, cordial hospitality, and splendid entertainment given them on the occasion of their visit to the camp on March 7, 1951.

Sec. 2. That the members of the Senate and the House of Representatives of North Carolina hereby express their sincere appreciation and thanks for the extremely successful efforts of Senators Carl T. Hicks, John D. Larkins, Jr., and R. Grady Rankin and Representatives Addison Hewlett, Jr., Kerr Craige Ramsay, Paul G. Stoner, Carl V. Venter, and Phil R. Whitley in formulating and executing arrangements which added so greatly to the pleasure and enjoyment of the members of the General Assembly on the occasion of the trip to Camp Lejeune.

Sec. 3. That a copy of this Resolution be transmitted to Major General Ray A. Robinson and to each member of the Senate and House committees on arrangements named in Section 2 of this Resolution.

Sec. 4. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.
RESOLUTION 18

A JOINT RESOLUTION IN APPRECIATION OF THE HOSPITALITY OF THE COUNTY OF WAYNE AND THE CITY OF GOLDSBORO ON THE OCCASION OF THE BARBECUE DINNER HONORING SPEAKER W. FRANK TAYLOR.

WHEREAS, the members of the General Assembly, their wives and other invited guests were guests of the County of Wayne and the City of Goldsboro at a barbecue dinner given on March 7, 1951, in honor of the Speaker of the House of Representatives, the Honorable W. Frank Taylor of Wayne County; and

WHEREAS, the occasion proved most enjoyable to the members of the General Assembly and their guests:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the Senate and the House of Representatives hereby express their sincere appreciation for the cordial hospitality and splendid entertainment shown them by the County of Wayne and the City of Goldsboro, their officials and citizens, on the occasion of the barbecue dinner given on March 7, 1951, in honor of the Speaker of the House of Representatives, the Honorable W. Frank Taylor of Wayne County.

Sec. 2. That a copy of this Resolution be transmitted to the Honorable J. T. Ballance, Chairman of the Board of County Commissioners of Wayne County, and to the Honorable Scott B. Berkeley, Mayor of the City of Goldsboro.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. R. 334

RESOLUTION 19

A JOINT RESOLUTION IN APPRECIATION OF THE HOSPITALITY OF THE COUNTY OF WAYNE AND THE CITY OF GOLDSBORO ON THE OCCASION OF THE BARBECUE DINNER HONORING SPEAKER W. FRANK TAYLOR.

WHEREAS, the members of the General Assembly, their wives and other invited guests were guests of the County of Wayne and the City of Goldsboro at a barbecue dinner given on March 7, 1951, in honor of the Speaker of the House of Representatives, the Honorable W. Frank Taylor of Wayne County; and

WHEREAS, the occasion proved most enjoyable to the members of the General Assembly and their guests:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Senate and the House of Representatives hereby express their sincere appreciation for the cordial hospitality and splendid entertainment shown them by the County of Wayne and the City of Golds-
boro, their officials and citizens, on the occasion of the barbecue dinner given on March 7, 1951, in honor of the Speaker of the House of Representatives, the Honorable W. Frank Taylor of Wayne County.

Sec. 2. That a copy of this Resolution be transmitted to the Honorable J. T. Ballance, Chairman of the Board of County Commissioners of Wayne County, and to the Honorable Scott B. Berkeley, Mayor of the City of Goldsboro.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

S. R. 335

RESOLUTION 20

A JOINT RESOLUTION EXPRESSING APPRECIATION FOR THE HOSPITALITY OF MAJOR GENERAL RAY A. ROBINSON AND HIS COMMAND AT CAMP LEJEUNE AND TO SENATORS HICKS, LARKINS AND RANKIN AND REPRESENTATIVES HEWLETT, RAMSAY, STONER, VENTERS AND WHITLEY FOR THEIR WORK IN MAKING ARRANGEMENTS FOR THE OCCasion.

WHEREAS, pursuant to an invitation extended to the members of the General Assembly by Major General Ray A. Robinson, Commanding Officer of Camp Lejeune, the members of the General Assembly did, on March 7, 1951, visit Camp Lejeune, at which time they were extended many courtesies by General Robinson and his staff and, in addition to receiving most gracious and hospitable treatment, were afforded the opportunity, by special demonstrations, of observing simulated modern warfare; and

WHEREAS, arrangements for the trip were made by Senate Committee consisting of Senators Larkins, chairman, Hicks and Rankin and by House Committee consisting of Representatives Venter, chairman, Hewlett, Ramsay, Stoner and Whitley, which arrangements added greatly to the pleasure and enjoyment of the members of the General Assembly:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the Senate and the House of Representatives of North Carolina, on behalf of themselves, their wives and other invited guests, hereby express to Major General Ray A. Robinson and the officers of his staff and other military personnel under his command their sincere and deep appreciation for the invitation to visit Camp Lejeune and for the many courtesies, cordial hospitality, and splendid entertainment given them on the occasion of their visit to the camp on March 7, 1951.

Sec. 2. That the members of the Senate and the House of Representatives of North Carolina hereby express their sincere appreciation and thanks for the extremely successful efforts of Senators Carl T. Hicks, John D. Larkins, Jr., and R. Grady Rankin and Representatives Addison Hewlett, Jr., Kerr Craige Ramsay, Paul G. Stoner, Carl V. Venter, and Phil R. Whitley in formulating and executing arrangements which added so greatly
to the pleasure and enjoyment of the members of the General Assembly on the occasion of the trip to Camp Lejeune.

Sec. 3. That a copy of this Resolution be transmitted to Major General Ray A. Robinson and to each member of the Senate and House Committees on arrangements named in Section 2 of this Resolution.

Sec. 4. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

H. R. 55

RESOLUTION 21

A JOINT RESOLUTION AUTHORIZING AND PROVIDING FOR A SUITABLE PORTRAIT OF CHARLES BRANTLEY AYCOCK TO BE PLACED IN THE HALL OF THE HOUSE OF REPRESENTATIVES IN THE STATE CAPITOL.

WHEREAS, Zebulon Baird Vance and Charles Brantley Aycock are North Carolina's representatives in the Hall of Fame in the National Capitol, and statues of these two outstanding North Carolinians have been provided there; and

WHEREAS, statues of these beloved citizens face one another at ends of the mall on North Carolina's State Capitol grounds; and

WHEREAS, a portrait of Zebulon Baird Vance is now hanging on the West side of the Hall of the House of Representatives in the State Capitol:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the North Carolina State Art Society is hereby authorized and directed to utilize funds which have been or may be tendered it for the purpose to procure the services of a qualified artist for making a portrait of Governor Charles Brantley Aycock of the same general size and characteristics as that of Zebulon Baird Vance and that the said portrait be hung on the East side of the Hall of the House of Representatives in the State Capitol facing the portrait of Zebulon Baird Vance.

Sec. 2. That the portrait of George Washington be hung back and over the Speaker's dais where the portrait of Henry Clay now hangs, and that Clay's portrait be delivered to the State Department of Archives and History to be placed elsewhere in the discretion of that State agency.

Sec. 3. That the Speaker of the House and the President of the Senate and two other members of the General Assembly to be named by them serve as a committee to cooperate with the State Art Society in furthering the purposes of this Resolution.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1951.
RESOLUTION 22

A JOINT RESOLUTION FIXING A TIME AND PLACE FOR A SESSION OF THE GENERAL ASSEMBLY IN NEW BERN, NORTH CAROLINA.

WHEREAS, the Board of Commissioners of the County of Craven and the governing board of the City of New Bern have invited the General Assembly of North Carolina to hold a session in the City of New Bern on Wednesday, March 14, 1951; and

WHEREAS, the City of New Bern was the first permanent Capital of the Province of North Carolina in colonial days; and

WHEREAS, the first Provincial Congress was held in New Bern on August 25, 1774; and

WHEREAS, Governor Richard Caswell was inaugurated at Tryon's Palace in New Bern on January 16, 1777, and the first General Assembly elected under the Constitution of 1776 convened in New Bern on April 7, 1777, thus constituting New Bern the first Capital of the State of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina shall, on Wednesday, March 14, 1951, at 11:30 a.m., meet at a regular session in the City of New Bern, the Senate to meet in the City Hall of the City of New Bern and the House of Representatives to meet in the Craven County Court House in the City of New Bern.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1951.

RESOLUTION 23


WHEREAS, by virtue of S. R. 339, introduced by Senators Larkins, Hicks, and Rankin, and H. R. 602, introduced by Representative Hardison, which duly passed both houses of the General Assembly, it was provided that the General Assembly of North Carolina would, on Wednesday, March 14th, 1951, hold a regular session of said General Assembly in the City of New Bern, the historical home and meeting place of the General Assembly of North Carolina; and
WHEREAS, it is proper that some of the history of Craven County and of the City of New Bern, as well as the acts and deeds of its illustrious men and statesmen should again be remembered and called to the attention of the people of the State, and to that end, it is hereby recited that: The voters of Craven County, one of the original precincts, and of the borough Town of New Bern, have sent to the General Assembly in the Colonial period and since our independence, some of the most illustrious men who have distinguished the legislative bodies of North Carolina; and

WHEREAS, after the Lords Proprietors transferred their interest in Carolina to the Crown in 1728, and before New Bern became the regular seat of government, the General Assembly first met in New Bern 6 March 1738. Here in 1739, Sir Richard Everard, son of the late Governor, and 15 other members of the Commons charged Chief Justice William Smith of high crime and misdemeanors. Governor Burrington wrote that Smith was "the jest and scorn of the men who perverted him," "a silly, rash boy, a busy fool and an egregious sot," "Ungrateful, perfidious scoundrel, and as much wanting in truth as understanding." While Smith was in England, Burrington appointed Daniel Hamner who was ousted by Smith and imprisoned for perjury, and Burrington was succeeded by Governor Gabriel Johnston; and

WHEREAS, the General Assembly fixed New Bern as the seat of Government in 1746, and the town thereby took the place of Westminster. All writs, plaints and process were to be commenced in the Supreme or General Court in New Bern, and all pleadings and proceedings thereon were to be carried on until the case was at issue, and then the Court issued writs of nisi prius and subpoenas for witnesses to attend at the proper places. After 1745, the General Assembly usually met in New Bern, although some sessions were held in Wilmington, and once, in 1752, in Bathtown; and

WHEREAS, the Provincial Congress which assembled in New Bern 25 August 1774, was the first assemblage of representatives of the people independent of Royal authority. It was the first body of its kind to meet in America. The following year on 8 April 1775, Governor Josiah Martin by proclamation dissolved the General Assembly at New Bern and thus ended forever in North Carolina legislative action under the Royal Government; and

WHEREAS, the Congress having met in Halifax 17 December 1776, for the purpose of establishing a Constitution or form of government for the State, the first General Assembly was begun and held at New Bern 8 April 1777, in the first year of the independence of the State, and second anniversary of the end of Royal rule, and Abner Nash of New Bern was elected Speaker of the House of Commons. In 1779 he was Speaker of the Senate in the session held in Halifax. In the session of 1784 at New Bern, William Blount was Speaker of Commons, and in 1785 at New Bern, Richard Dobbs Spaight was Speaker of Commons. Both Blount and Spaight were residents of Craven County and both were members of the Convention in Philadelphia in 1787 to form the Constitution of the United States, and their names are signed to that document. Spaight was the first native son to become Governor of North Carolina, and his son, Richard Dobbs Spaight,
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our Governor in 1835, was the last Governor elected by the General Assembly. He served in 14 sessions of the General Assembly, 13 in the Senate and one in the House; and

WHEREAS, John Sitgreaves of New Bern was Speaker of the Commons in 1787. Later he was Judge of the U. S. Court for the District of North Carolina. In 1808 William Gaston, a resident of New Bern, was elected Speaker of the Commons. Six times he was sent to the House and four times to the Senate. He was prominent in the Convention of 1835, and became, as a member of the Supreme Court, one of the great judges of America; and

WHEREAS, among other outstanding men from Craven or the borough of New Bern in the General Assembly were James Coor, Speaker of Senate in 1786, who served 13 sessions; John Stanley, first orator of the State, who served 11 terms; Francis X. Martin, one of the great American lawyers, Chief Justice of Louisiana, and historian; Frederick Nash, son of Abner Nash and Justice of the Supreme Court; John H. Bryan, Lawyer and member of Congress; M. E. Manly, the last to represent the Town of New Bern, and Justice of the Supreme Court; George E. Badger, U. S. Senator and member of President's Cabinet; Francis L. Hawks, noted divine and historian of North Carolina and of the Episcopal Church; and

WHEREAS, Judge Owen H. Guion was a member of the House in 1903, and 1905 when he was elected Speaker; and more recently David L. Ward, son of the eloquent Judge D. L. Ward who was in the Senate in 1905, was Craven's representative in 1935 and in 1937, and in 1939 when he was chosen Speaker of the House, he being at the age of 35, the youngest speaker of the House. He thereafter served as representative in the sessions of 1941 and 1943, and as Senator in the sessions of 1945 and 1947 and 1949. Craven's present representative, Burl G. Hardison, first served as a member in 1945, and has by general consent been returned as a member of the sessions of 1947, 1949 and 1951; and

WHEREAS, the Honorable John D. Larkins of Jones County, a county belonging to the same senatorial district in which is included Craven County, has served in the General Assembly of North Carolina in the Senate for the sessions of 1937, 1939, 1941, 1943, 1949, and is now serving during the present session of 1951; and in addition thereto, the Honorable Carl T. Hicks from Greene County, a county belonging to the same senatorial district in which is included Craven County, is now serving his first term in the Senate of the General Assembly of North Carolina, and both senators have given and are now giving distinguished public service; and

WHEREAS, by ordinance of the Convention assembled in Hillsboro 21 July, 1788, the plantation of Issac Hunter in Wake County was fixed as the place of future meetings of the General Assembly, but until preparations were made for accommodation there, sessions were held in Fayetteville or New Bern. The last General Assembly to meet in New Bern commenced 15 November 1792. It first met in its permanent home in Raleigh 30 December 1794, in the administration of Governor Richard D. Spaight; and

WHEREAS, the session of the General Assembly of North Carolina held today in the City of New Bern, the Senate meeting in the City Hall
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of the City of New Bern, and the House meeting in the County Courthouse of Craven County, the greetings and welcome to the House having been extended and given by the Honorable George W. Ipock, Chairman of the Board of Commissioners of Craven County, and greetings and welcome to the Senate having been extended and given by the Honorable George H. Roberts, Mayor of the City of New Bern, and the members of the General Assembly of North Carolina, their wives and honored guests, desire to give thanks and show their appreciation for the courtesies and kindesses extended to them at this particular session of said General Assembly:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the members of the General Assembly of North Carolina, and of both houses thereof, in behalf of themselves, their wives and honored guests, do hereby express to the people of Craven County and of the City of New Bern their deep and sincere appreciation and do hereby desire to acknowledge the many and gracious courtesies extended to them, their wives and guests by the people of Craven County and of the City of New Bern, and do hereby in this formal manner acknowledge their obligation to the people of Craven County and of the City of New Bern for the warmhearted reception given to them and recognize with gratitude the entertainment and pleasure that has been afforded the members of the General Assembly, their wives and honored guests, at this session held in the City of New Bern, the former historical home of this legislative body.

Sec. 2. The General Assembly of North Carolina, at this session now being held, wishes to gratefully acknowledge and recognize and, as well, pay tribute to the people of Craven County and the City of New Bern for their many distinguished sons and citizens who have honored the State of North Carolina with their public services and who have reflected great fame and credit on the people of the State of North Carolina as a whole, as well as the people of their own county and city. The General Assembly of North Carolina, at this session, gratefully recalls some of their many public acts and deeds, including those now present and serving the General Assembly, those living who have heretofore served their State, as well as those who have made their great contribution and who have now passed on.

Sec. 3. That a copy of this Resolution be transmitted to the Secretary of State to the end that the same be made a part of the official records of the State; that a copy of this Resolution be transmitted to the Honorable George W. Ipock, Chairman of the Board of County Commissioners of Craven County, to become a part of the permanent records of Craven County, and to the Honorable George H. Roberts, Mayor of the City of New Bern, to become a part of the permanent records of the City of New Bern.

Sec. 4. This Resolution shall be in force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.
H. R. 642  RESOLUTION 24

A JOINT RESOLUTION MEMORIALIZING SECOND LIEUTENANT LAWRENCE J. MASON, UNITED STATES MARINE CORPS RESERVE, WHO DIED IN THE LINE OF DUTY AT THE MARINE AIR BASE, CHERRY POINT, NORTH CAROLINA, ON MARCH 14th, 1951.

WHEREAS, Second Lieutenant Lawrence J. Mason, United States Marine Corps Reserve, a native of Tacoma, Washington, met untimely death while flying a jet propelled airplane in the presence of both houses of the General Assembly of North Carolina at the United States Marine Air Base at Cherry Point, North Carolina; and

WHEREAS, the General Assembly of North Carolina regrets exceedingly the tragic death of Lieutenant Lawrence J. Mason and considers that he died in line of duty and in his death demonstrated the highest and best traditions of the United States Marine Corps;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina express its regret for the death of Lieutenant Lawrence J. Mason, United States Marine Corps Reserve.

Sec. 2. That the General Assembly of North Carolina extend its deepest sympathy to Mr. William A. Mason, 805 S. Geiger Street, Tacoma, Washington, father of Lieutenant Mason in the untimely death of his son.

Sec. 3. That the General Assembly of North Carolina express its respect for the tradition and integrity of the United States Marine Corps and to the Marines who recognize this tradition and maintain this integrity even until death.

Sec. 4. That when the General Assembly adjourns on Thursday, March 15, 1951, it do adjourn in memory of Lieutenant Lawrence J. Mason.

Sec. 5. That a copy of this Resolution be furnished to Mr. William A. Mason, father of Lieutenant Mason.

Sec. 6. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.

H. R. 203  RESOLUTION 25

A JOINT RESOLUTION RELATING TO SAFETY ON THE PUBLIC HIGHWAYS.

WHEREAS, despite all laws governing the operation of motor vehicles on our public highways and all present efforts to enforce such laws, we are today faced with a terrible and rising toll of death and destruction on those highways, with an appalling loss of life and enormous property damage; and
WHEREAS, with increasing traffic due to defense activities it appears probable that this deplorable condition will become worse rather than better unless some more effective method of dealing with it can be devised; and

WHEREAS, in an effort to partially meet this situation it has been proposed that 105 additional patrolmen be added to the present highway patrol, making a total of 528; and

WHEREAS, it is desirable in the public interest that this increase in the number of patrolmen should be turned to the best possible advantage as promptly as possible:

Now, therefore, it is hereby resolved by the House of Representatives, the Senate concurring:

First, that it is the sense of this Resolution and it is so recommended and urged that in each highway patrol or troop district in the State an adequate number of patrolmen shall be required by the Commissioner of Motor Vehicles to devote a reasonable part of their time to conducting, from time to time a check of motor vehicles actually operating upon the highways of the State, such checks to be made by patrolmen at such times and places as may, in their judgment, best serve the purposes of highway safety and least interfere with the movement of traffic and the general convenience of the traveling public.

Such checks shall be made with particular attention to the condition of the brakes, the lighting system, and the steering assembly of vehicles checked, and no charge for such service shall be made against the owner or operator of any such motor vehicle.

Second, it is the further sense of this Resolution that when it shall appear to the patrolman that any motor vehicle is for any reason in a defective condition or unsafe to operate upon the public highways, the owner or operator shall be given a reasonable opportunity to correct such defects. It is not the intent of this Resolution to limit or add to the existing powers and duties of the State Highway Patrol.

Third, this Resolution does not contemplate or recommend the establishment of any type of inspection stations or lanes as heretofore operated by the Department of Motor Vehicles, it being the intent of this Resolution that this service to the motor vehicle operator be rendered at no particular time or place and that no specified equipment or facilities should be required for such inspection.

Fourth, that this Resolution be in full force and effect after its adoption.

In the General Assembly read three times and ratified, this the 20th day of March, 1951.
A JOINT RESOLUTION EXPRESSING APPRECIATION FOR THE HOSPITALITY OF MAJOR GENERAL L. E. WOODS AND BRIGA- DIER GENERAL WILLIAM L. MCKITTRICK AND THEIR COM- MANDS AT CHERRY POINT MARINE AIR BASE, AND TO SEN- ATORS HICKS, LARKINS AND RANKIN AND REPRESENTATIVES DILL, HARDISON, MOORE OF WILSON, O’HERRON AND POPE FOR THEIR WORK IN MAKING ARRANGEMENTS FOR THE OCCASION.

WHEREAS, pursuant to an invitation extended to the members of the General Assembly by Major General L. E. Woods and Brigadier General William L. McKittrick, Commanding Officers at Cherry Point Marine Air Base, the members of the General Assembly did, on March 14, 1951, visit Cherry Point Marine Air Base, at which time they were extended many courtesies by Major General Woods and Brigadier General McKittrick and their staffs and, in addition to receiving most gracious and hospitable treatment, were afforded the opportunity, by special demonstrations, of observing simulated modern warfare; and

WHEREAS, arrangements for the trip were made by Senate Com- mittee consisting of Senators Larkins, chairman, Hicks and Rankin and by House Committee consisting of Representatives Moore of Wilson, chair- man, Dill, Hardison, O’Herron and Pope, which arrangements added greatly to the pleasure and enjoyment of the members of the General Assembly: Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the Senate and the House of Representa- tives of North Carolina, on behalf of themselves, their wives and other invited guests, hereby express to Major General L. E. Woods and Brigadier General William L. McKittrick and the officers of their staffs and other military personnel under their commands their sincere and deep apprecia- tion for the invitation to visit Cherry Point Marine Air Base and for the many courtesies, cordial hospitality, and splendid entertainment given them on the occasion of their visit to the base on March 14, 1951.

Sec. 2. That the members of the Senate and the House of Representa- tives of North Carolina hereby express their sincere appreciation and thanks for the extremely successful efforts of Senators Carl T. Hicks, John D. Larkins, Jr., and R. Grady Rankin and Representatives George W. Dill, Jr., Burl G. Hardison, Larry I. Moore, Jr., E. M. O’Herron, Jr., and Will- iam R. Pope in formulating and executing arrangements which added so greatly to the pleasure and enjoyment of the members of the General Assembly on the occasion of the trip to Cherry Point Marine Air Base.

Sec. 3. That a copy of this Resolution be transmitted to Major General L. E. Woods and Brigadier General William L. McKittrick and to each member of the Senate and House committees on arrangements named in Section 2 of this Resolution.

Sec. 4. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 21st day of March, 1951.
H. R. 518

RESOLUTION 27

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH AND MAINTAIN AN AIRPORT AT THE KILL DEVIL HILL NATIONAL MONUMENT IN DARE COUNTY, NORTH CAROLINA.

WHEREAS, from a point near the base of Kill Devil Hill, on top of which the Wright Memorial Shaft now stands, man was first winged aloft in a heavier than air machine through the mechanical genius and dauntless resolution of the brothers, Wilbur and Orville Wright; and

WHEREAS, this flight, which was achieved by Orville Wright on December 17, 1903, is commemorated by Kill Devil National Monument; and

WHEREAS, there is now no airport or airfield being operated at or near the site of the said Wright Memorial Shaft; and

WHEREAS, said monument is situated on the North Carolina banks in an area rich in history and legend; and

WHEREAS, it is only a few miles from Roanoke Island, site of Sir Walter Raleigh's ill-fated settlement of 1587 where Virginia Dare was born, first child of English parentage in the New World:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the Congress of the United States is hereby requested to enact the necessary legislation to cause an airport or airfield to be established and maintained at or near the Kill Devil Hill National Monument in Dare County, North Carolina.

Sec. 2. That copies of this Resolution be sent by the Secretary of State to the President of the United States Senate, the Speaker of the House of Representatives, and the Senators and Representatives who compose North Carolina's congressional delegation.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 27th day of March, 1951.

H. R. 1150

RESOLUTION 28


Be it resolved by House of Representatives, the Senate concurring:

First, That the membership of the House of Representatives and of the Senate meet in joint session in the Hall of the House of Representatives at 8:30 p.m. on the evening of Monday, April 9, for the purpose of accepting on behalf of the State a portrait of the late honored and beloved Governor Charles B. Aycock.

Second: This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified this the 9th day of April, 1951.
H. R. 848  RESOLUTION 29


Resolved by the House of Representatives, the Senate concurring:

Section 1. That the Secretary of State be, and he is hereby authorized and directed to have printed three thousand five hundred (3,500) copies of Sections of Chapter 115, General Statutes of North Carolina, 1943, and the 1949 Cumulative Supplement as amended by the Acts of this General Assembly, and other public school laws enacted by the General Assembly of 1951, to be distributed by the State Superintendent of Public Instruction.

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

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

In the General Assembly read three times and ratified, this the 11th day of April, 1951.

H. R. 832  RESOLUTION 30

A RESOLUTION TO REQUIRE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO INVESTIGATE THE STATUS OF DAVIS CEMETERY IN SWAIN COUNTY WITH A VIEW OF PROVIDING SOME MEANS OF ACCESS TO THIS CEMETERY.

WHEREAS, at the time the Tennessee Valley Authority constructed the Fontana Dam in Swain and Graham Counties, a considerable area of Swain County was flooded with water and previous to the ponding of this water, there had existed for many years in an area of Swain County a cemetery known as the Davis Cemetery; and

WHEREAS, the State and county had for many years maintained a road providing access to said cemetery and at the time said authority performed its construction work, there was an understanding that proper access to such places or cemeteries would be provided where the roadway to same was flooded and as a result of the ponding of said water, the road to Davis Cemetery has been flooded and the cemetery isolated and no replacement of access has been provided up to this time; that at the present time, the only access to the cemetery is by boat or by walking a distance of three miles from Bryson City down the railroad or by walking from Almond, a distance of one and one-half miles across a high railroad bridge:

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Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the State Highway and Public Works Commission be, and it is, required to investigate the situation with regard to said Davis Cemetery in Swain County and either, by itself or in conjunction with the governing authority of Swain County, to provide some mode of reasonable access to Davis Cemetery.

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

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1951.

S. R. 610

Resolution 31

A Joint Resolution to Adjourn in Recognition of the Halifax Resolves of April 12, 1776.

WHEREAS, the Provincial Congress assembled at Halifax passed on April 12, 1776, the following Resolution: "Resolved, that the delegates for this Colony in the Continental Congress be empowered to concur with the delegates to the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a Constitution and laws for this colony, and of appointing delegates from time to time (under the direction of a general representation thereof), to meet the delegates of the other colonies for such purpose as shall be hereafter pointed out"; and

WHEREAS, the Provincial Congress assembled in Halifax adopted on December 18, 1776 the first Constitution of the State of North Carolina which said Constitution was in full force and effect (together with certain amendments passed by the Constitutional Convention of 1835) until the present Constitution was adopted in 1868; and

WHEREAS, the General Assembly in 1885 recognizing the significance of the date of April 12, 1776 passed an Act requiring the said date "April 12, 1776" to be on our State Flag; and

WHEREAS, April 12, 1776 and December 18, 1776 are important and significant dates in the history of North Carolina; and

WHEREAS, this year, 1951, is the one hundred and seventy-fifth anniversary of the passing of the Halifax Resolves and of the adoption of our first Constitution, both momentous events in our history;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina pause and reflect upon the importance and significance of the action of the delegates of the Provincial Congress of April 12, 1776 and the profound effect which this action had upon the delegates from other colonies to the Continental Congress.

Sec. 2. That the General Assembly of North Carolina adjourn today in honored recognition of this action and its results upon the history of North Carolina and the United States.

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Sec. 3. That the General Assembly of North Carolina in recognizing these important actions, recommend to its members and to the citizens of North Carolina a thorough study of the history of the State and a deep reflection and meditation upon the lives of the loyal and patriotic men and women of those days who served and sacrificed that we today may have life, liberty, and the pursuit of happiness; and that by such study, reflect, and meditation we as a State may grow strong educationally, economically, and religiously and develop a greater sense and spirit of political and social freedom that will be forever preserved for our great State.

Sec. 4. That a restudy, and revaluation of our Constitutional History is necessary for us today if we are to preserve and make possible our freedom for future generations.

Sec. 5. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. R. 1224

RESOLUTION 32


Be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the House of Representatives and the Senate meet in joint session on the 13th day of April, 1951, at 10:30 o'clock A.M. in the House Chamber for the purpose of electing Trustees of the Greater University of North Carolina and for the purpose of approving appointments to the State Board of Education.

Sec. 2. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. R. 623

RESOLUTION 33

A JOINT RESOLUTION COMMENDING ATTORNEY GENERAL HARRY McMULLAN AND HIS ENTIRE STAFF FOR ASSISTANCE RENDERED THE MEMBERSHIP OF THE 1951 GENERAL ASSEMBLY.

WHEREAS, Harry McMullan, Attorney General of the State of North Carolina, and his staff of assistants and secretaries have been most cooperative with members of this General Assembly in the preparation of bills and have rendered valuable assistance to the members of this General Assembly; and
WHEREAS, the drafting of bills by the Attorney General and his staff is a service which is indispensable, and results in greatly facilitating the work of the General Assembly:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. We do hereby express to the said Harry McMullan, Attorney General of the State of North Carolina; T. W. Bruton, Hughes J. Rhodes, Ralph Moody, James E. Tucker, Peyton B. Abbott, and John Hill Paylor, Assistant Attorneys General; Harry W. McGalliard, Revisor of Statutes; Clifton W. Beckwith, Director of the Division of Legislative Drafting and Codification of Statutes; and members of the legal staff, Walter F. Brinkley, John R. Jordan, Jr., Charles G. Powell, and Edward B. Hipp; and to the secretarial force, Mrs. Rennie R. Dupree, Lillian Turner, Elizabeth Kelly, Elizabeth Flournoy, Nancy Upchurch, Mrs. Laurie B. Harrison, Mrs. T. P. Norwood, Mrs. H. C. Jackson, Mrs. Millicent S. Kincaid, Mrs. Joy W. Britt, Mrs. Katie Mann, and Mrs. Maude Morrow, our sincere and grateful appreciation for their cordial, generous, and efficient services and assistance rendered to the members of the General Assembly of 1951 in the preparation and drafting of bills, and otherwise.

Sec. 2. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. R. 615

RESOLUTION 34

A JOINT RESOLUTION HONORING THE MEMORY OF MAUDE LATHAM, A GENEROUS BENEFACCTOR AND CONTRIBUTOR TO THE RESTORATION OF TRYON PALACE, THE FIRST STATE CAPITOL.

WHEREAS, Maude Moore Latham of Greensboro, North Carolina, who was born and reared in the City of New Bern, North Carolina, has heretofore created two trusts now having a value greatly in excess of the sum of Two Hundred Fifty Thousand Dollars ($250,000.00) to be used for the restoration of Tryon Palace in New Bern, North Carolina, and has by her last will and testament bequeathed other large sums of money for the said purpose; and

WHEREAS, Maude Moore Latham has, in addition to making these generous gifts, purchased for use in the restored Tryon Palace, the first State Capitol, furniture and fittings of the period of the said palace having a value in excess of One Hundred Twenty Thousand Dollars ($120,000.00); and

WHEREAS, Maude Moore Latham has heretofore had, prior to her death, been president of the Tryon Palace Commission in which capacity and otherwise she has furnished inspiration for the work of the restoration of this ancient landmark and structure; and

WHEREAS, after years of useful service in many other respects to her native State, Maude Moore Latham has passed on to the reward befitting a good and faithful servant of her fellowmen:
Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the contributions and generosity of Maude Moore Latham for the restoration of Tryon Palace, the first State Capitol, are hereby recognized and the appreciation of the people of the State expressed to May Gordon Kellenberger, the surviving daughter of Maude Moore Latham, for the public service and acts of generosity of her mother who has, during her lifetime, been a benefactor of the State, one of which benefactions will be perpetually memorialized in the restoration of Tryon Palace at New Bern, North Carolina,

Sec. 2. That a copy of this Resolution shall be certified by the Secretary of State under the Seal of his office and furnished to May Gordon Kellenberger, the surviving daughter to Maude Moore Latham.

Sec. 3. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. R. 1074
RESOLUTION 35

A JOINT RESOLUTION RELATING TO FEDERAL AID IN THE DEVELOPMENT OF INLETS, HARBORS, PORTS AND INLAND WATERWAYS OF NORTH CAROLINA.

WHEREAS, it is known that the cost of any permanent work done on these projects has to be borne by the Federal Government; and

WHEREAS, we recognize the great value these inlets, inland waterways and harbors have in the economic life of North Carolina and more especially eastern North Carolina; and

WHEREAS, the North Carolina members of Congress are a great power in our Federal Government,

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina hereby respectfully requests the North Carolina Senators and Representatives in Congress to exert all proper influence and use all available means at their command in an effort to have the Federal Government proceed with a program of development and improvement of the inlets, harbors, ports and inland waterways which are of such vital importance not only to the economic life of this State, but to the entire nation in the furtherance of its defense program.

Sec. 2. The Governor of the State of North Carolina is respectfully requested to join with our Senators and Representatives in Congress in a concerted effort to secure necessary federal appropriations to give effect to an adequate program of development, with particular regard to the deepening and widening of the several inlets leading into our harbors and inland waterways, including specifically Lockwood’s Folly Inlet and Shal- lotte Inlet, in Brunswick County, and Oregon Inlet, Hatteras Inlet, and Ocracoke Inlet, in Dare County, these inlets being vitally necessary to the commercial fishing industry of the adjoining sections.
Sec. 3. The Secretary of State is requested to furnish copies of this resolution, properly authenticated and bearing the Seal of the State, to the Honorable Kerr Scott, Governor of North Carolina, and to each of our Senators and Representatives in Congress, with appropriate expressions of respect.

Sec. 4. This Resolution shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. R. 621  RESOLUTION 36

A JOINT RESOLUTION RELATING TO THE INDIANS OF ROBESON AND ADJOINING COUNTIES.

WHEREAS, those Indians residing in Robeson and adjoining counties are desirous of having the General Assembly of North Carolina legally designate and assign to them an official tribal name; and

WHEREAS, through the years much uncertainty and confusion has resulted from repeated changes and attempted changes in their tribal name; and

WHEREAS, there now exist honest differences of opinion among these Indians, themselves, as to what name and title would most accurately reflect their racial origin and serve their present needs and purposes; and

WHEREAS, it is generally agreed among them that this question of a name should be definitely and, insofar as possible, finally settled by legislative action:

Now, therefore, with this object in view, be it resolved by the Senate of the State of North Carolina, the House of Representatives concurring:

Section 1. That the Board of County Commissioners of Robeson County, upon receiving a petition signed by not less than one hundred Indians of Robeson and adjoining counties, who are qualified voters therein and whose names appear upon the accredited roster of Indians of Robeson and adjoining counties on record at Pembroke State College, is hereby authorized by resolution of the board to call a referendum election to be held at such time and at such places as the Board of County Commissioners may by resolution determine, at which election there shall be submitted the question of choosing an official name for the Indians of Robeson and adjoining counties.

Insofar as circumstances permit and except as otherwise provided in this Act, such election shall be called, advertised and conducted and the results determined, declared and certified in accordance with general laws governing special elections. The Board of County Commissioners of Robeson County, by resolution, shall provide for the registration of Indians eligible to vote and shall establish conveniently located polling places and shall provide all necessary election officials, machinery and facilities. Only those Indians of Robeson and adjoining counties whose names appear on the accredited roster of Indians on record at Pembroke State College prior to the closing of the registration books for such election shall be eligible to register and vote therein, and then only in the event they qualify otherwise as electors.
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Sec. 2. At such election, the choice of a name for the Indians of Robeson and adjoining counties shall be determined by the greatest number of votes cast in favor of a particular name or designation; and upon such choice being determined, the same shall be certified by the Board of County Commissioners of Robeson County to the 1953 General Assembly of North Carolina for its consideration and action.

Sec. 3. The Secretary of State is hereby respectfully requested to furnish an authenticated copy of this Resolution to the Chairman of the Board of County Commissioners of Robeson County and to the President or Principal of Pembroke State College, with appropriate letters of transmittal.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

S. R. 539  Resolution 37

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON SATURDAY, APRIL 14, 1951.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That both the Senate and House of Representatives constituting the General Assembly of 1951, do adjourn sine die on Saturday, April 14, 1951, at 11:00 P.M.

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

In the General Assembly read three times and ratified, this the 14th day of April, 1951.

H. R. 1029  Resolution 38

A JOINT RESOLUTION CONTINUING THE COMMISSION APPOINTED BY THE GOVERNOR TO STUDY THE PROPOSAL TO INVESTIGATE THE ERECTION OF A PERMANENT MEMORIAL TO BE DEDICATED TO THE MEMORY OF JOSEPHUS DANIELS.

WHEREAS, under the authority of the Joint Resolution No. 10 of the General Assembly of 1949, the Governor has appointed a commission composed of the following: H. P. Taylor, Chairman, Clarence Poe, Lindsay C. Warren, Gordon Gray, L. A. Martin, Larry I. Moore, William T. Joyner, to study the proposal to investigate the erection of a permanent memorial to be dedicated to the memory of Josephus Daniels; and

WHEREAS, this commission has made its report, recommending the construction of an arboretum on the campus of the State College of Agriculture and Engineering at Raleigh to be dedicated as a permanent memorial to the memory of Josephus Daniels; and

WHEREAS, it is desirable that architectural plans for such arboretum be prepared and approved by a competent commission for recommendation to the General Assembly as to such appropriation as shall be made therefor:
Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the commission appointed by the Governor as set out in the preamble to this Resolution to study proposals to look into the erection of a permanent memorial to be dedicated to the memory of Josephus Daniels shall continue to function until the meeting of the next General Assembly. The said commission is authorized and empowered to engage the services of a competent architect to prepare the plans necessary for the erection of the suggested memorial, who, when employed, shall, in cooperation with the staff of the State College of Agriculture and Engineering, complete such plans for consideration by the commission in order to enable them to make recommendations to the next General Assembly. The expense of employing such an architect shall be paid by an allocation from the Contingency and Emergency Fund upon the approval of the Governor and Council of State as to the amount thereof.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1951.
STATE OF NORTH CAROLINA,

DEPARTMENT OF STATE.

RALEIGH, MAY 1, 1951

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

Secretary of State.
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(Suggestions for use: When looking for a local law, the quickest way to find it will be under the name of the particular county, city or town involved. The Act appointing boards of education in various counties is Chapter 1117; the Acts appointing justices of the peace in various counties are Chapters 508 and 1068.

If you are looking for a law which amends or repeals a certain statute or law, look under the heading “General Statutes” or “Laws Amended” or “Laws Repealed”.

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