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NORTH CAROLINA HISTORICAL COMMISSION
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BULLETIN No. 8

Amendments to the Consolidated Statutes

ENACTED BY THE
GENERAL ASSEMBLY OF NORTH CAROLINA
REGULAR SESSION 1929

COMPILED BY
H. M. LONDON
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THE NORTH CAROLINA HISTORICAL COMMISSION

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NOTE

This bulletin is issued in compliance with Section 6147 of the Consolidated Statutes, which requires the Legislative Reference Librarian to keep the compilations of the Public Laws of the State revised to date. It contains the amendments to the Consolidated Statutes enacted at the 1929 regular session of the General Assembly. Bulletin No. 3 contained the amendments enacted at the extra session 1920 and regular session 1921. Bulletin No. 4 contained the amendments enacted at the extra session 1921. Bulletin No. 5 contained the amendments enacted at the regular session of 1923. Bulletin No. 6 contained the amendments enacted at the extra session 1924 and regular session 1925, and Bulletin No. 7 contained the amendments enacted at the regular session 1927. Copies of 4, 5, 6 and 7 may be had on application. The amendments contained in 3, 4 and 5 are also embraced in Volume Three of the Consolidated Statutes.

The chapters which in terms or in effect amend certain chapters, sections or subsections of the Consolidated Statutes have been brought forward in this bulletin and are arranged according to the section number of the Consolidated Statutes. In each case the chapter number is given so that reference may be made to the session laws. These amendments have been printed so that they may be clipped and pasted in the Consolidated Statutes or the bulletin may be used as a supplement in its present form.

Several laws, such as the Revenue and Machinery Act, Motor Vehicle Laws, the School Law, Blue Sky Law, Game and Fish Laws, County Government Law, Election Law, including the Australian Ballot Law, Road Laws, Highway Patrol Act, Workmen's Compensation Act, Uniform Weights and Measures Act, Executive Budget Act, and others, are not brought forward here since they have been published in pamphlet form and may be had free upon application by persons interested in them.

H. M. LONDON,
Legislative Reference Librarian.

AUGUST 1, 1929.

Amendments to the Consolidated Statutes

ENACTED BY THE
GENERAL ASSEMBLY OF NORTH CAROLINA
REGULAR SESSION, 1929

CHAPTER I ADMINISTRATION

49. Add at end of section: "And under all proceedings provided for in this section, the defaulting executor, administrator or collector shall be personally liable for the costs of such proceeding to be taxed against him by the Clerk of the Superior Court, or deducted from any commissions which may be found due such executor, administrator or collector upon final settlement of the estate."
1929, c. 9, s. 1.

65(a). Vol. III. In line 11, before the word "Guilford" insert the word "Randolph."
1929, c. 63.

In line 15, after the word "Alamance" insert the words "Lincoln, Granville, Chowan, Forsyth, Hoke, Lee, Vance, Robeson, Davidson, Montgomery, Durham, and Mecklenburg."
1929, c. 71.

In line 11, after the word "Guilford" insert the word "Edgemombe."
1929, c. 121.

CHAPTER IV ATTORNEYS AT LAW

196. In lines 6 and 7 strike out the following sentence: "An applicant from another State may have such certificate signed by any state officer of the State from which he comes," and insert in lieu the words "An applicant must be a bona fide resident of North Carolina, or a non-resident student in an approved law school in North Carolina."
1929, c. 168.

205. Now reads: "*Conviction or Confession of Crime.* No attorney-at-law shall be disbarred for crime unless after conviction or confession in open court, State or Federal, of a criminal offense showing him to be unfit to be trusted in the duties of his profession. After conviction of a felony showing him to be unfit to be trusted in the duties of his profession he must be disbarred by the court; and if any attorney be convicted of, or confesses to the commission of a felony of such nature in a State court, the presiding judge of such court (or if any attorney be convicted in a Federal court, it shall be the duty of the solicitor of the district in which such attorney is practicing to secure a certified copy of the judgment entered and present the same to the judge holding the courts in said district), shall cause a judgment to be entered and docketed in the office of the Clerk of the Superior Court in which such attorney is convicted, or in which such attorney is practicing, disbarring said attorney and the Clerk of the Superior Court in which the same is docketed shall forthwith transmit a certified copy of said judgment to the Clerk of the Supreme Court, whereupon the Supreme Court shall revoke the license and the right of such attorney to practice law in the State."
1929, c. 64.

208. Add at end of section: "*Provided,* that the judge residing in or holding courts of any district may, in his discretion, institute an investigation into any reported cause for the disbarment or suspension of any attorney-at-law practicing in such district; and, for such purpose, the judge is empowered to appoint not less than three nor more than five commissioners, who shall be duly licensed and practicing attorneys of said district, with power and authority to compel the attendance of and examine witnesses with reference to the reported cause for disbarment."
1929, c. 287.

CHAPTER V BANKS

217(a). Vol. III. In paragraph 4, line 2, between the word "of" and the word "fifty," insert the words "ten, twenty, twenty-five."
1929, c. 72, s. 1.

217(kk). Vol. III. Insert new section as follows: "Any bank or trust company incorporated under the laws of North Carolina may be consolidated with any national banking association, or associations, under the charter of such national banking association or under a new charter issued to such consolidated association, upon such terms and conditions as may be lawfully agreed upon, provided that the laws of North Carolina governing the consolidation of State banks shall be first complied with as to the consolidation of such bank or trust company. When such consolidation shall have been effected and approved, as provided by law, all the rights, franchises and interests of such bank or trust company so consolidated with the national banking association, or national banking associations, in and to every species of property, real, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national banking association into which it is consolidated, without any deed or other transfer, and the said consolidated national banking association shall hold

and enjoy the same and all rights of property, franchises and interests, including the right of succession as trustee, executor, administrator, or in any other fiduciary capacity, in the same manner, and to the same extent, as was held and enjoyed by such bank or trust company so consolidated. In case of such consolidation the rights of creditors of such bank or trust company shall be preserved unimpaired and all lawful debts and liabilities of such bank or trust company shall be deemed to have been assumed by such consolidated national banking association."

1929, c. 148.

218(a). Vol. III. As amended by chapter 47, section 4, 1927, in line 12, strike out the word "defendant" and insert the word "plaintiff."

1929, c. 73.

220(m). Add new section: "220(mm). No revocation, countermand or stop-payment order relating to the payment of any check or draft against an account of a depositor in any bank or trust company doing business in this State shall remain in effect for more than six months after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than six months from date of service thereof on the bank or trust company, but such renewals may be made from time to time.

"No notice affecting a check upon which revocation, countermand or stop-payment order has been made at the time of the taking effect of this act shall be deemed to continue for a period of more than six months thereafter.

"Where a check or other instrument payable on demand at any bank or trust company doing business in this State is presented for payment more than six months from its date, such bank or trust company, may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by non-payment."

1929, c. 341.

220(u). Add new section: 220(uu). When a statement of account has been rendered by a bank to a depositor accompanied by vouchers, if any, which are the basis for debit entries in such account, or the depositor's passbook has been written up by the bank showing the condition of the depositor's account and delivered to such depositor with like accompaniment of vouchers, if any, such account shall, after the period of five years from the date of its rendition in the event no objection thereto has been theretofore made by the depositor, be deemed finally adjusted and settled and its correctness conclusively presumed and such depositor shall thereafter be barred from questioning the incorrectness of such account for any cause.

"Nothing herein shall be construed to relieve the depositor from the duty now imposed by law of exercising due diligence in the examination of such account and vouchers, if any, when rendered by the bank and of immediate notification to the bank upon discovery of any error therein, nor from the legal consequences of neglect of such duty; nor to prevent the application of section two hundred and twenty (h) Consolidated Statutes to cases governed thereby."

1929, c. 188.

221(m). Vol. III. Now reads: "*Officers and employees shall give bond.* The active officers and employees of any bank before entering upon their duties shall give bond to the bank in a bonding company authorized to do business in North Carolina, in the amount required by the directors and upon such form as may be approved by the Corporation Commission, the premium for same to be paid by the bank. The Corporation Commission or directors of such bank may require an increase of the amount of such bond whenever they may deem it necessary. If injured by the breach of any bond given hereunder, the bank so injured may put the same in suit and recover such damages as it may have sustained."

1929, c. 72, s. 2.

223(f). Vol. III. As amended by chapter 47, section 15, 1927. Add at end of section: "(h). All expenses of every kind concerning bank examinations by the Corporation Commission shall be paid out of the fees collected under this section"

1929, c. 280, s. 5.

CHAPTER XII

CIVIL PROCEDURE

476. As amended by chapter 66, 1929. Strike out the following words in the last sentence of the section "Upon the return of a summons unserved for want of time to make service, as to any defendant or defendants not served, the Clerk shall, within three (3) days thereafter issue an alias or pluries summons, as the case may require; provided, that."

1929, c. 237, s. 1.

480. Add at the end of section: "An alias or pluries summons may be sued out at any time within ninety (90) days after the date of issue of the next preceding summons in the chain of summonses."

1929, c. 237, s. 1.

551. Add at end of section: "Such motions may be made before the Clerk of the Superior Court of the county in which the action is pending, by filing with the clerk the original and one copy of the proposed amended pleading and motion, which copy shall be forwarded to the opposing party or counsel and in which motion the Clerk shall name a day and time of not less than ten days, unless by consent, to hear any objection to same; from the determination of the Clerk, either party may have the matter sent to the judge of, or holding courts in the judicial districts in which the matter is pending, by giving notice thereof to the Clerk and opposing party or counsel within ten days from such date of hearing by the Clerk; *Provided*, such motion shall be made at least thirty days before the convening of a term of court at which the case may be calendared for trial."

1929, c. 95.

593. Vol. III. Add at the end of section: "The commissioners appointed to make foreclosure sales, as herein authorized, may proceed to advertise such sales immediately after the date of entering judgment and order of foreclosure, unless otherwise provided in said judgment and order."
1929, c. 35.

In line three of sub-section (e), insert the words "conditional sales contract" between the words "deed of trust" and the words "or other conveyances," and also between the same words in line five. In line three, after the word kind, insert the words "either real or personal property."
1929, c. 49.

595. Add a new sub-section as follows: "5. In actions for the recovery of personal property, or for the possession thereof, or to have the plaintiff or plaintiffs adjudged the owner or owners thereof, if the complaint be verified."
1929, c. 66.

613. Change the period at the end of the section to a comma and add the following words: "for the purpose only of establishing equality of priority as among such judgments."
1929, c. 183.

Add after the word "judgments" in the above paragraph the following: "Provided, that it shall be necessary to enter upon index and cross index of the judgment docket as defendant only such party or parties to any proceeding who or which may be fixed and charged with any liability in the judgment."

Proviso applies to Durham county only.

1929, c. 88, s. 1.

618. Change the period after the word "equity" at the end of paragraph one to a comma and add the following: "and in the event the judgment was obtained in an action arising out of a joint tort, and only one, or not all of the joint tort-feasors, were made parties defendant, those tort-feasors made parties defendant, and against whom judgment was obtained, may, in an action therefor, enforce contribution from the other joint tort-feasors; or at any time before judgment is obtained, the joint tort-feasors made parties defendant may, upon motion, have the other joint tort-feasors made parties defendant."
1929, c. 68.

687. Add at end of section as amended by chapter 255, 1927: "When any mortgage or deed of trust on real property shall be foreclosed by judicial proceedings it may be provided in the decree of foreclosure that the advertisement of the sale shall be begun at any time after the date of the decree of foreclosure, and such real property shall then be sold under judicial foreclosure proceedings only after notice of sale has been duly posted at the courthouse door in the county for thirty days immediately preceding the sale and also published at any time during such thirty-day period once a week for four successive weeks of not less than twenty-two days in some newspaper published in the county if a newspaper is published in the county, but if there is no newspaper published in said county, the notice of such sale must be posted at the courthouse door and three other public places in the county for thirty days immediately preceding the sale."

"In any sale of real property under execution, deed of trust, mortgage or other contracts, wherever any statute calls for publication of notice in a newspaper for four successive weeks or for two successive weeks, the duration of said period shall be not less than twenty-two days for the one period of publication and not less than eight days for the period of the other publication."

1929, c. 44, ss. 1 and 2.

688. Add at end of section as amended by chapter 255, 1927: "In case a resale of real property shall become necessary under judicial foreclosure proceedings, such real property shall then be resold only after notice of resale has been duly posted at the courthouse door in the county for fifteen days immediately preceding the resale and also published at any time during such fifteen-day period once a week for two successive weeks of not less than eight days in some newspaper published in the county if a newspaper is published in the county, but if there be no newspaper published in said county, the notice of resale must be posted at the courthouse door and three other public places in the county for fifteen days immediately preceding the resale."
1929, c. 44, s. 1.

753. As amended by section 5, chapter 66, 1927. In line 8 strike out the words "On a day named in the summons" and add the following at the end of section: "Provided, however, that in special proceedings before the Clerk, the plaintiff or petitioner shall not be required to serve a copy of the petition upon each of the defendants, as required in civil actions, but in lieu thereof such petitioner or petitioners may deliver to the Clerk at the time of the issuance of the summons copies (not to exceed three) of the petition for the use of the defendants; and provided, further, that the summons in special proceedings shall command the sheriff or other proper officer to summons the defendant, or defendants, to appear and answer the complaint of the plaintiff within ten (10) days after its service upon defendant or defendants in lieu of thirty (30) days as required in civil actions."
1929, cc. 50, 237.

952. Add at the end of sub-section 5: "Provided, that it shall not be necessary to enter upon the cross index of the judgment docket the names of a party or parties against whom or which no liability of any kind is fixed or charged by the judgment."

Applies to Durham County only.

1929, c. 88, s. 2.

962. Now reads: "When any moneys in the amount of three hundred dollars or less are paid into court for any minor, indigent or needy child or children for whom no one will become guardian, upon satisfactory proof of the necessities of such minor, child or children, the clerk may upon his own motion or order pay out the same in such sum or sums at such

time or times as in his judgment is for the best interest of said child or children, or to some discreet and solvent neighbor of said minor, to be used and faithfully applied for the sole benefit and maintenance of such minor indigent and needy child or children. The clerk shall take a receipt from the person to whom any such sum is paid and shall require such person to render an account of the expenditure of the sum or sums so paid, and shall record the receipt and the accounts, if any are rendered by order of the clerk, in a book entitled, Record of Amounts Paid for Indigent Children, and such receipt shall be a valid acquittance for the clerk. That in all cases where a minor child is now or may hereafter be the beneficiary of any policy of life insurance and the sum due to said minor child by virtue of any such policy does not exceed three hundred dollars, the insurance company which issued said policy may pay the sum due thereunder to the clerk of the superior court of the county where said minor child resides whose duty it shall be to receive it, and said clerk shall issue and deliver to such insurance company his receipt for the sum so paid, which shall be a complete release and discharge of said company from any and all liability to said minor child under and by virtue of any such policy of insurance. Moneys so paid to said clerk shall be held and disbursed by him in the manner and subject to the limitations provided by this act."

1929, c. 15.

CHAPTER XXI

CORPORATION COMMISSION

1052. Add at the end of section: "Whenever it may be necessary for an electric light and power company furnishing public service to cross a railroad with its transmission wires or lines, such crossing may be made, either with or without condemnation proceedings, *provided*; it be constructed and maintained according to the rules and regulations of the corporation' commission, and *provided further*, that the corporation commission may assess the actual damage, if any, of such crossing."

1929, c. 101.

1066. Sub-section 7 now reads: "And it shall make, require or approve for intrastate shipments what is known as milling-in-transit, or warehousing in transit rates on grain, or lumber to be dressed, or cotton or peanuts or tobacco."

1929, cc. 82, 91.

1067. Add at the end of section: "*Provided, however*, that upon petition filed by any shipper or receiver of freight, and a hearing thereon, if the commission shall find the rates or charges collected to be unjust, unreasonable, discriminatory or preferential, the commission may enter an order awarding such petitioner a sum equal to the difference between such unjust, unreasonable, discriminatory or preferential rates or charges and the rates or charges found by the commission to be just and reasonable, non-discriminatory and non-preferential upon all shipments made or received by said petitioner within two years prior to the filing of such petition; *provided, however*, that this shall only apply to charges assessed and collected on and/or after the date of ratification of this act."

1929, cc. 241, 342.

1075. Now reads: "The Corporation Commission, or other body charged by law with the supervision and regulation of intrastate rates is authorized and empowered upon its own investigation to bring such cases before the Interstate Commerce Commission, or other body of the National Government supervising and regulating the interstate freight rates, rules and practices, as in its opinion may be necessary to secure for the receivers and shippers of freight in this State such just and reasonable schedule of freight rates as in its opinion may be necessary; and is authorized to maintain before the courts of this State, or the United States, such action as in its opinion may be necessary for the enforcement of just and reasonable schedules of freight rates. In the performance of this duty the said Commission shall receive upon application the services of the Attorney General of the State to represent it before the Interstate Commerce Commission or the courts of this State or the United States."

1929, c. 235.

1079. Add at end of section: "*Provided, further*, that before any carrier, subject to the jurisdiction of the Corporation Commission, shall be authorized or empowered to make effective within the limits of this State any change in the classification for intrastate application of any article transported by freight, intrastate, the carrier, or carriers, proposing said change in classification shall file notice of such intention with the Corporation Commission at least thirty days in advance of the proposed effective date of such change and shall file with said notice a sworn affidavit in duplicate setting forth the name and address, or names and addresses, of the person, or persons, by or for whom the change, or changes in the classification was proposed, with their place, or places, of business and the nature of such business, together with the name, or names, of the carrier, or carriers, sponsoring such changes, together with the name and address, or names and addresses, of all persons, firms or corporations who have placed themselves on record as being opposed to the change, or changes, contemplated, stating in connection therewith the facts and arguments relied upon by both proponents and opponents of such proposed changes; and *provided, further*, that after the receipt of such notices of a proposed change in the classification of any article, the Corporation Commission is authorized to suspend such proposed change pending the hearing and decision thereon and may waive the requirement of thirty (30) days' notice."

1929, c. 239.

1089. Add new section as follows: "1089(a). The Governor shall designate one member of the Corporation Commission as the Freight Rate Commissioner, who shall be authorized and empowered to supervise, direct and prosecute all interstate rate cases and to investigate any and all interstate freight rate schedules affecting the welfare of the State or any portion thereof.

"That the Freight Rate Commissioner shall make a report to the Governor annually."

1929, c. 336.

CHAPTER XXII
CORPORATIONS

1126. As amended by chapter 235, 1925. Add at the end of sub-section 9, the following: "Provided, this section shall not be construed to limit or abridge the right or power of any corporation from selling any of its assets in its regular course of business."
1929, c. 269.

1131. As amended by chapter 142, 1927. Add at end of section: "Any railroad company heretofore or hereafter organized under the laws of this State whether under a special act, or otherwise, may, in the manner provided by this section, as heretofore amended, amend its certificate of incorporation, articles of association or charter, for the purpose of increasing or decreasing its capital stock, changing its name, changing the par value of the shares of its capital stock, creating one or more classes of common or preferred stock, creating shares of stock with or without nominal or par value, or for any purpose authorized by statutes now in force relating to the amendment of certificates of incorporation, articles of association or charters of corporations: *Provided*, however, that in case of a consolidated railroad company, heretofore or hereafter organized under a special act of general laws of this State and of any other state or states, a new class or classes of stock may be created upon authorization by vote of such amount of the outstanding capital stock, in no case less than a majority thereof, as may be prescribed by the provisions of the agreement of consolidation in pursuance of which such consolidated company was formed."
1929, c. 261.

Add to sub-section 3, as amended by chapter 142, 1927, the following: "Any private corporation chartered under the general laws of the State of North Carolina whose period of existence fixed in its charter has expired and which corporation has continued to act and do business as a corporation, but has through inadvertence, omitted to file an amendment extending the period of its corporate existence, may at any time within seven years after the expiration of the period of corporate existence set forth in its original charter, file an amended certificate in the office of the Secretary of State as provided by section one thousand one hundred and thirty-one of the Consolidated Statutes to extend or renew its corporate existence, as provided for in the amended certificate; *provided*, this act shall not apply to any pending litigation nor serve to impair the validity of any contract or vested right in existence at the time of the filing of said amended charter.

"All acts of such a corporation, purporting to be the acts of the corporation, done or performed after the expiration of its period of existence and before the amendment to its charter, shall be legal and valid as the acts and deeds of said corporation."
1929, c. 271.

1138. In line 9, before the word "corporation" insert the words "Public Service." This act does not affect pending litigation, and applies only to instruments executed after the ratification of this act.
1929, cc. 28, 189, 256.

1140. In line two, after the words "mortgages of" insert the words "public service." Applies only to instruments executed after the ratification of this act.
1929, cc. 29, 256.

1167(a). Vol. III. Add at end of section: "Any corporation heretofore or hereafter organized under the laws of this State, whether under a special act of Legislature or otherwise, except banks, trust companies, and insurance companies, may, in its original certificate of incorporation, articles of association, charter or any amendment thereof, provide for the exchange of its shares to be issued with nominal or par value for an equal or different number of outstanding shares without nominal or par value."
1929, c. 338.

1218. Now reads: "On filing any certificate or paper relative to corporations in the office of the Secretary of State, the following tax shall be paid to the State Treasurer for the use of the State:

"1. For certificates of incorporation, forty cents for each thousand dollars of the total amount of capital stock authorized but in no case less than forty dollars.

"2. Increase of capital stock, forty cents for each thousand dollars of the total increase authorized, but in no case less than forty dollars.

"3. Extension or renewal of corporate existence of any corporation, the same as required for the original certificate of incorporation by this section.

"4. Change of name, change of nature of business, amended certificate of incorporation (other than those authorizing increases of capital stock), decrease of capital stock, increase or decrease of par value of, or number of shares, forty dollars.

"5. For filing of officers and directors, two dollars.

"6. Dissolution of corporation, change of principal place of business, five dollars.

"Provided, that no taxes shall be required to be paid by benevolent, religious, educational, or charitable society or association having no capital stock, (or by corporation created by virtue of section one thousand one hundred and twenty-three of the Consolidated Statutes relating to public parks and drives); and these taxes shall not be cumulative, but when two or more taxes have been incurred at the same time the tax for all shall be the largest single tax."
1929, c. 36.

CHAPTER XXIII
COSTS

1282. In lines ten and eleven, strike out the following words: "which, when endorsed by the solicitor holding said court."

In line 11, between the word "and" and the letter "a" insert the word "when" and between the word "certificate" and the word "made" insert the word "is."
1929, c. 102.

CHAPTER XXIV

COUNTIES AND COUNTY COMMISSIONERS

1334. Chapter 459, Public-Local Laws, 1925, exempting Union county from making annual statement as required by this section, repealed, making section 1334 applicable to Union county.

1929, c. 154.

CHAPTER XXVII

COURTS

1435(a). Vol. III. Not affected by chapter 127, 1929.
1929, c. 137, s. 8.

Add new sections:

1435(d). "The Governor of North Carolina shall appoint four persons who shall possess the requirements and qualifications of special judges as prescribed by article four, section eleven 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 Courts of the State of North Carolina. Two of the said judges shall be appointed from the Western Judicial Division and two from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed for a term to begin on July first, nineteen hundred and twenty-nine, and to end June thirtieth, nineteen hundred and thirty-one, and the said commission shall constitute his authority to perform the duties of the office of a special judge of the Superior Courts during the time named therein."

1929, c. 137, s. 1.

1435(e). "Each special judge shall be appointed by the Governor on or before July first, nineteen hundred and twenty-nine, and 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."

1929, c. 137, s. 2.

1435(f). "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 two additional special judges, one of whom shall be a resident of the Eastern Judicial Division, and one of whom shall be a resident of the Western Judicial Division, whose term of office shall begin from his or their appointment and qualification and to end June thirtieth, nineteen hundred and thirty-one. That all the provisions of this act applicable to the four special judges directed to be appointed, shall be applicable to the two special judges authorized to be appointed under this section, except as to the provision that the appointment shall be made on or before July first, nineteen hundred and twenty-nine."

1929, c. 137, s. 3.

1435(g). "That the authority herein pursuant to article four, section eleven, of the Constitution of North Carolina conferred upon the Governor 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."

1929, c. 137, s. 4.

1435(h). "That such special judges during the time noted in their commission shall have all the jurisdiction which is now or may be hereafter lawfully exercised by the regular judges of the Superior Courts in the courts which they are appointed or assigned by the Governor to hold, and shall have power to, determine all matters and injunctions, receiver-ships, motions, habeas corpus proceedings and special proceedings on appeal otherwise properly before them; but writs of injunction, orders to show cause, and other remedial or amendatory writs, orders and notices shall be returnable before them only in the county where the suit, proceeding or other cause is pending unless such judge is then holding the courts of that district, in which case the same may be returnable before him as before the regular judge of the Superior Court; and the same when issued by any such special judge, may always be made returnable by him before the resident or presiding Superior Court Judge of each district to the same extent and in the same manner as any Superior Court Judge might do in like cases."

1929, c. 137, s. 5.

1435(i). "The special judges so appointed shall receive the same salary and traveling expenses as now are, or may hereafter 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 private practice of law."

1929, c. 137, s. 6.

1435(j). "Nothing herein shall be construed to prohibit such special judges from settling cases on appeal and making all proper orders in regard thereto after the time for which they were commissioned has expired."

1929, c. 137, s. 7.

1443. Vol. III. **FIRST DISTRICT—PASQUOTANK COUNTY.** Now reads: "Eighth Monday before the first Monday in March for the trial of civil cases only; third Monday before 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 criminal cases only; second Monday after

the first Monday in March for the trial of civil cases only; ninth Monday after the first Monday in March to continue for two weeks for the trial of civil cases only; thirteenth Monday after the first Monday in March for the trial of criminal cases only; fourteenth Monday after the first Monday in March to continue for two weeks for the trial of civil cases only; second Monday after the first Monday in September for the trial of civil cases only; fifth Monday after the first Monday in September to continue for two weeks for the trial of civil cases only; ninth Monday after the first Monday in September to continue for two weeks for the trial of criminal and civil business."

1929, c. 167.

SECOND DISTRICT—WASHINGTON COUNTY. Strike out the period at the end of the section and insert the words "for civil cases only."

1929, c. 54.

MARTIN COUNTY. Change the period at the end of section to a semi-colon and add the following: "sixth Monday after the first Monday in March and eleventh Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases only. For the last two terms of court the Governor is hereby directed to appoint a judge to hold the same from among the regular or emergency judges."

1929, c. 124.

THIRD DISTRICT—HERTFORD COUNTY. Now reads: "First Monday before the first Monday in March, for the trial of criminal cases only; sixth Monday after the first Monday in March, to continue for two weeks and for the trial of civil cases only; last Monday in July, for the trial of criminal cases only, and such other cases, proceedings and motions not requiring a jury trial; sixth Monday after the first Monday in September, to continue for two weeks, the first week for the trial of criminal cases only, and the second for civil cases only; and twelfth Monday after the first Monday in September, to continue for one week, for the trial of civil cases only. For the last mentioned term of court the Governor is hereby directed to appoint a Judge from among the regular or emergency Judges to hold the same."

1929, c. 217.

NORTHAMPTON COUNTY. Change the period at the end of section to a semi-colon and add the following: "the first Monday in September to continue for one week, for the trial of civil cases only and for this term of court the Governor is hereby directed to appoint a judge to hold the same from among the regular or emergency judges."

1929, c. 123.

In lines three and four strike out the words "for civil actions only, except jail cases on the criminal docket."

1929, c. 244.

HALIFAX COUNTY. Now reads: "Fifth Monday before the first Monday in March to continue for two weeks; second Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; eighth Monday after the first Monday in March, for the trial of criminal cases only, to continue for one week, and for this term of court the Governor is hereby directed to appoint a judge to hold the same from among the regular 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 criminal or civil cases or both, and the second week for trial of civil cases exclusively; 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 Governor is hereby directed to appoint a judge to hold the 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 Governor 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."

1929, c. 160.

FOURTH DISTRICT—WAYNE COUNTY. Now reads: "Sixth Monday before first Monday in March, fifth Monday after the first Monday in March, twelfth Monday after the first Monday in March, second Monday before the first Monday in September, each to continue for one week; twelfth Monday after the first Monday in September, to continue for two weeks; fifth Monday before the first Monday in March, sixth Monday after the first Monday in March, thirteenth Monday after the first Monday in March, first Monday before the first Monday in September, each to continue for one week, for civil cases only; first Monday in March, and fifth Monday after the first Monday in September, each to continue for two weeks, for civil cases only. If no regular judge is available for the two weeks' term of Court beginning on the first Monday in March, the Governor may assign a special judge to hold said Court."

1929, c. 132.

JOHNSTON COUNTY. In line two, after the word "only" insert the following: "also the first Monday in March for one week for the trial of criminal cases only."

1929, c. 208.

CHATHAM COUNTY. Now reads: "Seventh Monday before the first Monday in March, to continue one week for the trial of criminal and civil cases; the first Monday in March to continue one week for the trial of civil cases only; second Monday after the first Monday in March, to continue one week for the trial of civil cases only; tenth Monday after the first Monday in March, to continue for one week for the trial of civil and criminal cases; fifth Monday before the first Monday in September to continue for two weeks for the trial of civil cases only; seventh Monday after the first Monday in September, to continue for one week for the trial of criminal and civil cases."

1929, c. 169.

LEE COUNTY. In line 6, after the word "weeks" insert the following: "Fifth Monday before the first Monday in March, to continue for two weeks for the trial of civil cases only: *Provided*, that for the said term the Governor shall assign a judge to hold the same from among the regular or emergency judges."
1929, c. 162.

FIFTH DISTRICT—PITT COUNTY. In line 6, between the words "cases" and "eleventh" insert the following: "ninth Monday after the first Monday in March, to continue for one week for the trial of civil cases."

Add at end of section: "eleventh Monday after the first Monday in September, to continue for one week for the trial of civil cases."

"For these two terms the Governor is hereby directed to appoint a judge to hold the same from among the regular or emergency judges: *Provided, however*, the county commissioners may waive said terms, if in their discretion, the same are not deemed necessary."
1929, c. 153.

CARTERET COUNTY. In line 4, strike out the words "fifth Monday before the first Monday in March."

1929, c. 166, s. 2.

CRAVEN COUNTY. In line 4, strike out the words "fourth Monday before the first Monday in March" and insert the words "fifth Monday before the first Monday in March, to continue for three weeks for the trial of civil cases only."

1929, c. 166, s. 1.

NINTH DISTRICT—BLADEN COUNTY. Now reads: "Eighth Monday before the first Monday in March for the trial of civil cases, and the trial of criminal cases where bills have been found, and cases on appeal from the Recorder's Court and courts of Justices of the Peace; the first Monday after the first Monday in March, for the trial of criminal cases only; the seventh Monday after the first Monday in March, for the trial of civil cases only; fourth Monday before the first Monday in September for the trial of civil cases only; the sixth Monday after the first Monday in September for the trial of criminal cases only. Said courts to continue for one week unless the business is sooner disposed of, and grand juries to be summoned only for the March and October terms of court. *Provided*, that if the necessity should arise, and the County Commissioners of Bladen County should so determine and order, a grand jury may be summoned by said commissioners for the January terms of court; and such grand juries so summoned shall have, perform and exercise all of the powers and duties of regular grand juries herein provided for the March and October terms of court. At any term for the trial of criminal cases, civil cases may be tried by consent."

1929, c. 27.

ROBESON COUNTY. Criminal jurisdiction conferred on the term of court beginning fourth Monday before the first Monday in March.

1929, Public-Local, c. 7. See also 1923, c. 209, for like act.

TENTH DISTRICT—ALAMANCE COUNTY. In lines 1 and 2, strike out the words "fifteenth Monday after the first Monday in March."

1929, c. 172, s. 1.

ORANGE COUNTY. In line 1, between the words "March" and "fourth" insert the words "fifteenth Monday after the first Monday in March."

1929, c. 172, s. 1.

DURHAM COUNTY. Now reads: "Second Monday before the first Monday in March, third Monday after the first Monday in March, eleventh Monday after the first Monday in March, sixteenth Monday after the first Monday in March, seventh Monday before the first Monday in September, fifth Monday after the first Monday in September, and the thirteenth Monday after the first Monday in September, each for the trial of criminal cases only; eighth Monday before the first Monday in March (for a term of three weeks), first Monday in March (for a term of two weeks), eighth Monday after the first Monday in March (for a term of two weeks), thirteenth Monday after the first Monday in March (for a term of two weeks), first Monday after the first Monday in September (for a term of three weeks), eighth Monday after the first Monday in September (for a term of two weeks), for the trial of civil cases."

1929, c. 243.

PERSON COUNTY. Now reads: "Sixth Monday before the first Monday in March, fifth Monday before the first Monday in March, seventh Monday after the first Monday in March, fourth Monday before the first Monday in September, sixth Monday after the first Monday in September."

"That all of said terms shall be for the trial of both criminal and civil cases, except the term beginning on the fifth Monday before the first Monday in March, which shall be for the trial of civil cases only."

1929, c. 23.

ELEVENTH DISTRICT—FORSYTH COUNTY. Now reads: "Eighth Monday before the first Monday in March, to continue for two weeks for the trial of criminal and civil cases; third Monday before the first Monday in March, to continue for two weeks for civil cases only; first Monday before the first Monday in March, to continue for two weeks for the trial of criminal and civil cases; first Monday after the first Monday in March, to continue for two weeks for civil cases only; third Monday after the first Monday in March, to continue for one week for criminal cases only; eleventh Monday after the first Monday in March, to continue for two weeks, for the trial of criminal cases only; thirteenth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases only; sixteenth Monday after the first Monday in March, to continue for one week, for the trial of civil cases only; sixth Monday before the first Monday in September, to continue for two weeks for

criminal cases only; first Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only; fourth Monday after the first Monday in September, to continue for two weeks for the trial of criminal and civil cases; ninth Monday after the first Monday in September, to continue for two weeks for the trial of criminal cases only; eleventh 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, to continue for two weeks for the trial of criminal cases.

"The Governor shall assign an emergency or any other judge to hold any of the terms of the Superior Court of Forsyth County when the judge holding courts in said district is unable to hold said terms."

1929, c. 131.

TWELFTH DISTRICT—STOKES COUNTY. In lines 4 and 5, strike out the words "eighth Monday before the first Monday in September, one week" and insert in lieu thereof the words "ninth Monday before the first Monday in September, to continue for two weeks, the first week for the trial of criminal cases and the second week for the trial of civil cases only."

1929, c. 158.

THIRTEENTH DISTRICT—ANSON COUNTY. In line 5, strike out the word "criminal" and insert the word "civil" and in line 6 strike out the word "civil" and insert the word, "criminal."

1929, c. 157.

MOORE COUNTY. Now reads: "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 two weeks; 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; fourteenth Monday after the first Monday in September, to continue for one week, for the trial of civil cases only."

"Each of the terms designated for the trial of criminal cases shall also have jurisdiction to hear motions in civil actions on notice; and civil cases requiring a jury may, by consent of parties thereto, be tried at such terms."

1929, c. 229.

SIXTEENTH DISTRICT—BURKE COUNTY. "The regular March term of the Superior Court of Burke County in the Sixteenth Judicial District shall be a mixed term of the Superior Court of said county for the trial of both criminal and civil causes; that only the first week of said regular March term of said court shall be for the trial of criminal cases of, which said court has jurisdiction."

Upon motion, all criminal cases therein pending wherein a felony is not charged, shall be transferred to the County Recorder's Court for trial on a day certain, and all defendants under bond or otherwise awaiting trial, shall be required to appear and stand trial of any and all charges against them on said date so fixed, and shall be held on their appearance bond to said Superior Court, to appear and answer the charge or charges in the case or cases so transferred to the said Recorder's Court without executing new or other appearance bonds."

1929, c. 116.

SEVENTEENTH DISTRICT—MITCHELL COUNTY. In line 2 strike out the word "tenth" and insert the word "eighth."

1929, c. 10.

EIGHTEENTH DISTRICT—TRANSYLVANIA COUNTY. As amended by chapter 207, 1927. In lines 4, 5 and 6 strike out the words "fifth Monday before the first Monday in March, to continue for one week and for the trial of criminal cases only."

1929, c. 173, s. 2.

YANCEY COUNTY. As amended by chapter 207, 1927. In lines 3, 4 and 5 strike out the words "ninth Monday before the first Monday in September to continue for one week, for the trial of civil cases only" and insert the following: "third Monday before the first Monday in September to continue for two weeks for the trial of civil cases only."

Add at the end of paragraph: "fifth Monday before the first Monday in March, to continue for one week, for the trial of civil cases only, that the Board of Commissioners of Yancey County may in the exercise of its discretion dispense with this term of court."

1929, c. 173, s. 1.

NINETEENTH DISTRICT—BUNCOMBE COUNTY. Add at end of paragraph: "A special civil term of the Superior Court of Buncombe County for three weeks for each month of the year except the months of May and December be held during the next succeeding two years after the ratification of this act."

"Upon written request of the Commissioners of Buncombe County and the Solicitor of the Nineteenth Judicial District, the Governor of North Carolina may order a special term of the Superior Court for the trial of criminal cases, said term of court to be of such duration as may be specified in said written request."

1929, c. 213.

MADISON COUNTY. Add at end of paragraph: "and the first Monday in January."

1929, c. 205.

1461. Vol. III. At end of paragraph three add "except Burke, Lincoln and Catawba Counties."

1929, c. 53.

After the above amendment add the following: "Provided, that in the Counties of Burke, Lincoln and Catawba the court stenographer shall make three copies of the proceedings in every case appealed to the Supreme Court at a charge of not more than fifteen cents per page for the original copy, which shall be paid by the appellant, and one copy shall be furnished to the Clerk of the Superior Court and one copy to the appellee, without extra charge, and the original to the appellant."

1929, c. 260.

1464. In lines 3, 4 and 5 strike out the following words: "in the County of Edgecombe there shall be elected one Justice of the Peace for every one hundred duly qualified electors in each township, and for every fraction of one hundred over fifty."

1929, c. 211.

1555. Sections 1555, 1572, 1592, 1594 and 1595 relating to trial by jury in Recorder's Courts do not apply to the county court heretofore organized in Craven County.

The following has been enacted in lieu of the above sections applying to Craven County only: "In all trials in the Recorder's Court for Craven 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 Craven 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 Craven County.

"If a jury trial is demanded by either plaintiff or defendant in a civil action pending in the Recorder's Court of Craven County, the Recorder of such court shall immediately transfer said case to the Superior Court of Craven County."

1929, c. 115.

1579. Add at end of section: "Such Prosecuting Attorney when requested by the Solicitor of the District may assist the Solicitor of the District in preparing and prosecuting the criminal cases going up on appeal from such Recorder's Courts to the Superior Court."

Applies to Montgomery County only.

1929, c. 112.

1608. Vol. III. Now reads: "This sub-chapter shall not apply to the tenth, except as to Granville and Orange Counties; fifteenth, except as to Iredell and Montgomery Counties; sixteenth, except as to Lincoln and Catawba Counties; seventeenth, except as to Alexander County; eighteenth, except as to Rutherford County; nineteenth and twentieth Judicial Districts, except as to Cherokee, Jackson, Haywood and Swain Counties; nor to the eleventh district, except to the County of Caswell; nor shall it apply to the Counties of Chatham, Columbus, Halifax, Hyde, Johnston, New Hanover, Polk, Madison and Robeson."

1929, cc. 111, 114, 130, 340.

1608(f) etc. Vol. III. County Commissioners of Person County authorized to establish a County Court to be governed by the provisions of Article 24, chapter 27, relating to General County Courts, in Volume Three.

1929, c. 246.

CHAPTER XXX

DIVORCE AND ALIMONY

1659. Vol. III. In line 1, of subsection 4, between the word "wife" and the word "and" insert the words "whether voluntary or involuntary, provided such involuntary separation is in consequence of a criminal act committed by the defendant prior to such divorce proceeding."

1929, c. 6.

1668. Add new section: "1668(a). In all cases upon an action for a divorce absolute, where the plaintiff had caused to be served upon the defendant in person a legal summons, and such defendant answered such summons, whether by verified complaint or unverified complaint, and where the trial of said action was duly and legally had in all other respects and judgments rendered by a Judge of the Superior Court upon issues answered by a judge and jury, in accordance with law, be and the same are hereby declared to have the same force and effect as any judgment upon an action for divorce otherwise had legally and regularly."

1929, c. 289.

CHAPTER XXXI

DOGS

1673—1684(a). Vol. I and Vol. III. "Article two, chapter thirty-one, Consolidated Statutes of one thousand nine hundred and nineteen, section one thousand six hundred and seventy-three to one thousand six hundred and eighty-four inclusive be, and the same is hereby made applicable to every county in the State of North Carolina, notwithstanding any provisions in local, special or private acts exempting any county or any township or municipality from the provisions of the same enacted at any General Assembly commencing at the General Assembly of nineteen hundred and nineteen and going through the General Assembly of nineteen hundred and twenty-nine: *Provided*, this act shall not apply to counties that do not participate in the Equalization Fund."

(These counties are Buncombe, Durham, Forsyth, Guilford, Mecklenburg, and New Hanover.)

1929, c. 318.

1681. That portion of section following the word "Collected" shall not apply to Gates County or Currituck County.

(Repealed by the above section, c. 318, 1929.)

1929, cc. 31, 79.

CHAPTER XXXVII
FISH AND FISHERIES

1893. Vol. III. Strike out all of line 10 relating to tax on crab meat.
1929, c. 113.

CHAPTER XL
GUARDIAN AND WARD

2187. Add at end of section: "That section two thousand one hundred and eighty-seven of the Consolidated Statutes be amended by adding at the end of said section the following: 'And in all proceedings hereunder the defaulting guardian will be liable personally for the costs of the said proceeding, including the costs of service of all notices or writs incidental to, or thereby accruing, or the amount of the costs of such proceeding may be deducted from any commission which may be found due said guardian on settlement of the estate.'" 1929, c. 9.

2202(a) etc. Add a new Article as follows: Article 10. *Veterans' Guardianship Act.* This act shall be known as "The Veterans' Guardianship Act."

In this act:

The term "person" includes a partnership, corporation or an association.

The term "Bureau" means the United States Veterans' Bureau or its successor.

The terms "estate" and "income" shall include only moneys received by the guardian from the Bureau and all earnings, interest and profits derived therefrom.

The term "benefits" shall mean all moneys payable by the United States through the Bureau.

The term "Director" means the Director of the United States Veterans' Bureau or his successor.

The term "State Service Officer" means such appointee of the North Carolina Commissioner of Labor and Printing as provided by chapter two hundred and eighty-eight, Public Laws of North Carolina, 1925.

The term "ward" means a beneficiary of the Bureau.

The term "guardian" as used herein shall mean any person acting as a fiduciary for a ward.

Whenever, pursuant to any law of the United States or regulation of the Bureau, the Director requires, prior to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided.

Except as hereinafter provided it shall be unlawful for any person to accept appointment as guardian of any ward if such proposed guardian shall at that time be acting as guardian for five wards. If any case, upon presentation of a petition by an attorney of the Bureau under this section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case.

The limitations of this section shall not apply where the guardian is a bank or trust company acting for the wards' estates only. An individual may be guardian of more than five wards if they are all members of the same family.

A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the Bureau to the last known address of such person indicating the necessity for the same a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this State.

The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable by or through the Bureau and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the Bureau in accordance with the laws and regulations governing the Bureau.

Where a petition is filed for the appointment of a guardian of a minor ward a certificate of the Director, or his representative, setting forth the age of such minor as shown by the records of the Bureau and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Bureau, shall be *prima facie* evidence of the necessity for such appointment.

Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the Director, or his representative, setting forth the fact that such person has been rated incompetent by the Bureau on examination in accordance with the laws and regulations governing such Bureau; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the Bureau, shall be *prima facie* evidence of the necessity for such appointment.

Upon the filing of a petition for the appointment of a guardian, under the provisions of this act, the court shall cause such notice to be given as provided by law.

Before making an appointment under the provisions of this act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a surety bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians appointed under the guardianship laws of this state. The court shall have power from time to time to require the guardian to file an additional bond.

No bond shall be required of the banks and trust companies licensed to do trust business in North Carolina.

Every guardian, who shall receive on account of his ward any moneys from the Bureau, shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. A certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the Bureau having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen days nor more than thirty days from the date of filing same and notice thereof shall be given by the court to the aforesaid Bureau office and State Service Officer not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

If any guardian shall fail to file any account of the moneys received by him from the Bureau on account of his ward within thirty days after such account is required by either the court or the Bureau, or shall fail to furnish the Bureau a copy of his accounts as required by this act, such failure shall be grounds for removal.

Compensation payable to guardians shall not exceed 5 per cent of the income of the ward during any year. In the event of extraordinary services rendered by such guardian the court may, upon petition and after hearing thereon, authorize additional compensation therefor, payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office of the Bureau and the State Service Officer in the manner provided in section ten. No compensation shall be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

Every guardian shall invest the funds of the estate in such manner or in such securities, in which the guardian has no interest, as allowed by law or approved by the court.

A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing, notice of which has been given the proper officer of the Bureau and the State Service Officer in the manner provided in section ten.

Whenever a copy of any public record is required by the Bureau or State Service Officer to be used in determining the eligibility of any person to participate in benefits made available by such Bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such Bureau or State Service Officer with a certified copy of such record.

Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States Veterans' Bureau Hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of this State are hereby authorized to communicate with the Director or his representative with reference to available facilities in the United States Veterans' Hospitals and the eligibility of the veteran, and upon receipt of a certificate of admission from the Director or his representative the court may then direct such veteran's commitment to such United States Veterans' Hospital in or without the State of North Carolina. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this State with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

When a minor ward for whom a guardian has been appointed under the provisions of this act or other laws of this State shall have attained his or her majority, and if incompetent shall be declared competent by the Bureau and the court, and when any incompetent ward, not a minor, shall be declared competent by said Bureau and the court, the guardian shall upon making a satisfactory accounting be discharged upon a petition filed for that purpose.

This act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the Bureau.

The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

1929, c. 33.

CHAPTER XLI HABEAS CORPUS

2241. Change the period at the end of section to a semi-colon and add the following: "Provided, that where the father is a non-resident of North Carolina and the custody of the child has been awarded, by an order of a court of this State, to the mother who is a resident of North Carolina, no motion on the part of such non-resident father may be heard or entertained by the court for a modification of the order of the court, unless such father has first shown under oath that, since the making of the original order, he has regularly contributed to the support of said child according to his means and according to the needs of the child, and, if said motion is heard and at said hearing such fact is not established to the satisfaction of the court, the motion for a modification of the order shall be denied, unless the court shall find that, at the time of said hearing the mother is not a fit and proper person to have the custody of said child. *Provided*, that this act shall only apply after the case has been reopened on time."

1929, c. 270.

CHAPTER XLIII INSANE PERSON AND INCOMPETENTS

2285. Vol. III. Add at end of section: "*Provided*, where the person is found to be incompetent from want of understanding to manage his affairs, by reason of physical and mental weakness on account of old age and/or disease and/or other like infirmities, the Clerk may appoint a Trustee instead of guardian for said person. The Trustee appointed shall be subject to the laws now or which hereinafter may be enacted for the control and handling of estates by guardians. That the Clerks of the Superior Courts who have heretofore appointed

guardians for persons described in this proviso are hereby authorized and empowered to change said appointment from guardian to Trustee." 1929, c. 203.

CHAPTER XLIV

INTEREST

2305(a). Now reads: "An agricultural credit corporation or association, organized under the laws of the State of North Carolina, may charge and collect by way of interest or discount on all loans made for agricultural purposes to farmers, growers and truckers of staple agricultural crops, fruits and vegetables respectively, or for the purpose of raising, breeding, fattening, or marketing of live stock, a rate of interest or discount not exceeding two per centum per annum in excess of the rate of interest or rediscount rate charged by any Federal Intermediate Credit Bank to such agricultural credit corporation or association when rediscounting or purchasing from it the notes of such farmers, growers and truckers; provided, that the total rate, both interest and rediscount, to the borrower shall not exceed eight (8%) per centum per annum." 1929, c. 43.

CHAPTER XLV

JURORS

2312. Add at the end: "The Board of Commissioners of Yancey County shall make the jury list and revision thereof as required by this section on or before the first Monday in March, one thousand nine hundred and twenty-nine and every two years thereafter." 1929, cc. 57, 65.

2315. Add at end of section: "That for the April, one thousand nine hundred and twenty-nine, term of Northampton Superior Court, and annually thereafter, the County Commissioners for the first week of said court shall cause to be drawn from the jury box, as provided by law, the names of forty qualified jurors from which a grand jury shall be selected, and the rest shall act as petit jurors for the first week." 1929, c. 76, ss. 2, 3.

"That for all other terms of court for each week the County Commissioners shall draw the names of twenty-four men to serve as petit jurors."

2334. Vol. III. Add at end of section: "For the April term of Northampton Superior Court, one thousand nine hundred and twenty-nine, and annually thereafter, the grand jury selected shall serve for one year." 1929, c. 76, s. 1.

2334. Vol. III. In line 3 between the word "Moore" and the word "Richmond" insert the word "Pitt."

Add at end of section: "The grand jurors for Davidson County shall be drawn at the first fall and spring terms of the criminal courts held in the County of Davidson, and the judge shall charge them as provided by law, and the jurors so drawn shall serve during the remaining fall and spring terms respectively; provided that the grand jurors drawn at the next criminal term in said county, following the ratification of this act shall serve during the remaining spring term." 1929, c. 133.

Add at end of section: "At the first term of court for the trial of criminal cases in Durham County after the first day of July, one thousand nine hundred and twenty-nine, there shall be chosen a grand jury as now provided by law, 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 criminal court 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." 1929, c. 122.

2336. Add at the end of section: "In case of the absence of the foreman or in case of his inability to serve, the presiding judge shall appoint an acting foreman, who shall have all powers vested by law in the foreman." 1929, c. 228.

CHAPTER XLIX

LIENS

2436. In line 1, after the word "work" insert the words "of logging or." In line 3, after the word "said" insert the words "logs or." 1929, c. 69.

2482. Vol. III. 2483, 2484, 2485, 2486 and 2487. Repealed as to Robeson County. 1929, c. 20.

Same sections repealed as to Lenoir County. 1929, c. 262.

CHAPTER L

MARRIAGE

2500(aa). Vol. III. Add new section: "2500(aa). On and after July first, one thousand nine hundred and twenty-nine, application for a marriage license shall be filed with the register of deeds at least five days prior to the issuance of such license, giving the names, ages, and addresses of the contracting parties, together with the names of the parents or persons *in loco parentis*: Provided, that upon the application of either of the parties to a proposed marriage the Clerk of the Superior Court of the county in which the license is to be issued may, upon satisfactory evidence being presented to him, or upon the request of the

parent or parents or guardian, if any, of the contracting parties, by order authorize the license to be issued at any time before the expiration of said five days.

"This act shall not apply to marriages publicly announced through the press at least five days before the proposed marriage. This act shall not apply to persons over twenty-one years of age."

1929, c. 161.

CHAPTER LII

MILLS

2532. Add at end of section: "*Provided, further*, that in Northampton and Franklin Counties it shall be lawful for water mills to take for toll for grinding one-sixth of the Indian corn and wheat, and one-twelfth part for chopping grain of any kind."

1929, c. 129.

Add at end of section: "*Provided, further*, that this section shall not apply to Lenoir County."

1929, c. 139.

In line 4 strike out "one-eighth" and insert "one-sixth." Applies to Robeson County only.

1929, c. 311.

CHAPTER LIV

MORTGAGES AND DEEDS OF TRUST

2591. In line 2, between the word "estate" and the word "or" insert the words "or by order of court in foreclosure proceedings in the Superior Court."

1929, c. 16.

CHAPTER LV

MOTOR VEHICLES

2621(b). As amended by section 6, chapter 148, 1927. The proviso at the end of section now reads: "Provided, that all school trucks, and all trucks engaged in transporting gas and kerosene or other inflammables and all passenger buses be required to come to a complete stop at all railroad crossings."

1929, c. 222.

CHAPTER LVI

MUNICIPAL CORPORATIONS

2717. Vol. III. Add at the end of section: "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."

1929, c. 331.

2717(a). Vol. III. Add new section: "*2717(a). Sale of Foreclosure for Unpaid Assessments Barred in Ten Years: No Penalties.* No statute of limitation, whether fixed by law especially referred to in this chapter or otherwise, shall bar the right of the municipality to enforce any remedy provided by law for the collection of unpaid assessments, whether for paying or other benefits, and whether such assessment is made under this chapter or under other general or specific acts, save from and after ten years from default in the payment thereof, or if payable in installments, ten years from the default in the payment of any installments. 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 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 of the amount for which the land is sold, and one reasonable attorney's fee for the plaintiff. This section shall apply to all special assessments heretofore or hereafter levied, but shall not apply to any special assessment for the collection of which an action or proceeding has heretofore been instituted."

1929, c. 331.

2722. Add new section: "*2722(a). Apportionment of Assessments.* In any case where one or more special assessments have been made against any property for any improvement or improvements authorized by this chapter, and said property has been or is about to be subdivided and it is therefore desirable that said assessment or assessments be apportioned among the subdivisions of such property, the governing body may, with the consent of the owner or owners of said property, apportion said assessment or assessments, or the total thereof, fairly among said subdivisions, as same are benefited by the improvement and release such subdivisions, if any, as in the opinion of the governing body are not benefited by the improvement. Thereafter, each of said subdivisions shall be relieved of any part of such original assessment or assessments except the part thereof apportioned to said subdivision, and the part of said original assessment or assessments apportioned to any such subdivision shall be of the same force and effect as the original assessment or assessments. At the time of making such apportionments, the governing body shall cause to be entered upon its minutes an entry to the effect that such apportionment is made with the consent of the owner or owners of the property affected, and such entry shall be conclusive of the truth thereof in the absence of fraud. No such reassessments shall be made until all installments then due shall have been paid to date of the reassessment, and the remaining installments shall fall due at the same dates as they did under the original assessment."

1929, c. 331.

2773. In line 2, between the word "dangerous" and the word "because" insert the words "to life."
1929, c. 199, s. 1.

2774. In line 2, between the word "dangerous" and the word "by" insert the words "to life."
1929, c. 199, s. 2.

2776(x). Vol. III. Change the period at the end of the first sentence to a semi-colon and insert the following: "Provided, that such legislative body in the appointment of the original members of such board, or in the filling of any vacancies caused by the expiration of the terms of the existing members of any such board, may make appointments of certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time."
1929, c. 94.

2787. Vol. III. Add new sub-section: "(40). No lands, lying within a distance of one mile of the corporate limits of any town or city in North Carolina, shall be sub-divided and proposed streets and sidewalks laid out, until a map of said sub-division, showing the location of the lots and the proposed streets and sidewalks, shall have been submitted to the governing body of such town or city, and approved by it as to the location of the streets and sidewalks. After approval of the map as provided in this act, the map shall be placed on the records of the county in which the land is situated.

"Should any lands, lying within a distance of one mile of the corporate limits of any town or city in North Carolina, be sub-divided and streets and sidewalks laid out, without the approval of the governing body of the town and city as provided in section one of this act, upon the incorporation of such sub-division into the limits of such town and city, the said town or city shall have the right to extend its streets and sidewalks into and through said sub-division in conformity with the general plan of the town or city; and there shall be no damage recovered against the said town or city for so extending its streets and sidewalks except for purchase of condemnation value of lands so taken without regard to improvements or betterments placed thereon in contravention of this act: *Provided*, that this act shall not apply to any sub-divisions which have been laid out or now are in process of being laid out."
1929, c. 186.

Add new sub-section: "(41). *Definition.* Airport or landing field for the purposes of this act is defined as any plot of land or water formally set aside, and designated as a place where aircraft may land or take off.

"The governing body of any city or town in this State is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft, either within or without the limits of such cities and towns and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city or town.

"The governing body of any county in this State is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within or without the limits of such counties, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such county.

"The governing bodies of any city, town and county in this State are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within or without the limits of such cities, towns and counties, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be jointly owned or controlled by such city, town or county.

"Any lands acquired, owned, controlled, or occupied by such cities, towns, and/or counties, for the purposes enumerated in sections two, three and four hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and such cities, towns and/or counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

"Private property needed by a city, town and/or county for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if the city, town and/or county is or are able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by law under which the city, town and/or county is or are authorized to acquire real property for public purposes, other than street purposes, or if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price, or award for property acquired for an airport or landing field may be paid for by appropriation of moneys available therefor, or wholly or partly from the proceeds of the sale of bonds of the city, town and/or county, as the governing body and/or bodies of such city, town and/or county shall determine.

"The governing body or bodies of a city, town and/or county which has or have established an airport or landing field, and acquired, leased, or set apart real property for such purpose, may construct, improve, equip, maintain, and operate the same. The expenses of such construction, improvement, maintenance, and operation shall be a city, town and/or county charge as the case may be. The governing body or bodies of a city, town and/or county may adopt regulations and establish fees or charges for the use of such airport or landing field.

"The governing body or bodies of a city, town and/or county to which this act is applicable, having power to appropriate, individually or jointly, money therein, are hereby authorized to annually appropriate and cause to be raised by taxation in such city, town and/or county or may use from the net proceeds derived from the operation, by such city, town or county, of any public utility a sum sufficient to carry out the provisions of this act in such proportion and upon such pro-rata basis as may be determined upon by a joint board to be appointed by and from the governing body or bodies of the city, town and/or the county or individually as the case may be. *Provided*, nothing herein shall be construed to permit the governing bodies of any county, city or town to issue bonds under the provisions of this act without a vote of the people.

"If any part or parts 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."

1929, c. 87.

2807. In line 3, between the word "citizens" and the word "but" insert the words "and to any person, firm or corporation desiring the same outside the corporate limits where the service is available."

1929, c. 285, s. 1.

2808. Add at end of section: "*Provided, however,* that for service supplied outside the corporate limits of the city, the governing body, board or body having such waterworks or lighting system in charge, may fix a different rate from that charged within the corporate limits, with the same exemption from liability by the city or town as is contained in section two thousand eight hundred seven."

1929, c. 285, s. 2.

2831. As amended by chapter 141, section 1, 1925. In lines 3 and 6 change the word "must" to "may" and in line 14 change the word "shall" to "may."

1929, c. 339, s. 1.

2942. Vol. III. Add two new sub-sections at the end of paragraph 4 as follows:

"(u). Land for airports or landing fields, including grading and drainage, forty years."

"(v). Buildings and equipment and other improvements of airports or landing fields, other than grading and drainage, ten years."

1929, c. 170.

CHAPTER LXV

PROBATE AND REGISTRATION

3334. Strike out all of section after the word "to" in line 16 and insert the following: "January first, one thousand nine hundred and twenty-nine; provided this section does not apply to pending litigation."

1929, c. 8

3344. Add new section: "3344(a). In all cases where a deed or deeds dated prior to the first day of January, nineteen hundred and ten, purporting to convey lands, have been registered in the office of the Register of Deeds of the county where the lands conveyed in said deed or deeds are located, prior to said first day of January, nineteen hundred and ten, and the acknowledgment or proof of execution of such deed or deeds has been taken as to some of the grantors by an officer who was himself one of the grantors named in such deed or deeds, such defective execution, acknowledgment and proof of execution and probate of such deed or deeds thereon and the registration thereof as above described, shall be, and the same are hereby declared to be in all respects valid, and such deed or deeds shall be declared to be in all respects duly executed, probated and recorded to the same effect as if such officer taking such proof or acknowledgment of execution had not been named as a grantor therein, or in anywise interested therein.

"This act shall not affect actions and proceedings pending at the time of its ratification."

1929, c. 48.

3346. Now reads: "No acknowledgment or proof of execution, including privy examination of married women, of any deed, mortgage or deed of trust to which instrument a corporation is a party, executed prior to the first day of January, one thousand nine hundred and twenty-nine, shall be held invalid by reason of the fact that the officer taking such acknowledgment, proof or privy examination was an officer, stockholder or director in said corporation; but such proofs and acknowledgment and the registration thereof, if in all other respects valid, are declared to be valid. Nor shall the registration of any such instrument ordered to be registered be held invalid by reason of the fact that the clerk or deputy clerk ordering the registration was an officer, stockholder or director in any corporation which is a party to any such instrument. Provided, this act shall not affect pending litigation or in any wise impair vested rights."

1929, c. 24.

3346. Add new section: "3346(b). All acknowledgments and proofs of execution, including privy examination of married women, of any mortgage or deed of trust executed to secure the payment of any indebtedness to any building and loan association prior to the first day of January, one thousand nine hundred and twenty-nine, shall not be, nor held to be, invalid by reason of the fact that the clerk of the Superior Court, justice of the peace, notary public, or other officer taking such acknowledgment, proof of execution or privy examination, was an officer or stockholder in such building and loan association; but such proofs and acknowledgments of all such instruments, and the registration thereof, if in all other respects valid, are hereby declared to be valid.

"Nor shall the registration of any such mortgage or deed of trust ordered to be registered by the Clerk of the Superior Court, or by any deputy or assistant Clerk of the Superior Court, be or held to be invalid by reason of the fact that the clerk of the Superior Court, or deputy, or assistant clerk of the Superior Court, ordering such mortgages or deeds of trust to be registered was an officer or stockholder in any building and loan association, whose indebtedness is secured in and by such mortgage or deed of trust.

"This act shall not apply to pending litigation."

1929, c. 146.

3366(g). Vol. III. Now reads: "No acknowledgment or proof of execution, including privy examination of married women, of any mortgage, or deed of trust executed to secure the payment of any indebtedness to any banking corporation, taken prior to the first day of January, one thousand nine hundred twenty-nine, shall be held invalid by reason of the fact

that the officer taking such acknowledgment, proof or privy examination, was a stockholder or director in such banking corporation: *Provided*, that this act shall not affect litigation pending at the time of the passage of this act."

1929, c. 302.

3366(j). Vol. III. Add new section: "3366(jj). In all cases where deeds appear to have been executed for land prior to January 1, 1900, and appear to have been recorded in the offices of the registers of deeds in the proper counties in this State, and the same appear to have been acknowledged before commissioners of affidavits (or deeds) of North Carolina, residing in the District of Columbia or elsewhere in the different states, or appear to have been recorded without any certificate being recorded on the record of such deed or deeds, such record or records shall be presumptive evidence of the execution of such deed or deeds by the grantor or the grantors to the grantee or grantees therein named for the lands therein described, and the record of such deed or deeds may be offered or read in evidence upon the trial or hearing of any cause in any of the courts of this State as if the same had been properly probated and recorded. *Provided, however*, that nothing herein contained shall prevent such record or records from being attacked for fraud, and provided further, that this act shall not apply to creditors or purchasers, but as to them the same shall stand as if this act had not been passed, neither shall it apply to pending suits, and shall only apply to deeds executed prior to January first, nineteen hundred."

1929, c. 14.

CHAPTER LXVII

RAILROADS AND OTHER CARRIERS

3420. See section 1131, hereof.

1929, c. 261.

3494. Add at end of section: "The Commission shall require any motor vehicle carrier operating on a franchise granted by the Corporation Commission and coming within the provisions of this act, if engaged in the transportation of both white and colored passengers for hire, to provide separate but equal accommodations for the white and colored races at passenger stations or waiting rooms where the carrier receives passengers of both races and/or on all busses or motor vehicles operating on a route or routes over which such carrier transports passengers of both races. Such accommodations may be furnished either by separate motor vehicles or by equal accommodations in motor vehicles. *Provided*, that any requirement as to separate accommodation for the races shall not apply to specially chartered motor vehicles or to negro servants and attendants on their employers, or to officers or guards transporting prisoners; and *provided* that operators of motor vehicles or bus lines or taxicabs engaged in the transportation of passengers of one race only shall not be required to provide any accommodations for the other race, and *provided* that an operator shall not be required to furnish any accommodations to the other race over a line or route where he has undertaken and is engaged in the transportation of passengers of only one race, and *provided, further*, that nothing contained in this act or the law amended hereby shall be construed to declare operators of busses and/or taxicabs common carriers."

1929, c. 216.

CHAPTER LXVIII

REGISTER OF DEEDS

3553. Vol. III. Add at end of section: "The registers of deeds in the several counties of the State shall, after each instrument or document has been transcribed, on the record, verify the record with the original and the entry of record shall read: 'Recorded and Verified,' and the same shall be without extra charge."

1929, c. 320.

3560. Add at end of section: "The board of County Commissioners shall also have the authority to install the modern Family index system and wherever the Family index system is in use, no instruments shall be lawfully recorded until indexed and cross-indexed under the appropriate family name and the appropriate alphabetical sub-division of said family name, according to the particular system in use."

1929, c. 327, s. 1.

3561. Now reads: "3561. *Index and Cross-Index of Registered Instruments*. The register of deeds shall provide and keep in his office full and complete alphabetical indexes of the names of all parties to all liens, grants, deeds, mortgages, bonds and other instruments of writing required or authorized to be registered; such indexes to be kept in well bound books, and shall state in full the names of all parties, whether grantors, grantees, vendors, vendees, obligors or obligees, and shall be indexed and cross-indexed, within twenty-four hours after registering any instrument, so as to show the name of each party under the appropriate letter of the alphabet; and wherever the Family index system shall be in use, to also show the name of each party under the appropriate family name and the initials of said party under the appropriate alphabetical arrangement of said index; and all instruments shall be indexed according to the particular system in use in the respective office in which the instrument is filed for record. Reference shall be made, opposite each name to the page, title or number of the book in which is registered any instrument; *Provided*, that where the Family system hereinbefore referred to has not been installed, but there has been installed an indexing system having sub-divisions of the several letters of the alphabet, a registered instrument shall be deemed to be properly indexed only when the same shall have been indexed under the correct sub-division of the appropriate letter of the alphabet; *Provided, further*, that no instrument shall be deemed to be properly registered until the same has been properly indexed as herein provided; *Provided, further*, that in all counties where a separate index system is kept for chattel mortgages or other instruments concerning personal property, no instrument affecting the title to real estate shall be deemed to be properly registered until the same has been

properly registered and indexed in the books and index system kept for real estate conveyance; *Provided, further*, that it shall be the duty of the register of deeds of each county, in which there is a separate index for conveyances of personal property and those of real estate, to double index every such conveyance, provided that such conveyance shall contain both species of property. A violation of this section shall constitute a misdemeanor.

"This act shall not affect pending litigation or instruments heretofore registered."

1929, c. 327, s. 2.

CHAPTER LXX

ROADS AND HIGHWAYS

3765. Amendment applies to Sampson County only. Add at end of section: "*Provided*, that the County Commissioners, or the Road Commission in counties having a Road Commission, shall have the authority in their discretion to pass an order discontinuing any part of the public roads and bridges in said county where there are provided and maintained other roads and bridges ample and convenient for the traveling public."

1929, c. 89, s. 1.

3767. Amendment applies to Sampson County only. Add at end of section: "*Provided, further*, that wherever there is any bridge or causeway over any stream which divides one county from another, and such bridge or causeway has become unnecessary by reason of the construction of other roads and bridges across said stream which are ample and convenient to the traveling public, then the County Commissioners, or the Road Commission may pass a resolution discontinuing such road, bridge or causeway. And if such action is approved, and concurred in by the other county affected, such action shall be published for thirty days at the court house in both counties, and thereupon such order will become effective."

1929, c. 89, s. 2.

3836. Vol. III. Before the word "constable" in line 16 insert the words "sheriff or."

1929, c. 197.

3846(j). Vol. III. Add a new sub-section numbered (m) as follows: "(m). The State Highway Commission is authorized and empowered to construct and maintain all walkways and driveways within the Mansion Square in the city of Raleigh including the approaches connecting with the city streets, and any funds expended therefor shall be a charge against General Maintenance."

1929, c. 138.

3846(y). Vol. III. In line 3, after the word "level" and before the word "and" insert the following: "or by an underpass or overpass which, in the opinion of the State Highway Commission, is unsafe or inadequate to meet the existing needs of traffic."

In the second line of the second paragraph, after the word "abolish" insert the words "or an existing overhead bridge or underpass replaced."

1929, c. 74.

CHAPTER LXXI

SALARIES AND FEES

3852. Now reads: "The pay of the members and officers for a regular session of the General Assembly, as provided in section twenty-eight of article two 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 officers of the General Assembly; *Provided*, that in no instance shall installments or per diem amount to more than ten dollars per day for the members and eleven dollars sixty-seven cents for the two presiding officers, for the number of days the General Assembly has been in session, and that the total pay of the officers and members of the General Assembly at a regular session shall in no case exceed six hundred dollars for the members, and seven hundred dollars for the presiding officers of the two houses. And, *provided further*, that the pay for an extra session of the General Assembly shall be eight dollars per day for members and ten dollars per day for the two presiding officers, for a period not to exceed twenty days.

"Nothing in the provisions of section one shall prevent members and presiding officers of the General Assembly from receiving the full compensation of six hundred dollars for the members and seven hundred dollars for the presiding officers of the two houses, for the term of the regular session of the General Assembly, whether the term remains in session for sixty days or a shorter period."

1929, c. 2.

3857. Add a new section as follows: "3857(a). The principal clerk of the General Assembly and chief clerk appointed by Secretary of State in the enrolling office and chief engrossing clerks of the House and Senate shall be allowed the sum of seven dollars per day during the session of the General Assembly, and mileage at the rate of ten cents per mile from their homes to Raleigh and return. The secretary to the Speaker of the House of Representatives, the secretary to the Lieutenant-Governor, the sergeant-at-arms, the assistants to the engrossing clerks, the assistant clerks to the principal clerks and the assistant sergeant-at-arms of the General Assembly, and the assistants appointed by the Secretary of State to supervise the enrollment of bills and resolutions, the reading clerks of the General Assembly, shall receive the sum of six dollars per day, and mileage at the rate of ten cents per mile from their homes to Raleigh and return, the clerks to all committees which by the rules of either House of the General Assembly are entitled to clerks, shall each receive five dollars per day during the session of the General Assembly, and mileage at the rate of ten cents per mile from their homes to Raleigh and return. The chief page of the House of Representatives and the Senate shall receive four dollars per day during the session of the General Assembly and mileage at the rate of five cents a mile from their homes to Raleigh and return. All other pages authorized by either of the two Houses shall receive two dollars and one-half per day during

the session of the General Assembly and mileage at the rate of five cents a mile from their homes to Raleigh and return. All laborers of the first-class authorized by law or the rules of either the House of Representatives or the Senate shall receive three dollars and one-half per day during the session of the General Assembly and all mileage at the rate of five cents per mile from their homes to Raleigh and return, and laborers of the second-class the sum of three dollars per day and mileage at the rate of five cents from their homes to Raleigh and return."

1929, c. 3.

3858. In line 1 strike out the word "six" and insert the word "ten."

1929, c. 276.

3859. Vol. III. First sentence now reads: "The salary of the Private Secretary to the Governor is hereby fixed at forty-five hundred dollars (\$4,500) per annum, payable monthly, commencing February 1, 1929. This salary shall be full compensation for all the services performed by him.

"He shall continue to collect the fees as provided in section thirty-eight fifty-nine of the third volume of the Consolidated Statutes and shall cover the whole of the same into the State Treasury as provided in that section. The five dollars (\$5.00) per day for acting as Secretary of the Board of Internal Improvements is hereby repealed."

1929, c. 322.

3870. Vol. III. Now reads: "3870. *Department of Justice.* The Attorney-General shall receive an annual salary of \$7,500.00, payable monthly; *Provided*, that within thirty days from and after the passage of this act, the Attorney-General shall dispense with one Assistant to his office."

1929, c. 1.

3884(a). In no way affected by chapter 137, Public Laws, 1929.

1929, c. 137, s. 8.

3903. As amended by chapter 247, 1927. Strike out the second section of chapter 247, 1927, making 3903 as amended apply to Chatham County.

1929, c. 214.

Special clerk's fees for Halifax County. Parts of section not amended apply to Halifax County.

1929, c. 45, s. 3.

3906. Special fees of Register of Deeds of Halifax County. Parts of section not amended apply to Halifax County.

1929, c. 45, s. 2.

3908. Add at end of section: "For the service of summons together with a copy of the complaint, petition or other pleading, the sheriff shall have the fees now prescribed by law in the respective counties for the service of summons only, and shall not be entitled to an additional fee for serving the copy of the pleading unless it is necessary that it be served separately."

1929, c. 227.

Special sheriff's fees for Halifax County. Parts of section not amended apply to Halifax County.

1929, c. 45, s. 4.

Special sheriff's fees for Mitchell County.

1929, c. 56.

3923. Vol. III. In line 1, of the second paragraph, between the word "Montgomery" and the word "Macon" insert the word "Onslow."

1929, c. 13.

In line 8, after the word "Haywood" add the words "and Caldwell."

1929, c. 59.

CHAPTER LXXXI

WILLS

4145. Change period at end of section to a comma and add: "*Provided*, that whenever in a will so probated or recorded a bank or trust company shall be named executor and/or trustee and shall have at the time of such probate and recording become absorbed by or consolidated with another bank or trust company such latter bank or trust company shall be deemed substituted for and shall have all the rights and powers of the former bank or trust company."

1929, c. 150.

4156. Vol. III. In lines 2 and 3 strike out the words "one thousand eight hundred and ninety-nine" and insert in lieu thereof the words "one thousand nine hundred and fifteen." Amend further by inserting after the word "Cleveland" in the last line of the section the word "Lee."

1929, c. 313.

4156. Add new section: "4156(a). In all cases where last wills and testaments which appear as recorded in the record of last will and testaments to have had two witnesses thereto and such last wills and testaments were admitted to probate and recorded in the record of wills in the proper county in this State prior to the first day of January, one thousand eight hundred and ninety (1890) upon the oath and examination of one of the witnesses, such proof being taken in writing and recorded, and the certificates of probate of the Clerk of the Court states that such a will is proven by one of the subscribing witnesses thereto and the handwriting of the

other subscribing witness being a non-resident is proven under oath, and such a will and certificate has been recorded in the record of wills of the proper county, such probate is hereby, validated as fully as if the proof of the handwriting of the non-resident witness had been taken in regular form in writing and recorded.

"This act shall not affect any litigation commenced at any time prior to its ratification."

1929, c. 41.

4158. Add at end of section: "Wherever a caveat is filed with the Clerk of the Superior Court of any county in the State to any last will and testament which has been admitted to probate in said office, it shall be the duty of such clerk, and he is hereby directed to give notice of the filing of such caveat by making an entry upon the page of the will book where such last will and testament is recorded, evidencing that such caveat has been filed and giving the date of such filing. When such caveat and proceedings resulting therefrom shall have resulted in final judgment with respect to such will, the Clerk of the Court shall make a further entry upon the page of the will book where such last will and testament is recorded to the effect that final judgment has been entered, either sustaining or setting aside such will."

1929, c. 81.

CHAPTER LXXXII

CRIMES AND PUNISHMENTS

4237(a). Vol. III. Add new section: "4237(b). Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than five nor more than thirty years."

1929, c. 187.

4283(a). Chapter 62, 1927. After the word "misdemeanor" in section 2 of said chapter insert the following: "If the amount due on such check is not over fifty dollars, the punishment shall not exceed a fine of fifty dollars or imprisonment for thirty days."

This act applies to the following counties only: Pitt County, Robeson County, Iredell County, Martin County, Lee County, Rutherford County, Bladen County, Cumberland County, Mecklenburg County, Catawba County, Sampson County, Alleghany County, Lenoir County, Randolph County, Gaston County, Hoke County, Madison County, Burke County, Transylvania County, Rockingham County, Halifax County, Hertford County, Richmond County, Chatham County, Pamlico County, Wake County, Haywood County, Caldwell County, Wilkes County and Hyde County.

1929, c. 273.

4284. Add at end of section: "If the amount claimed as due for such board be not over fifty dollars, the punishment shall not exceed a fine of fifty dollars or imprisonment for thirty days." Applies to Pitt County only.

1929, c. 103.

4301. Add new section: "4301(a). If any person shall deface, injure or damage any house, uninhabited house or other building belonging to another, or deface, damage, pull down, injure, remove or destroy any fence or wall enclosing, in whole or in part, the premises belonging to another; or shall move into, take possession of and/or occupy any house, uninhabited house or other building situated on the premises belonging to another, without having first obtained authority so to do and consent of the owner or agent thereof, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days."

1929, c. 192.

4307. In line 11, after the word "Cherokee" insert the word "Duplin."

1929, c. 174.

4309. Now reads: "4309. *Setting fire to grass and brush lands and woodlands.* If any person between March first and December first, following, shall intentionally set fire to any grass land, brush land or woodland, except it be his own property, or in that case without first giving notice to all persons owning or in charge of lands adjoining the lands intended to be fired, and without also taking care to watch such fire and to extinguish it before it shall reach any lands near to or adjoining the lands so fired, he shall for every such offense be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not exceeding thirty days; and shall also be liable for a penalty in the sum of two hundred dollars, recoverable in a civil action, in the jurisdiction of Justices of the Peace (except as hereinafter provided) one-half of said penalty being payable to the plaintiff who institutes the action and the other to be paid into the school fund of the county wherein the cause of action arose; *provided*, that the payment of such penalty shall in no wise mitigate any recovery for damages sustained by the owner of any property from such fire; *provided*, that recovery for such penalty may be had in the Superior Courts when the Superior Court has jurisdiction of action or actions for damages on account of such fires; *provided*, that such penalty shall not be more than once recoverable upon one and the same fire; and *provided*, *further*, that an action to recover the penalty herein provided may be maintained upon competent proof by any person competent to sue in the courts of the State. For the purposes of this section, the term "woodland" is to be taken to include all forest areas, both timber and cut-over land, and all second growth stands on areas that have been at one time cultivated.

"That it shall be lawful for any owner of woodland, as defined in the foregoing section, or the duly authorized agent or caretaker in charge of such woodland, to burn over the same for the protection of timber and growing timber thereon, between December first and March

first, following: *provided*, ample care is taken to prevent such fire or fires from escaping from the lands on which the same is or may be set out and to secure adjacent property from damage, always having due consideration for the weather."

Amendment applies to Onslow County only.

1929, c. 185.

4316. Section now reads: "If any person shall enter upon the lands of another and take possession of any house or other building thereon, without permission of the owner or his agent and without a bona fide claim of right or title so to enter and take possession, he shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court."

Amendment applies only to Durham County.

1929, c. 109.

4331(a). 1927, chapter 61. Strike out last section and insert the following: "Any person violating the provisions of this act shall be guilty of a misdemeanor and punished at the discretion of the court."

1929, c. 38.

4388. Add at end of section: "*Provided*, that this section shall not apply to public officials transacting business with banks or banking institutions in regular course of business; *Provided, further*, that such undertaking or contracting shall be authorized by said governing board."

1929, c. 19.

4410. Vol. III. In the fifth line from the end of the section strike out the comma after the word "army" and insert the following words: "when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons."

1929, c. 224.

4410. Vol. III. All that part of section in brackets, which applied only to certain counties, repealed.

1929, c. 51.

4481. Vol. III. Add at the end of section the words "and Stanly."

1929, c. 5.

Insert new chapter:

CHAPTER LXXXIII (A)

AERONAUTICS

SECTION 1. Definition of Terms. In this act "aircraft" includes balloon, airplane, hydroplane, and every other vehicle used for navigation through the air. A hydroplane while at rest on water and while being operated on or immediately above water shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft. "Aeronaut" and "airman" includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight. "Passenger" includes any person riding in an aircraft but having no part in its operation.

SEC. 2. Sovereignty in Space. Sovereignty in space above the lands and waters of this State is declared to rest in the State, except where granted to and assumed by the United States.

SEC. 3. Ownership of Space. The ownership of the space above the lands and waters of this State is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in section four.

SEC. 4. Lawfulness of Flight. Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable as provided in section five.

SEC. 5. Damage on Land. The owner of every aircraft which is operated over the lands or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath, caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person, or owner or bailee of the injured property, shall have a lien on the aircraft causing the injury to the extent of the damage caused by the aircraft or objects falling from it.

SEC. 6. Collision of Aircraft. The liability of the owner of one aircraft, to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

SEC. 7. Jurisdiction Over Crimes and Torts. All crimes, torts, and other wrongs committed by or against an aeronaut or passenger while in flight over this State shall be governed by the laws of this State; and the question whether damage occasioned by or to an aircraft while in flight over this State constitutes a tort, crime or other wrong by or against the owner of such aircraft shall be determined by the laws of this State.

SEC. 8. Jurisdiction Over Contracts. All contractual and other legal relations entered into by aeronauts or passengers while in flight over this State shall have the same effect as if entered into on the land or water beneath.

Sec. 9. *Dangerous Flying a Misdemeanor.* Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this State, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year, or both.

Sec. 10. *Hunting from Aircraft a Misdemeanor.* Any aeronaut or passenger who, while in flight within this State, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than thirty days, or both.

Sec. 11. *Qualifications of Operator; Federal License.* The public safety requiring, and the advantages of uniform regulation making it desirable, in the interest of aeronautical progress, that a person engaging within this State in operating aircraft, in any form of aerial navigation for which a license to operate aircraft issued by the United States Government would then be required if such aerial navigation were interstate, should have the qualifications necessary for obtaining and holding such a license, it shall be unlawful for any person to engage in operating aircraft within the State, in any such form or aerial navigation, unless he have such Federal license.

Sec. 12. *Possession and Exhibition of License Certificate.* The certificate of the license, herein required, shall be kept in the personal possession of the licensee when he is operating aircraft within this State and must be presented for inspection upon the demand of any passenger, any peace officer of this State, or any official, manager or person in charge of any airport or landing field in this State upon which he shall land.

Sec. 13. *Aircraft; Construction, Design and Airworthiness; Federal Registration.* The public safety requiring, and the advantages of uniform regulation making it desirable, in the interest of aeronautical progress, that aircraft to be operated within this State should conform, with respect to design, construction and airworthiness, to standards then prescribed by the United States Government with respect to aerial navigation of aircraft subject to its jurisdiction, it shall be unlawful for any person to operate an aircraft within this State unless it is registered pursuant to the lawful rules and regulations of the United States Government then in force, if the circumstances of such aerial navigation are of a character that such registration would be required in a case of interstate aerial navigation.

Sec. 14. *Penalties.* A person who violates any provision of sections eleven, twelve or thirteen of this act shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than ninety days, or both; *provided, however,* that acts or omissions made unlawful by section eleven, twelve or thirteen of this act shall not be deemed to include any act or omission which violates the laws or lawful regulations of the United States.

Sec. 15. *Provided* that this act shall not be construed as a waiver of jurisdiction of the courts of the State of North Carolina over any crime or tort committed within the State of North Carolina, and *provided, further,* that the General Assembly of North Carolina may at any time amend, regulate or control any of the powers which may be assumed by the United States Department of Commerce under this act.

1929, c. 190.

CHAPTER LXXXIV

AGRICULTURE

4669. In line 3 strike out the words "on the first Wednesday." 4669 (Vol. III) reads, "second Wednesday." (1921, c. 24.)

1929, c. 252.

4771. Add new section: "4771(a). It shall be unlawful for any person, firm or corporation having custody for the purpose of sale, distribution or manufacture of any beverage bottle, to place, cause or permit to be placed therein turpentine, varnish, wood alcohol, bleaching water, bluing, kerosene, oils, or any unclean or foul substance, or other offensive material, or sends, ships, returns and delivers or causes or permits to be sent, shipped, returned or delivered to any producer of beverages, any bottle used as a container for beverages, and containing any turpentine, varnish, wood alcohol, bleaching water, bluing, kerosene, oils, or any unclean or foul substance, or other offensive material, shall be guilty of a misdemeanor, and upon conviction shall be fined on the first offense, one dollar for each bottle so defiled, and for any subsequent offense by a fine of not more than ten dollars for each bottle so defiled."

1929, c. 324.

4812-4831. Now reads: The term "agricultural seed" as used in this act shall include the seeds of all domesticated grasses, cereals, clovers, vetches, alfalfas, peas (except garden peas), beans (except garden beans), and seeds of all other crops that are or may be successfully grown in North Carolina on field scale; while the term "vegetable seed" shall include the seeds of those crops that are generally grown in North Carolina on garden scale and generally known and sold under the name of "vegetable seeds."

Every parcel, package, or lot of agricultural seeds, as defined in section one of this act, offered or exposed for sale in this State, for use within the State, shall have affixed thereto, in a conspicuous place on the outside thereof, distinctly printed in the English language in legible type, a State tag certifying:

- (a). The commonly accepted name of such agricultural seeds.
- (b). The approximate per cent by weight of purity, meaning the freedom of such agricultural seeds from inert matter and from other seeds distinguishable by their appearance.
- (c). The approximate per cent by weight of common weed seeds, noxious weed seeds and other agricultural seeds designated in sections four and five of this act.
- (d). The approximate per cent of viability, together with the month and year said seed were tested for viability.
- (e). In case of seeds produced within the United States, the State in which seeds were grown, when known, must be shown on the tag.

(f). Full name and address of the seedsman, importer, dealer, agent, or other person or persons, firms or corporations, selling, offering or exposing for sale or for distribution such agricultural seeds in the State for seeding purposes.

The term "inert matter" as used in this act shall be understood to include sand, dirt, chaff, and other foreign substances, and broken seed incapable of germinating.

The term "other agricultural seeds" as used in this act shall be understood to include all agricultural seeds not of the kind or species named on the package.

The term "common weed seeds" as used in this act shall be understood to include seeds of the plants commonly known as wild mustard, Canada thistle, wild carrot, curled dock, sheep sorrel, black mustard, common plantain, bracted plantain, buckhorn, henbit, chickweed, crabb-grass, and seeds of all other plants which commonly occur in a wild state.

That the term "noxious weed seeds" shall be applied to seeds of wild onion or wild garlic, all dodders, corn cockle, and cheat or chess.

Mixtures, when in bulk, packages, or other containers, offered or exposed for sale within the State, for seeding purposes, containing two or more kinds of agricultural seed shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language, stating:

(a). That such seed is a mixture.

(b). The name, kind of each seed entering into the mixture.

(c). The approximate percentage by weight of inert matter.

(d). The approximate percentage by weight of weed seeds, and other agricultural seeds, as defined in sections four and five of this act.

(e). The full name and address of the seedsman, importer, dealer, or agent, or other person or persons, firms or corporations, selling or offering or exposing for sale or distribution such mixtures in this State for seeding purposes.

No statements regarding the quality of such agricultural seeds, or mixtures, if inconsistent with the requirements of this act, shall be written or printed on the tag or label, or placed inside or affixed to any container or bulk of agricultural seed or mixture sold, offered or exposed for sale or distribution within the State for seeding purposes.

No standard of purity shall be maintained for vegetable seeds, but each package must show on the tag or label the exact nature of its contents.

It shall be unlawful for any person, firm, or corporation to sell, offer or expose for sale or distribution within the State any agricultural or vegetable seeds, or mixtures of agricultural and vegetable seeds as defined in this act for seeding purposes, without complying with the requirements of this act, or to falsely mark or label as to variety or kind any agricultural or vegetable seeds, or to interfere in any way with the inspectors or assistants in the discharge of the duties herein named.

The duty of enforcing this act and carrying out its provisions and requirements shall be vested in the Commissioner of Agriculture. The Department of Agriculture shall adopt such rules and regulations as may be necessary to secure the efficient enforcement of this act; and shall maintain a seed laboratory with necessary equipment.

Seed not having a reasonable viability, or that are extremely impure, notwithstanding they may be properly labeled, shall be withdrawn from sale when, in the opinion of the Commissioner, such withdrawal is in the interest of normal crop production.

It shall be the duty of the said Commissioner, either by himself or his duly authorized agents, to inspect, examine, and make analysis of and test any agricultural or vegetable seeds sold, offered or exposed for sale or distribution within the State for seeding purposes, at such time and place and to such extent as he may determine. The Commissioner and his agents shall have free access, at all reasonable hours, upon and into any premises or structures to make examination of any agricultural seeds, whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in the possession of any warehouse, elevator, railroad or steamship company; and he is hereby given authority in person, or by his analysts, inspectors, or assistants, upon notice to the dealer, his agent, or the representative of any warehouse, elevator, railroad, or steamship company, if present, to take for analysis a composite sample of such agricultural or vegetable seeds from a parcel, package, or lot or other container, or number of parcels, packages, lots, or other containers. Said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with or on the premises of the vendor, or party in interest, and the other retained by said Commissioner, or analyst or agent, for analysis.

It shall be the duty of the Commissioner of Agriculture to publish, or cause to be published, at the end of the year, the results of the examination and tests made of any samples of agricultural or vegetable seeds, or mixtures of agricultural seeds, received from private individuals, or drawn as provided for in section twelve, together with any information he may deem necessary: *Provided*, that the rules for analyses shall conform to the best known methods of examining and testing agricultural and vegetable seeds.

Every violation of the provisions of this act shall be deemed a misdemeanor and punishable by a fine of not to exceed one hundred dollars, and if the Commissioner shall find, upon examination, analysis, or test, that any person, firm, or corporation violated any of the provisions of this act, he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction to have such person, firm, or corporation convicted thereof; or the Commissioner, in his discretion, may report the results of such examination to the Attorney-General, together with sworn statement of the analyst, duly acknowledged, and such other evidence of said violation as he shall deem necessary. Said sworn statement shall be admitted as evidence in any court of this State in any proceeding instituted under this act; but, upon a motion of the accused, such analyst shall be required to appear as a witness and be subject to cross-examination: *Provided, however*, that no prosecutions for violations of this act, if such violations are based on tests or analysis, shall be instituted except in the manner following: When the Commissioner of Agriculture finds that this act has been violated, as shown by test examination or analysis, he shall give notice to the person or firm in whose hands the seeds were found, designating a time and place for a hearing. This hearing shall be private, and the person or firm involved shall have the right to introduce evidence, either in person, by agent or attorney. If, after said hearing, or without said hearing in case said person fails or refuses to appear, the Commissioner decides that the evidence warrants prosecution, he shall proceed as herein provided. Moreover, it shall be the duty of the Attorney-General, or,

in his discretion, he may act through the attorney of the county or city in which said violation has occurred, to institute proceedings at once against the person or persons, firms or corporations charged with such violations: *Provided*, such proceedings for violations shall be instituted according to the laws of this State.

Any citizen, firm, or corporation in this State shall have the privilege of having samples of seeds tested free of charge in the State seed laboratories; while individuals, firms, and corporations outside the State shall have a like privilege on payment of a fee of twenty-five (25) cents for each purity test and twenty-five (25) cents for each germination test.

For the purpose of providing a fund to defray the expenses of the examination and analyses prescribed in this act, each person, firm, or corporation selling or offering for sale in or for export from this State any seed as mentioned in this act shall register with the Department of Agriculture the name of the person, firm, or corporation offering the seed for sale, and shall pay a license tax annually, on January first of each year, of twenty-five dollars (\$25.00). The Commissioner's receipt for such money shall be license to conduct the business.

Every parcel or package of agricultural and vegetable seeds, as defined in this act, delivered to any farmer of this State for seeding purposes, and weighing ten (10) pounds or more, sold by any person, firm, or corporation whose business residence is either inside or outside the State, shall have affixed thereto a copy of the tag as designated in section two of this act; said tag to be purchased from the Commissioner of Agriculture, and the purchaser of said tag to be subject to the penalties outlined in section fifteen for the use of the same tag a second time: *Provided*, that tags of the previous year may be given in exchange for tags of the current year.

Any grower or dealer who may desire to use the term "Standard Seeds" in describing his goods may do so provided such seeds measure up to the following percentages of purity and germination:

STANDARDS OF PURITY AND VIABILITY

Name of Seed	Per Cent Purity	Per Cent Germination	Name of Seed	Per Cent Purity	Per Cent Germination
Alfalfa	98	80	Melon, Musk		90
Asparagus		80	Melon, Water		90
Barley	98	90	Millet, Pearl	98	90
Bluegrass—Kentucky	80	45	Millet, Common	96	85
Bluegrass—Canada	90	45	Oats	99	90
Buckwheat	99	90	Okra		85
Brome Grass	90	75	Onions		85
Cabbage		90	Oat Grass	72	70
Carrot		80	Orchard Grass	70	70
Cauliflower		80	Rape	99	90
Celery		60	Red Top	90	80
Clover, Alsike	95	80	Rye	99	95
Clover, Crimson	98	90	Rye Grass, Perennial	96	80
Clover, Red	98	90	Rye Grass, Italian	95	80
Clover, White	95	80	Sorghum	96	80
Collard		80	Sudan Grass	96	75
Corn, Field		95	Spinach		85
Corn, Sweet		90	Squash		90
Cotton		90	Timothy	98	90
Cowpea		90	Tomato		90
Cucumber		90	Turnip		90
Egg Plant		80	Tobacco		80
Fescue, Meadow	95	85	Vetch	98	70
Kafir Corn	98	90	Wheat	99	95
Lettuce		90			

Provided, that nothing in this act shall be construed to require a farmer selling seeds raised by himself to comply with the provisions hereof.

This act shall be in force from and after January first, one thousand nine hundred and thirty.

1929, c. 194.

Add new article: "12-A. There is hereby created in the Agricultural Extension Service of the State College of Agriculture and Engineering a division to be known as the Farm Crop Seed Improvement Division, and it shall be the duty and function of this division to foster and promote the development and distribution of pure strains of crop seeds among the farmers of North Carolina. The Director of said Division shall be selected as the head of other divisions of the State College of Agriculture and Engineering are selected and said Division shall have the necessary cooperation of all other members of the college staff of said State College of Agriculture and Engineering for the proper carrying out of the purposes of this act.

"The Governor, the Commissioner of Agriculture and the Dean of the School of Agriculture of the State College of Agriculture and Engineering, are hereby created a State Board of Farm Crop Seed Improvement.

"The said board shall have control, management and supervision of the production, distribution and certification of pure-bred crop seeds under the provisions of this act.

"In so far as any of the State departments or agencies shall have to do with the testing, development, production, certification and distribution of farm crop seeds, such departments or agencies shall actively cooperate with the said Board in carrying out the purposes of this act. The said Board shall have authority to make, establish and promulgate all needful rules and regulations, including rules and regulation, fixing fees for certification and fixing the market price of certified seed, necessary for the proper exercise of the duties conferred upon said Board and for the carrying out the full purposes of this act.

For the purpose of carrying out more fully the provisions of this act and of fostering the development, certification and distribution of pure seeds the said Board shall have authority to promote the organization and incorporation of an association of farmers to be known as the North Carolina Crop Improvement Association, which said Association when so organized and incorporated shall, subject to the rules and regulations prescribed by said Board, adopt all necessary rules and regulations and collect from their members such fees as shall be necessary for the proper functioning of such organizations.

For the purpose of this act the certification of crop seeds hereunder shall be defined to be a guarantee by the North Carolina Crop Improvement Association herein provided for that the said seed conform to the stated origin, adaptation, variety name, variety purity, quality, germination, seed purity, and any other qualification necessary for the determining of the proper quality or value of crop seed.

"Certification of crop seeds in so far as it concerns the origin, adaptation, variety name, variety purity and quality shall be subject to the supervision of the director of the Division of Farm Crop Seed Improvement. Certification of crop seeds in so far as it concerns germination and purity tests shall be subject to the supervision of the State Department of Agriculture. The North Carolina Crop Improvement Association may certify any crop seeds when the certification thereof shall have been approved by both the director of the Division of Farm Crop Seed Improvement and by the State Department of Agriculture.

That for the purposes of aiding in meeting the expenses necessary for the carrying out of the provisions of this act there is hereby appropriated out of any unexpended and unappropriated portion of the Agricultural Fund of the sum of three thousand dollars (\$3,000.00) for the remainder of the present fiscal year, and the further sum of five thousand dollars (\$5,000.00) per year for each year of the incoming biennium."

1929, c. 325.

CHAPTER LXXXVIII BOARD OF CHARITIES

5016. Vol. III. In lines 1 and 2 strike out the words "second Monday in July, nineteen hundred and twenty-one, and on the second Monday in July" and insert in lieu thereof the words "first Monday in June, nineteen hundred and twenty-nine, and on the first Monday in June."

In line 11, before the word "No" insert the words "The person so elected superintendent of public welfare shall begin his work on the first Monday in July; but."

1929, c. 291.

CHAPTER XC CHILD WELFARE

5047. In line 2, of sub-section 3, between the word "board" and the word "in" insert the words "in a suitable institution, society or association as described in sub-section four of said section five thousand and forty-seven, or."

1929, c. 84.

CHAPTER XCI COMMERCE AND BUSINESS IN STATE

5083. In line 5, between the word "the" and the word "person" insert the words "and that he is the owner thereof."

1929, c. 281.

CHAPTER XCII CONFEDERATE HOMES AND PENSIONS

5168(c). Vol. III. In lines 4 and 5 strike out the words "The auditor may have printed, once in each year, but not oftener, a list of the pensioners on the pension roll."

1929, c. 296.

5168(d). Vol. III. In line 2, after the word "sons" insert the words "or daughters."

1929, c. 92.

5168(j). Vol. III. Add at end of section: "Provided, that the State Board of Pensions, upon the recommendation of the County Pension Board, may add to Class B list of pensions such widows of Confederate Veterans who were married to the deceased veterans prior to the year one thousand eight hundred ninety-nine and who are now more than sixty years of age, as in the judgment of the said State Board of Pensions are meritorious and deserving, and who from old age or other afflictions are unable to earn their own living."

1929, c. 300.

CHAPTER XCIV DRAINAGE

5356. Vol. III. Amended as to Columbus and Brunswick Counties only. Strike out the first sentence and insert the following in lieu thereof: "The commissioners may sell these bonds at not less than par and devote the proceeds to the payment for the work as it progresses, to the payment of the other expenses of the district as provided for in this sub-chapter, and to the payment of such interest as may become due on said bonds before the collection of the first drainage assessment. Any amount devoted to payment of interest as herein provided shall be reimbursed to said fund out of drainage assessments thereafter collected and as soon as in the judgment of the commissioners is practicable."

1929, c. 299.

CHAPTER XCV

EDUCATION

5403. (5410 of Vol. III.) In line 6, after the word "Union" insert the word "Perquimans."
1929, c. 202.

5410. Vol. III. In line 4, between the word "Jackson" and the word "Mecklenburg" insert the word "Macon."
1929, c. 215.

5440. Vol. III. Add new section: "5440(a). In addition to health education, which is now required by law to be given in all schools supported in whole or in part by public money, thorough and scientific instruction shall be given in the subject of alcoholism and narcotism.

"The State Superintendent of Public Instruction is hereby authorized and directed to prepare, or cause to be prepared, for the use of all teachers who are required by this act to give instruction in the subject of alcoholism and narcotism, a course of study on health education, which shall embrace suggestions as to methods of instruction, outlines of lesson plans, lists of accurate and scientific source material, suggested adaptations of the work to the needs of the children in the several grades, and shall specify the kind of work to be done in each grade, and the amount of time to be devoted to such instruction, which shall in no case be less than ten lessons in any one grade in any one year on the subject of the effects of alcoholism and narcotism on the human system. The work in this subject shall be a part of the work required for promotion from one grade to another; *provided, however,* nothing contained in this act shall be construed as requiring any additional textbooks, but the instruction required shall be from textbooks already adopted and now in use in the public schools of the State.

"In all normal Schools, teacher training classes, summer schools for teachers, and other institutions giving instruction preparatory to teaching or to teachers actually in service, adequate time and attention shall be given to the best methods in teaching health education, with special reference to the nature of alcoholism and narcotism.

"It shall be the duty of all officers and teachers, principals and superintendents in charge of any school or schools, comprehended within the meaning of this act, to comply with its provisions; and any such officer or teacher who shall fail or refuse to comply with the requirements of this act, shall be subject to dismissal by the proper authorities."
1929, c. 96.

5445. (5619 of Vol. III.) Amended as to Cumberland County only. Add at end of section: "*Provided,* that in Cumberland County the bond required of said Treasurer shall not exceed double the amount of the average cash balance to the credit of the school fund of said county, and shall not be less than the average cash balance to the credit of said fund, as the Board of Commissioners of said county, in their discretion, may fix and determine."
1929, c. 55.

5469. Vol. III. In line 16, after the word "appraisers" insert a comma and add the words "including the County Board of Education or the Board of Trustees of any special charter district."

Change the comma at the end of the section to a semi-colon and add the words "*Provided,* where sites have already been acquired and additional adjacent lands are necessary such additional lands may be acquired as in this section provided, which lands, together with the old site, shall not exceed ten acres."
1929, c. 309.

5551. Vol. III. Add at the end of section: "*Provided,* that if in the opinion of the local committee and the County Board of Education the schools could be organized on a more economical basis by transferring the pupils in the upper grades to an adjoining local tax district such part of the local taxes accruing to any such local tax district as may be deemed fair may be used in the adjoining district to pay the instructional cost of the children so transferred."
1929, c. 225.

5726. (5744, Vol. III.) Add at end of section: "When the State Committee on high school text-books makes its report and recommendation to the State Board of Education as provided in the Consolidated Statutes, sections five thousand seven hundred twenty-six, five thousand seven hundred twenty-seven and other sections amendatory and relating thereto, it shall be the duty of the State Board of Education to adopt a multiple list of high school text-books for use in all public high schools in the State of North Carolina.

"The contract retail price of all high school text-books shall be printed on the books in the same manner in which the price is printed on all elementary text-books.

"All rules and regulations governing the adoption of elementary text-books shall prevail in the adoption of high school text-books."
1929, c. 283, ss. 1, 2, 3.

5726. (5745, Vol. III.) Add at end of section: "The State Board of Education shall have power to fix the number of high school text-books to be placed upon the multiple list."
1929, c. 283, s. 4.

CHAPTER XCVI

EDUCATIONAL INSTITUTIONS

5825(a). In line 1 strike out the word 60 and insert the words "eighty-five." Add at end of section: "twenty of the trustees shall be chosen from the State at large."
1929, cc. 86, 255.

5834. The directors of the North Carolina College for Women appointed before 1929, entitled to serve for the remainder of their terms under the terms of present section.

New section now reads: "5834. *Board of Directors; election; qualification and number; the Governor of the State ex-officio chairman, the State Superintendent a member.* The corporation shall be managed by a board of twelve (12) directors, no two of the ten (10) appointive directors shall be chosen from the same Congressional District. The term of office of each appointive director shall be six years. The Governor, by and with the advice and consent of the Senate, shall appoint directors to fill vacancies as they may respectively occur, either by the expiration of the terms of office of the present incumbents or by death or resignation or removal from the Congressional District from which any director was appointed. The Governor of the State shall be *ex-officio* a member and chairman of the Board of Directors, and the State Superintendent of Public Instruction shall be *ex-officio* a member and vice-chairman of the Board, and shall preside over the meetings in the absence of the Governor. All directors shall take an oath faithfully to perform their duties as required by law, and shall hold office for the term for which they are appointed or until their appointment becomes vacant for the causes herein stated. The Board of Directors shall report biennially as required by section seven of the Constitution of North Carolina and the 'Executive Budget Act.'" 1929, c. 223.

5839 etc. (Chapter 270, 1925.) Strike out section 1 of chapter 270, 1925, and insert the following: "The Cullowhee State Normal School at Cullowhee, North Carolina, shall hereafter be known as Western Carolina Teachers' College.

"The Board of Trustees of the Cullowhee State Normal School shall be the Board of Trustees of Western Carolina Teachers' College. They shall be appointed in the same manner and shall have the same tenure of office as the present Board of Trustees, and shall have the same authority and control over the affairs of the institution as is now exercised by them or may hereafter be conferred upon them by the General Assembly.

"All appropriations heretofore made or hereafter to be made, all gifts, accounts, notes, or property of whatever kind under the control of the Cullowhee State Normal School are hereby declared to be the property of Western Carolina Teachers' College and under the control of its Board of Trustees.

"The Trustees, upon the recommendation of the faculty, are hereby authorized and empowered to confer or cause to be conferred such degrees as are usually conferred by similar institutions."

1929, c. 251, s. 1.

In all instances strike out the words "Cullowhee State Normal School" and insert the words "Western Carolina Teachers' College."

1929, c. 251, s. 2.

5844. (1925, c. 306, s. 9.) Add at end of section: "The Governor in making the appointment of Trustees for Cherokee Indian Normal School at Pembroke, shall not be limited or affected by any law enacted prior to the tenth day of March, nineteen hundred and twenty-five, relating to or prescribing qualifications of such Trustees, but such Trustees shall be such as the Governor shall determine, after such inquiry and consideration as he may desire to make, to be fit, competent and proper for the discharge of all the duties that shall devolve upon them as such Trustees.

"All laws enacted prior to the tenth day of March, nineteen hundred and twenty-five, prescribing qualifications or making limitations in reference to such appointments be and the same are hereby repealed."

1929, c. 238.

5847. Now reads: "Persons of the Indian race of Robeson County who are descendants of those that were determined to constitute those who were within the terms and contemplation of chapter fifty-one, Public Laws one thousand eighteen hundred and eighty-five, and within the census taken pursuant thereto by the County Board of Education of Robeson County, of either sex, resident in North Carolina, who are not under thirteen years of age, may attend the Cherokee Indian Normal School of Robeson County, and children not under eleven years of age may be admitted who can stand an approved examination in spelling, reading, writing, primary geography, and the fundamental rules of arithmetic. All those who shall enjoy the privileges of such school as students shall previously obligate themselves to teach the youth of the race of Cherokee Indians of Robeson County for a stated period."

Add new section: "5847(a). Qualifications for admission to the common schools of Robeson County for the education of the Indian race only, shall hereafter be as follow:

"Persons of the Indian race of Robeson County who are descendants of those that were determined to constitute those who were within the terms and contemplation of chapter fifty-one, laws one thousand eight hundred and eighty-five, and within the census taken pursuant thereto by the County Board of Education of Robeson County, of either sex, resident in Robeson County, North Carolina, who are of school age, and otherwise qualified, may attend the common schools of Robeson County for the education of the Indian race only, and no others shall be admitted to said schools."

1929, c. 195, s. 6.

5862. (1925, Private, c. 204.) Add new section: "5862(a). The Trustees of the Appalachian State Normal School be, and they are hereby, authorized to make such contract or contracts with the Watauga Hospital, Incorporated, for the reception of and treatment in of the officers, teachers and students of the Appalachian State Normal School in the Watauga Hospital, Incorporated, as may secure the benefit of medical treatment for them.

"The Trustees are further authorized and empowered to pay any cost of such treatment, nursing and care to the Watauga Hospital, Incorporated, from time to time in accordance with the contract or contracts hereinbefore authorized, *provided*, such Appalachian State Normal School shall thereby assume no responsibility for the proper conduct of the said Watauga Hospital, Incorporated.

"That said Board of Trustees may aid in the construction of the Watauga Hospital, Incorporated, out of any funds available or hereafter may be secured for the purpose of erecting an infirmary."

1929, c. 212.

5866. Vol. III. Now reads: "The Board of Trustees of East Carolina Teachers' College shall consist of twelve members to be appointed by the Governor and confirmed by the Senate and the State Superintendent of Public Instruction as *ex-officio* chairman, making thirteen members of the Board in all: *Provided*, that the twelve members appointed by the Governor and confirmed by the Senate each shall serve for a period of six years or until his successor has been appointed: *Provided, further*, that the first board under this act shall be appointed as follows: One member for two years, four for four years and four for six years: *Provided, further*, that the term of office shall begin July first of the calendar years ending in an odd number, i. e., July first, nineteen hundred and twenty-nine: *Provided, further*, that all of the members of the present board appointed prior to nineteen hundred and twenty-seven shall hold office to June thirtieth, nineteen hundred and twenty-nine.

"Members of the Board of Trustees shall not be removed from office except upon complaint filed by the Chairman of the Board and the case heard before the Governor and the Council of State: *Provided*, that whenever a Trustee shall fail to be present for one year at the regular meetings of the Board, his place as Trustee shall be deemed vacant and said vacancy shall be filled by the Governor subject to the approval of the Senate when it next convenes."
1929, c. 259.

5885. Now reads: "Where it shall appear to the satisfaction of the Superintendent of Public Welfare and the Chairman of the Board of County Commissioners that the parents of any deaf or blind child of the county, are then unable to provide such child with clothing and/or traveling expenses to and from the State School for the Blind and the Deaf, and the North Carolina School for the Deaf, or where such child has no living parent, or any estate of its own, or any person, or persons, upon which it is legally dependent, who are able to provide expenses provided for herein, then, upon the demand of the institution which such child attends or has been accepted for attendance, said demand being made through the State Auditor, the Board of County Commissioners of the county in which such child resides shall issue or cause to be issued, its warrant payable to the State Auditor, same to be credited to the proper institution, for the payment of an amount sufficient to clothe and pay traveling expenses of said child; *provided*, that the amount, in no case, shall exceed forty-five (\$45.00) per annum for each child, in addition to such amounts as may be necessary to defray the actual traveling expenses to and from said institution. For such amount so furnished, the parents, or other persons upon whom such child is, or may be, legally dependent, and such child, shall be and remain liable for the payment thereof, together with five per cent (5%) per annum interest thereon from the date of each payment by the county. At any time after any of such payments, in the discretion of the Board of Commissioners, or any succeeding board, a suit may be instituted in some court of competent jurisdiction in said county, or in any other county in the State according to the venue now or hereafter fixed by law for the recovery of the same, which suit shall be prosecuted by the person who may now or hereafter perform the duties of County Attorney, and the parents of such child shall be liable therefor jointly and severally, and all other persons who are made liable therefor herein shall be liable severally for such amounts and interest and the costs of suit."
1929, c. 181.

CHAPTER XCVII

ELECTIONS

6003. Chapter 50, 1927, repealed and section 6003 re-enacted as follows: "Whenever there shall be a vacancy in the office of United States Senator from this State caused by death, resignation, or otherwise than by expiration of a term, the Governor shall appoint to fill the vacancy till there shall be an election."
1929, c. 12.

6054. Vol. III. In lines 6 and 7 strike out the word "McDowell."
1929, cc. 70, 77.

In line 5 strike out the word "Ashe."

"The provisions of this act shall be in force and effect only when and if the chairman of the various township Democratic Executive Committees of Ashe County representing a majority of the votes now cast in the present convention system, shall present to the County Board of elections of Ashe County a petition duly signed requesting the said Board of Elections to put the provisions of this act into full force and effect, as set out in section one of this act. That it shall be the duty of the Register of Deeds of Ashe County to register the aforesaid petition upon some of his permanent records and said registration shall be legal notice to all citizens and voters of said county of the change.

"Unless the petition provided for in the foregoing section shall be presented within twelve months from the date of its ratification, this act shall be null and void."
1929, c. 319.

CHAPTER XCVIII

FIREMEN'S RELIEF FUND

6063. In line 2 strike out the word "incorporated."
1929, c. 286.

6069. Amendment applies only to Wilmington and New Hanover County. Add at end of section: "*Provided*, that the board of trustees duly appointed under section six thousand and sixty-nine of the Consolidated Statutes may, in their discretion, set aside for the purposes of creating a pension fund for the benefit of full time paid firemen, provided that the amount so set aside by the board of trustees of the Firemen's Relief Fund shall be augmented by an amount to be set aside annually by the city or town whose department is to benefit by such pension fund, the amounts to be set aside by each to be sufficient to pay the retiring firemen not to exceed fifty per cent of his average yearly earnings, sixty per cent of such pension to be paid from the Firemen's Relief Fund and forty per cent from the fund set aside by such city or town. The average yearly earnings of such fireman shall be determined by adding

the salary received by him on account of his duties as fireman for the five years next preceding his retirement and dividing such aggregate sum by five: *Provided*, the board of trustees of the local Firemen's Relief Fund shall not appropriate from the Firemen's Relief Fund any amount in excess of the annual interest income on the present principal of the Fund in their treasury, and such additional interest on such principal as shall accumulate from the funds hereinafter received by them from the Insurance Commissioner:

Provided further, that no such full time paid fireman shall benefit from such pension fund until and unless he has been a continuous member of the North Carolina State Firemen's Association for a period of not less than twenty (20) years, and has been in the continuous employment of such city or town for a period of not less than fifteen (15) consecutive years just prior to making application for pension:

Provided, further, that no full time paid fireman now in service shall qualify to nor receive any benefit from such pension fund unless prior to January first, one thousand nine hundred and thirty, such fireman has in writing waived his right to participate in the Firemen's Relief Fund as provided in section six thousand and sixty-nine of the Consolidated Statutes, such notice to be filed with the treasurer of the local board of trustees and also with the chief of the fire department, and *provided, further*, that no fireman shall be entitled to participate under this section and also under the provisions of section six thousand and sixty-nine."

1929, c. 328.

CHAPTER C

GENERAL ASSEMBLY

6106. Add new section: "6106(a). No act, which by its caption purports to be a public-local or private act, shall have the force and effect to repeal, alter or change the provisions of any Public Law, not directly referred to in the subject matter set out in the caption of the said public-local or private act, unless the caption of said public-local or private act shall make specific reference to the Public Law it attempts to repeal, alter or change."

1929, c. 250.

CHAPTER CIII

HOSPITALS FOR THE INSANE

6153. Now reads: "The State Hospital at Raleigh and the State Hospital at Morganton shall be exclusively for the accommodation, maintenance, care and treatment of the white insane of the State, and the State Hospital at Goldsboro shall be exclusively for the accommodation, maintenance, care and treatment of the colored insane and inebriates of the State. The line heretofore agreed upon by the Directors of the State Hospital at Raleigh and the State Hospital at Morganton shall be the line of division between the territories of said hospitals, and white insane persons settled in counties east of said line shall be admitted to the State Hospital at Raleigh, and white insane persons settled in counties west of said line shall be admitted to the State Hospital at Morganton. Epileptics shall be admitted as now provided by law. White inebriates shall be admitted to the State Hospital at Raleigh.

"A committee made up of two members, selected by the respective boards, from each Board of Directors of the State Hospital at Raleigh and the State Hospital at Morganton and the Governor may change said line from time to time whenever in their opinion such change may be desirable and proper. The committee, or the Governor, may have patients transferred from and/or to the State Hospital at Raleigh and the State Hospital at Morganton when such transfer may be deemed advantageous."

1929, c. 265.

CHAPTER CVI

INSURANCE

6300. In line 9, between the word "demanded" and the word "or" insert the following: "Is or has become in anyway disqualified according to any of the provisions necessary for obtaining or holding such license as set out in the next preceding section."

1929, c. 301.

6332. In line 3 strike out the word "ten" and insert the words "twenty-five."

In line 6 strike out the words "twenty-five" and insert the word "fifty."

In line 9 strike out the word "fifty" and insert the words "one hundred."

In lines 11 and 12 strike out the words "twenty-five" and insert the word "fifty."

1929, c. 284.

6358. Add at end of section: "The Insurance Commissioner may waive the provisions of this section to assessment companies or associations who conduct their business on an annual premium basis and maintain a full reserve of at least three and one-half per cent, based on the American Experience Table of Mortality, and at all times maintain a net surplus over and above all liabilities and available for the payment of claims, sufficient to preclude the possibility of an extra assessment being levied against policyholders. Said waiver must be in writing and the Insurance Commissioner may revoke it at any time for cause."

1929, c. 93.

6417. Add new section: "6417(a). Nothing contained in this chapter shall be construed as prohibiting the performance of any contract hereafter made for the introduction or installation of automatic sprinklers or other betterments or improvements for reducing the risk by fire or water on any property located in this State, and containing provisions for obtaining insurance against loss or damage by fire or water, for a specified time at a fixed rate; provided, every policy issued under such contract shall be as provided by law."

1929, c. 145.

6465. In line 17, between the word "payable" and the period, insert the words "as regards policies which do not contain a provision for grace or are not entitled to grace in the payment of premiums and at least five and not more than forty-five days prior to the day when the same is payable as regards policies which do contain a provision for grace or are entitled to grace in the payment of premiums."

1929, c. 308.

CHAPTER CX

MEDICINE AND ALLIED OCCUPATIONS

6667. Vol. III. (Extra Session, 1924, c. 116.) Add at end: "But this proviso shall not apply to Johnston County."

1929, c. 249.

6649. Add new article: "Article 2-A. Any person of good moral character who holds a grade 'A' teacher's certificate issued by the Department of Education of the State of North Carolina, may be licensed to practice mouth hygiene in conjunction with the teaching of health subjects in the public institutions and public schools of the State as is hereinafter provided in this act.

"Such person shall be a graduate in Mouth Hygiene from an approved school for such technical training, said approval to be by the North Carolina State Board of Dental Examiners. Upon the completion of such course or courses and upon the payment of a fee of ten dollars (\$10.00), which shall not be returned, the applicant for such license shall apply to the North Carolina State Board of Dental Examiners, at their annual meeting which shall be held on the fourth Monday of June, or at any other such time as they deem necessary, for an examination on such subjects as said Board shall deem essential for the practice of mouth hygiene in this State; and if the examination is satisfactory to said Board of Dental Examiners, shall be registered and licensed by said Board as a mouth hygienist to practice as such only in the public institutions and public schools of the State.

"Only public institutions and public school authorities of the State may employ such licensed mouth hygienist, whose clinical work shall be under the direct supervision of the dentist who shall be at the head of the Bureau of Mouth Hygiene of the State Board of Health. The duties of a mouth hygienist shall be to examine mouths of inmates of said institutions and of the pupils of said public schools without expense, to make such charts and records as the head of said Bureau shall require, and to furnish copies of the same to the guardians or teachers of those examined.

"Such hygienist shall teach mouth hygiene and the proper care of the teeth and may recommend mouth washes, clean stains, remove deposits and accretions from the exposed surfaces of the teeth of said inmates and pupils, but shall not perform any other operation on the teeth or tissues of the mouth or body. *Provided*, that no pupil may be so examined and treated over the written objection of such child's parents or guardian.

"The State Board of Dental Examiners shall have the power to revoke or suspend the license of any mouth hygienist, who shall violate the provisions of this act, and the proceedings to revoke or suspend said license shall be the same as are provided in the case of suspension or revoking the license of a dentist as set out in chapter one hundred seventy-eight, section twenty-two, Public Laws of one thousand nine hundred fifteen, and in chapter one hundred ten—Article two—entitled 'Dentistry,' Consolidated Statutes of North Carolina.

"Any person falsely claiming to have a mouth hygienist's license, or who shall practice or attempt to practice mouth hygiene without first having been duly licensed thereto, as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined twenty-five dollars for each and every offense; that any person, who, having been so licensed to practice mouth hygiene in said public institutions and public schools, fails to display the said license, or who practices or attempts to practice mouth hygiene elsewhere than in said public institutions and public schools, as herein before provided, in this act, shall, upon conviction thereof, be fined twenty-five dollars for each and every offense and, shall also forfeit her license to practice mouth hygiene in the said institutions and schools."

1929, c. 304.

CHAPTER CXI

MILITIA

6805. Now reads: "The Disbursing Officer for the National Guard shall be an employee of the Adjutant General's Department and he shall be required to give a good and sufficient bond to the State, the amount thereof, to be determined by the Governor, for the faithful performance of his duties and for the safe keeping and proper disposition of such funds and property entrusted to his care. He shall receipt for and account for all funds and property allotted to his custody from the appropriation for military purposes, by the State, and shall make such returns and reports through the Adjutant General concerning same as may be required by the Governor or State laws. All or any disbursement of such moneys will be made by the Disbursing Officer, only upon the approval of the Adjutant General, upon such forms and under such regulations as may be prescribed by proper authority. Blank forms, books, stationery, and other necessary equipment, for use of the Disbursing Officer will be furnished through or by the Adjutant General's Department. Funds from the appropriation for military purposes will be paid to the Disbursing Officer by the State Treasurer upon requisition of the Adjutant General on the State Treasurer in accordance with the State Laws, or regulations, thereunder as prescribed by the State for the expenditure of appropriations made to the State Departments."

1929, c. 317.

6812. Now reads: "Whenever any university, college, academy or other educational institution, regularly incorporated under and by virtue of the laws of the State of North Carolina, wherein military science and instruction are made a part of the courses of study and are regularly taught in said institution, and wherein there is detailed by the War Department at Washington, D. C., an officer from the United States army as professor of military

science and tactics, which is designated as an Essentially Military School by the War Department of Washington, D. C., and which has been made a unit of the Senior or Junior Reserve Officers' Training Corps by the War Department at Dashington, D. C., the Governor of North Carolina, on the application of the said university, college, academy or other educational institution, signed by the chancellor, president, superintendent or other presiding officer, under the seal of the said institution, is hereby authorized and directed to commission as staff officers of the North Carolina Reserve Militia, the officers of the said university, college, academy or other educational institution, as follows: The chancellor, president, superintendent or other presiding officer, as colonel; the vice-president, principal or other officer second in authority, as lieutenant-colonel; the commandant, or officer in charge of the discipline, as major; and the male professors, members of the faculty, as captains. The persons to whom commissions are issued under this section shall have no connection with the National Guard or other military forces of the State, nor shall they, or any of them, exercise any military authority other than in the discharge of their duties in their respective institutions. The Governor may annually appoint a committee of three members, one of whom shall be appointed on the recommendation of the Adjutant General, one on the recommendation of the State Superintendent of Public Instruction, and one on the recommendation of the Secretary of the State Board of Health, with a view to their proficiency in the several departments indicated, and the said committee shall during the school year, and while the said institutions are in session, visit all of the said educational institutions and make a thorough inspection of their military departments, their discipline, courses of study and educational departments, and their sanitary condition, and report to the Governor the result of said inspection."

1929, c. 61.

CHAPTER CXVI PUBLIC ACCOUNTING

7008. (1925, c. 261.) Now reads: "The term 'Practice of Public Accounting' as used in this act is defined as follows:

"A person engaged in the practice of public accounting, within the meaning and intent of this act, who offers his or her services to the public as one who is qualified to render professional service in the analysis, verification and audit of financial records and the interpretation of such service through statements and reports."

1929, c. 219.

CHAPTER CXIX PUBLIC HOSPITALS

7255. Vol. III. In line 17, between the word "thereof" and the word "in" insert the words "by publication once a week for four successive weeks beginning ninety days before the day of said election."

In line 23, between the word "officers" and the word "and" insert the words "the election officers shall be appointed by the Board of County Commissioners."

In line 24, after the word "town" add: "No action to question the validity of any such election shall be brought or maintained after the expiration of sixty days from the canvassing of said vote, and after the expiration of said period it shall be conclusively presumed that said election has been held in accordance with the requirements of this section unless within said period such action is instituted."

"All elections heretofore held under Article 2, of chapter 119, are hereby validated."

1929, c. 247.

CHAPTER CXX PUBLIC PRINTING

7295. Last sentence now reads: "There shall not be printed more than four thousand (4,000) volumes of Public Laws, twenty-five hundred (2,500) to full bound and fifteen hundred (1,500) to half bound; twelve hundred and fifty (1,250) volumes of Public-Local and Private Laws."

1929, c. 85, s. 1.

7296. Now reads: "*Supreme Court Reports Contracts for Printing.* The Supreme Court is authorized to contract from time to time for the printing of its reports; to select a printer for the same and to prescribe such terms of contract as will insure, under the supervision of the Court, the prompt issue of the reports as soon as practicable after a sufficient number of opinions are filed. Such contract shall be made after consultation with the State Printing Commission, or such other authority or commission as may hereafter perform the duties now performed by the State Printing Commission, after a comparison of prices for similar work in other States to such an extent as may be practicable."

1929, c. 39, s. 1.

7298. Strike out the words "four hundred and fifty copies in separate volumes" in line 2 and insert the words "five hundred (500) volumes of House Journals and five hundred volumes of Senate Journals of each session of the General Assembly."

1929, c. 85, s. 1.

7312(a-i). Vol. III. Add a new article: "Article 3-A. *Private Employment Agencies.* Employment Agency within the meaning of this act shall include any business operated by any person, firm or corporation for profit and engaged in procuring employment for any individual, for any person, firm or corporation in the State of North Carolina and making a charge on the employee or employer for the service.

"That no person, firm or corporation shall engage in the business of operating any employment agency, as designated in section one, in North Carolina without first making a written application to the Commissioner of Labor and Printing and being licensed by him as herein provided, to engage in such business. Upon receiving an application from such person, firm or corporation it shall be the duty of the Commissioner of Labor and Printing to make an

investigation into the character and moral standing of the person, firm or corporation. If after such investigation, the Commissioner of Labor and Printing shall be satisfied that such person, firm or corporation is of such character and moral standing as to warrant the issuance of a license to engage in the business covered by this act then he shall issue a license to such person, firm or corporation as provided herein.

"The Commissioner of Labor and Printing is authorized and empowered to make general rules and regulations in relation to the licensing of such employment agencies and for the general supervision thereof in accordance with this act.

"The Commissioner of Labor and Printing is authorized and empowered by himself, his assistant, or agents, duly authorized by him to that effect, to investigate the books and records, of any employment agency licensed under this act, when he deems it best for the public interest to do so to effectuate the purposes of this act and for cause to rescind the license theretofore granted by him if upon such investigation he finds that such employment agency is not complying with the terms and conditions of this act, under which it was licensed by him, to engage in such business. Before rescinding the licenses issued hereunder, after such investigation the Commissioner of Labor and Printing, after first giving ten days' notice to the holder of such license, to appear and show cause why such license should not be revoked, shall hold a hearing at the County Court House of the county in which such licensee is doing business, when and where the results of the investigation of the Commissioner of Labor and Printing or his duly authorized agents shall be presented under oath, before the Commissioner of Labor and Printing and the said licensee may also and in accordance with said notice, present evidence to show why such license should not be revoked; and the licensee shall have the right of appeal within ten days to the Superior Court.

"The Commissioner of Labor and Printing, his assistant or deputy, shall be empowered to subpoena witnesses and administer oaths in making investigations and taking testimony to be presented at the hearing to be held before the Commissioner of Labor and Printing as hereinbefore provided for.

"The County Sheriffs and their respective deputies shall serve all subpoenas of the Commissioner of Labor and Printing, and shall receive the same fees as are now provided by law for like services, and each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage for witnesses in civil cases of courts of the county in which the hearing is held.

"The Superior Court shall, on the application of the Commissioner of Labor and Printing, his assistant or duly authorized deputy, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records.

"The license fee, charged under the provisions of this act, shall be paid into a special fund of the Department of Labor and Printing, and the proceeds of such license fees shall be used for the purpose of the supervision and the regulation of the employment agencies, including costs of investigations or hearings to revoke licenses and the necessary traveling expenses and other expenditures incurred in administering this act.

"Any person, firm or corporation conducting an employment agency in the State of North Carolina, in violation of this act shall be guilty of a misdemeanor, and if a person punishable by a fine of not less than five hundred dollars, or imprisonment of not less than six months, or both; and if a corporation by a fine of not less than five hundred dollars and not more than one thousand dollars.

"This act shall not in any manner affect or apply to any employment agency operated by the State of North Carolina, the Government of the United States, or any City, County, or Town, or any agency thereof.

"This act shall in no wise conflict with or affect any license tax placed upon such employment agencies by the General Revenue Act of North Carolina but instead shall be construed as supplementary thereto in exercising the police powers of the State."

1929, c. 178.

CHAPTER CXXVI

STATE DEPARTMENTS

7524. Add new section: "7524(a). Wherever the power and authority to convey real property held or owned by any State institution, agency, board, commission, person or corporation that exercises State functions, have been or may be hereafter given by the General Assembly, then the method and manner of conveying the same shall be as herein provided.

"Such conveyance shall be in the usual form of deeds of conveyance of real property and shall be executed in the name of the State of North Carolina, and signed in the name of the State of North Carolina by the Governor and attested by the Secretary of State, and the Great Seal of the State of North Carolina shall be affixed thereto.

"Such conveyances shall be admitted to registration in the several counties of the State upon the probate required by law for deeds of corporations.

"That the manner and method of conveying real property in the state of North Carolina herein set out shall be the exclusive and only method of conveying same. Any conveyance thereof by any other person and/or executed in any other manner or method shall not be effectual to convey the State's interest or estate in such real property.

"This act shall not be held or construed to apply to the State Board of Education insofar as it relates to the authority to convey lands held by the State Board of Education, but when the State Board of Education shall have determined to convey any of its real property in accordance with the statutes now or hereafter applying to lands held by the State Board of Education, then the method of conveying the same shall be as herein set out and not otherwise."

1929, c. 143.

7531. Add new section: "7531(a). The Tax Commission, the Education Commission, the State Highway Commission, the Salary and Wage Commission, the State Board of Equalization, the Superintendent of Public Instruction, the Department of Agriculture, the State Board of Health, and the State Board of Charities and Public Health, and such other Boards, Departments and Commissions as the Governor may direct shall each make a full report of the operation of their respective Departments or Commissions together with their recommendations for the future operation of their Departments or Commissions to the members of the General Assembly.

"All such reports shall be distributed as heretofore provided for, not later than twenty days after the general election in November preceding the convening of the General Assembly.

"Failure on the part of any of the above mentioned Commissions or Departments to distribute their reports to the members of the General Assembly within the time prescribed by section two shall be cause for impeachment and for removal from office."

1929, c. 248.

CHAPTER CXXVIII

STATE LANDS

7544. Add at end of section: "All lakes now belonging to the State, having an area of fifty acres or more, shall never be sold nor conveyed to any person, firm or corporation, but shall always be and remain the property of the State of North Carolina for the use and benefit of all the people of the State to be administered as provided for other recreational areas now owned or to be acquired by the State."

1929, c. 165.

7583. (1927, c. 44.) Add at end of section: "If the title to any part of the lands required by the United States Government for the construction of such inland waterway from Beaufort Inlet to the Cape Fear River shall be in any private person, company or corporation, railroad company, street railway company, telephone or telegraph company, or other public service corporation, or shall have been donated or condemned for any public use by any political sub-division of the State or if it may be necessary, for the purpose of obtaining the proper title to any lands, the title to which has heretofore been vested in the State Board of Education, then the Transportation Advisory Commission, created under chapter two hundred sixty-six, Public Laws of one thousand nine hundred and twenty-five, in the name of the State of North Carolina, is hereby authorized and empowered, acting for and in behalf of the State of North Carolina, to secure a right-of-way one thousand feet wide for said inland waterway across and through such lands or any part thereof, if possible by purchase, donation or otherwise, through agreement with the owner or owners, and when any such property is thus acquired, the Governor and Secretary of State shall execute a deed for the same to the United States; and if for any reason the said Commission shall be unable to secure such right-of-way across any such property by voluntary agreement with the owner or owners as aforesaid, the said Commission acting for and in behalf of the State of North Carolina is hereby vested with the power to condemn the same, and in so doing, the ways, means, methods and procedure of chapter thirty-three of the Consolidated Statutes of one thousand nine hundred nineteen, entitled 'Eminent Domain,' shall be used by it as near as the same is suitable for the purposes of this act, and in all instances, the general and the special benefits to the owner thereof shall be assessed as offsets against the damages to such property or lands.

"As such condemnation proceedings might result in delay in the acquiring of title to all parts of the right-of-way and in the construction of the said inland waterway by the United States, said Transportation Advisory Commission is authorized to enter any of said lands and property and take possession of the same at the time hereinafter provided as needed for this use in behalf of the State or the United States Government for the purposes herein set out prior to the bringing of the proceeding for condemnation and prior to the payment of the money for such land or property under any judgment in condemnation. In the event the owner or owners shall appeal from the report of the Commissioners appointed in the condemnation proceeding it shall not be necessary for said Commission, acting in behalf of the State of North Carolina, the State of North Carolina, or the United States Government, to deposit the money assessed by said Commissioners with the clerk.

"Whenever proceedings in condemnation are instituted in pursuance of the provisions of this section, the said Commission upon the filing of the petition or petitions in such proceedings, shall have the right to take immediate possession on behalf of the State of such lands or property to the extent of the interest to be acquired and the Governor and Secretary of State shall thereupon execute a deed to the United States and said lands or property may then be appropriated and used by the United States for the purposes aforesaid. *Provided*, that in every case the proceedings in condemnation shall be diligently prosecuted to final judgment in order that the just compensation to which the owners of the property are entitled may be ascertained and when so ascertained and determined such compensation shall be promptly paid as hereinafter in this act provided.

"If the United States Government shall so determine, it is hereby authorized to condemn and use all lands and property which may be needed for the purposes herein set out and which is specifically described and set out in paragraph next preceding, under the authority of said United States Government, and according to the provisions existing in the federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn said land and property, the said Transportation Advisory Commission is hereby authorized to pay all expenses of the condemnation proceedings and any award that may be made thereunder, out of the money which may be appropriated for said purposes.

"The State Highway Commission or the road governing body of any political sub-division of the State of North Carolina is hereby authorized and directed to take over and maintain and operate in perpetuity, by contract with the United States Government, if necessary, or otherwise, any bridge or bridges which may be subject to their respective control and which the United States Government may construct across said inland waterway."

1929, cc. 4, 7.

CHAPTER CXXIX

STATE OFFICERS

7651. Add new article: "Article 3-A. *Executive Council*. Chapter 29, 1925, creating the office of Pardon Commissioner, repealed.

"The Governor is hereby authorized and empowered to appoint some competent lawyer well versed in matters pertaining to the executive department of the State Government who shall perform the following duties:

"(1). Make or conduct all such investigations as may be required of him by the Governor in connection with application for pardons, commutations and reprieves.

"(2). Perform such other duties that may concern, or be connected with, or incidental to, the governmental activities participated in, directed or considered by the Governor.

"(3). To make such investigation as the Governor may desire or direct with reference to any institution, board, department, commission, agency, or other matters in which the State is interested.

"(4). To perform such other duties as the Governor may direct him to perform.

"That such person so appointed shall receive as compensation for his services such sum as may be fixed by the Governor not to exceed what is now, or may be hereafter, paid or allowed to a Superior Court Judge.

"Such executive counsel shall be provided with such stenographic assistance and such traveling expenses as may necessarily be incurred in the performance of the duties of his office, all of which sums shall, before payment, be approved by the Governor and paid out of the appropriation and allotment to the operation of the Governor's office."

1929, c. 147.

7667. Add at end of section: "To each of the Justices of the Supreme Court there shall be furnished for use in his chambers in the Supreme Court building, one complete set of North Carolina Supreme Court reports, and another set of North Carolina Supreme Court reports for use in his home, or private office, and the set so provided for the members of the court for use in their private office shall be and remain their property."

1929, c. 30.

Amendment applicable to Caldwell County only.

"The Secretary of State is hereby authorized, empowered and directed to supply and furnish to the Clerk of the Superior Court of Caldwell County copies of the North Carolina Supreme Court reports, for the use of the Superior Court of said county, in lieu of such copies so lost, destroyed or injured as hereinbefore set out, the same to be supplied, furnished and delivered by said Secretary of State upon requisition from the Clerk of said Superior Court of Caldwell County, setting out the respective numbers of such volumes so lost, destroyed or injured."

1929, c. 106.

7671. Vol. III. Now reads: "*Reprints of Supreme Court Reports.* The Supreme Court is authorized to have such of the reports of the Supreme Court of the State of North Carolina as are not on hand for sale, republished and numbered consecutively, retaining the present numbers and names of the reporters and by means of star pages in the margin retaining the original numbering of the pages. The Supreme Court is authorized and directed to have such reports reprinted without any alteration from the original edition thereof, except as may be directed by the Supreme Court. The contract for such reprinting and republishing shall be made by the Supreme Court in the manner prescribed in section one of this act. Such republication shall thus continue until the State shall have for sale all of such reports; and hereafter when the editions of any number or volume of the Supreme Court reports shall be exhausted, it shall be the duty of the Supreme Court to have the same reprinted under the provisions of this act. In reprinting the reports that have already been annotated, the annotations and the additional indexes therein shall be retained and such reports shall be further annotated so as to make the annotations in all reprints complete up to the date of the reprinting thereof. In reprinting reports the Supreme Court is authorized to provide for, and to secure, such further annotations for reports that have been heretofore annotated and for the annotating of the reports that have not been heretofore annotated and the costs thereof as provided in the contract made by the Supreme Court with the annotator selected by it, shall be paid as a part of the cost of reprinting the said reports."

1929, c. 39, s. 2.

CHAPTER CXXXI

TAXATION

7980. Add at end of section: "This section shall apply both to taxes and special assessments for paving, drainage, or other improvements; *provided*, that the person making such sale, whether under order of court or in the exercise of a power, shall be required, in cases where special assessments are payable in installments, to pay only such installments of special assessments as have become due at the date of such sale. The failure to comply with this section and pay such taxes or assessments shall not vacate or affect the lien of such taxes or assessments, but such lien shall be discharged only to the extent payment is actually made. *Provided*, that the provisions of this act shall not apply to any sales already advertised at the time of the ratification of this act."

1929, c. 231.

7987. Now reads: "The lien of the State, County and Municipal taxes levied for any and all purposes in each year shall attach to all real estate of the taxpayer situated within the county or other municipality in which the tax list is made and placed in the hands of the duly authorized officer for collection, which lien shall attach on the first day of June, annually, and shall continue until such taxes, with any and all penalties and cost which shall accrue thereon, shall be paid, and which lien shall be preferred to any other lien upon the real estate of the taxpayer within the county, whether the same shall have attached prior or subsequent to the said first day of June; and which said lien shall be preferred to the inchoate right of dower of the wife of the taxpayer or to the curtesy initiate of the husband of the taxpayer. The word "taxpayer" herein used, is hereby defined to mean and include the person who has or should have listed the said property for taxation. All persons who have any claim to or interest in said land so listed, are hereby charged with the notice that the said land should be and is listed for taxation, that the taxes are due thereupon, and that the taxes are paid or not paid, as the case may be, and with notice of all the remedies provided by law for the sale of property for the purpose of collecting the taxes, whether such persons shall have actual notice or not."

1929, c. 306.

7992. Add at end of section: "And the sheriff, auditor, county accountant or other tax collecting officer of any county or municipal corporations of this State shall, at the request of the owner or occupant of any land within the boundaries of said corporation, county or any person having a lien thereon or interest or estate therein or the duly authorized agent or attorney of such person, furnish to such applicant a written certificate of the amount of the taxes and assessments due or levied upon said land for the current year, if ascertained, and for all prior years including any amount that may be necessary to redeem the land from sale for taxes or assessments, with all interest, costs and charges thereon, provided such information is available in said office. Any such officer failing or refusing to furnish such certificate upon request made in good faith as herein provided shall be liable for a penalty of fifty dollars (\$50.00)."

1929, c. 330.

8037. (As amended by chapter 221, 1927.) Strike out the last sentence of the first paragraph of the section as found in chapter 221, Public Laws, 1927, and all of paragraph 2 and insert the following: "The person in whose name said real estate has been listed for taxation, together with the wife or husband, if married, shall be made defendants in said action and shall be served with process as in civil actions. Advertisement shall be ordered in said action, giving notice to all other persons claiming any interest in the subject-matter of the action to appear, present and defend their respective claims. Said notice shall describe the nature of the action and shall require such persons to set up their claims in six months from the date of such notice, otherwise they shall be forever barred and foreclosed of any and all interest or claims in/or to the property or the proceeds received from the sale thereof, and said notice shall be published as in cases of publication of summons. Upon the return of summons executed upon the taxpayer his/her wife or husband the court shall proceed to judgment without awaiting the six months allowed to other claimants. In case the action is prosecuted by the State, county or other municipality, no prosecuting bond shall be required by the clerk and no advance costs shall be required to be deposited or paid any officer; costs shall be taxed against the defendant or defendants as in other cases and after and when collected shall be paid to the officers entitled to receive the same. The deed which shall be made to the purchaser as hereinafter provided for, shall convey the real estate to the purchaser in fee simple free from any and all claims or interest of the taxpayer his/her wife or husband or of any other person, whether such claims or interest are disclosed by the records or not."

1929, c. 334, s. 2.

In line 1, of paragraph 5, strike out the figures "20" and insert "12" and in line 4 strike out "10" and insert "8."

1929, c. 204, s. 1.

Strike out the following sentence at the end of paragraph 6: "No action to foreclose a certificate of sale shall be instituted after the expiration of three years from the date of same."

1929, c. 204, s. 4.

Add at the end of section: "Where the certificate of sale is taken by a municipality, all the provisions of this section shall apply to the foreclosure of such certificate of sale and to its collection and the governing authorities of the municipalities may place such certificates of sale in the hands of one of its officers for collection and he shall have the same authority to collect them as the officer herein provided for counties."

1929, c. 204, s. 2.

Add new paragraphs as follows: In any action to foreclose the certificate of sale under the provisions of this act when it has been properly instituted and all party defendants have been properly served and the complaint is duly verified and no answer is filed by some or all of said defendants, the Clerk of the Superior Court in which such action is instituted may give a judgment *pro confesso* in which all the essential facts alleged in the complaint are recited against those defendants not answering. If none of the defendants, so properly served, file any answer, said Clerk may proceed and make the orders provided for in this section without transferring the cause to the Superior Court in term time, and the same jurisdiction in such cases to make sure orders as that conferred upon the resident Judge of the Superior Court or the Judge riding the district, is conferred upon the Clerk. Where any of the parties, however, have answered and the answer creates any issue as to those parties, the subsequent proceedings shall be provided as in substitute section eight thousand and thirty-seven of chapter two hundred and twenty-one of the Public Laws of one thousand nine hundred and twenty-seven, except that the judgment *pro confesso* shall bind the parties who have not answered, and the facts so found shall be taken by the Judge of the Superior Court as binding upon those particular defendants.

Any certificate of sale in the hands of any person, corporation, firm, county or municipality on which an action to foreclose has not been brought, which according to the terms of chapter two hundred and twenty-one of the Public Laws of one thousand nine hundred and twenty-seven should have been brought, shall have until December first, one thousand nine hundred and twenty-nine to institute such action. This action and extension shall and does include all such certificates whether the same were issued for the sale of one thousand nine hundred and twenty-seven taxes and any and all certificates sold or issued prior thereto. This section does not in any way or manner repeal so much of said section eight thousand and thirty-seven in said chapter which provides that such action to foreclose shall be brought within eighteen months from the date of the certificate beginning with certificates purchased and issued during the year one thousand nine hundred and twenty-eight.

That all of said section beginning with a new sentence after the word "foreclose" reading as follows: "No action to foreclose a certificate of sale shall be instituted after the expiration of three years from the date of same," be and the same is hereby repealed.

When, before the ratification of this act, the procedure heretofore provided for in chapter two hundred and twenty-one of the Public Laws of one thousand nine hundred and twenty-seven has been begun, adopted or put into effect and such action has been finally ended, such procedure of the judgment therein is hereby in all particulars ratified and confirmed.

Where any tax sales certificate has been foreclosed by any county and/or other municipal corporations the taxpayer shall have the right to redeem same at any time prior to December thirty-first, one thousand nine hundred and twenty-nine, upon the payment of the amount of taxes, penalties and costs allowed by law.

The governing body of any county or other municipal corporation is authorized in its discretion in the adjustment of past due taxes prior to taxes for the year one thousand nine hundred and twenty-eight to settle for the amount of taxes and costs due such county and/or municipal corporation, plus six per cent interest.

1929, c. 204, ss. 3, 4, 5, 6, 7.

For local modifications to the above section see the following chapters:

Action to foreclose within eighteen months from date of sale repealed: *Bladen*, 1929, c. 151; *Caldwell*, 1929, c. 207.

Time extended: *Henderson County*, 1929, c. 175; *Robeson County*, 1929, P. L. L., 294; *Surry County*, 1929, c. 177; *Pamlico County*, 1929, P. L. L., 221, s. 1; *Granville County*, 1929, P. L. L., 242.

County Commissioners and governing body of any municipal corporation to designate counsel to institute actions for foreclosure in *Buncombe County* or any political sub-division located in said county.

1929, c. 206.

All of paragraph 4 repealed as to *Caldwell County*.

1929, c. 207.

Time extended for bringing suits in *Franklin County*.

1929, Public-Local, 143.

Land redeemed on payment of taxes, cost and 6% interest in *Harnett County*.

1929, P. L. L., 169.

Commissioners may institute suit for 1923, 1924, 1925 and 1926, within one year, in *Yancey County*.

1929, P. L. L., 189.

Commissioners given power to settle all certificates prior to 1927, in *Pamlico County*.

1929, P. L. L., 221, s. 2.

Judgment may be settled prior to November 1, 1929, by payment of taxes, costs, 10% interest and attorney's fee, in *Robeson County*.

1929, P. L. L., 294.

Craven County Commissioners may settle delinquent taxes prior to 1928 upon payment of taxes, costs and 6% interest.

Delinquent taxes collected plus cost and 6% interest in lieu of twenty and ten per cent.

1929, P. L. L., 316.

Carteret County allowed to foreclose certificates dated prior to 1927 within eighteen months from May 1, 1928, and charge interest under 1927 act.

1929, P. L. L., 318.

Jones County allowed to collect taxes prior to 1928 at the rate of 10% interest instead of twenty and ten per cent as prescribed in 1927 act.

1929, P. L. L., 377.

Time for foreclosure of tax certificates extended to December 1, 1929.

1929, P. L. L., 468.

Amendment applies to *Buncombe County* only.

In lines nineteen and twenty, of paragraph 6, strike out the words "as vigorously as may be necessary to obtain early final action" and insert the words "in such manner as he may from time to time be directed by the Board of Commissioners of *Buncombe County*."

1929, c. 149, s. 1.

8037(a). Repealed as to *Buncombe County*.

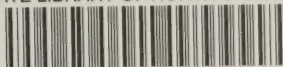
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