

## CHAPTER 58.

## An act to provide for the investigation of incendiary fires.

*The General Assembly of North Carolina do enact :*

SECTION 1. The insurance commissioner in the city of Raleigh and the chief of the fire department or fire committee of the board of aldermen in other cities and towns are hereby authorized to investigate the cause, origin and circumstances of every fire occurring in such cities or towns in which property has been destroyed or damaged, and shall specially make investigation whether such fire was the result of carelessness or design. Such investigation shall be begun within three days, not including the Lord's day, of the occurrence of such fire, and the insurance commissioner shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The board making investigation of fires occurring in cities and towns other than the city of Raleigh may forthwith notify said insurance commissioner, and shall within one week of the occurrence of the fire furnish to the said insurance commissioner a written statement of all the facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as may be called for by the blanks provided by the said insurance commissioner. The insurance commissioner shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances, including the origin of the fires, which may be determined by the investigations provided for by this act: such record shall at all times be open to public inspection.

SEC. 2. It shall be the duty of said insurance commissioner to examine, or cause examination to be made, into the cause, circumstances and origin of all fires occurring within the state to which his attention has been called in accordance with the provisions of said section one of this act, by which property is accidentally or unlawfully burned, destroyed or damaged, whenever in his judgment the evidence is sufficient, and to specially examine and decide whether the fire was the result of carelessness or the act of an incendiary. The said insurance commissioner shall, when in his opinion said proceedings are necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson he shall cause such person to be arrested and charged with such offense, and shall furnish to the solicitor of the district all such

Insurance commissioner and chiefs of fire departments authorized to investigate origin of fires.

When such investigation shall be begun.

Insurance commissioner shall be notified.

Description of property.

Insurance commissioner shall keep record of fires.

Insurance commissioner shall cause examination to be made.

Testimony may be taken on oath

May cause arrest of persons suspected of arson.

evidence, together with the names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Insurance commissioner shall have powers of a trial justice.

SEC. 3. The insurance commissioner shall have the powers of a trial justice for the purpose of summoning and compelling the attendance of witnesses to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation. Said insurance commissioner may also administer oaths and affirmations to persons appearing as witnesses before them; and for false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Said insurance commissioner shall have authority at all times of the day or night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same. All investigations held by or under the direction of the insurance commissioner may in his discretion be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and witness may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined.

False swearing deemed perjury.

Investigations may be private.

Commissioner or chief of fire department empowered to enter buildings and premises.

SEC. 4. The insurance commissioner, or the chief of fire department or fire committee of the board of aldermen, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find in any building or upon any premises combustible material or inflammable conditions dangerous to the safety of such building or premises they shall order the same to be removed, or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises: *Provided, however,* that if the said owner or occupant shall deem himself aggrieved by such order he may, within twenty-four hours, appeal to the insurance commissioner, and the cause of the complaint shall be at once investigated by the direction of the latter, and unless by his authority the order of the fire chief or fire committee above named is revoked such order shall remain in force and be forthwith complied with by said owner or occupant. The insurance commissioner, fire chief or fire committee as aforesaid shall make an immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under their jurisdiction upon complaint of any person having an interest in said buildings or premises or property adjacent thereto. Any owner or occupant of buildings or premises failing to comply with the orders of the authorities

May order removal of combustible material.

Proviso.

Owner deeming himself aggrieved may appeal.

Investigation of combustible or inflammable material.

above specified shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect.

SEC. 5. Any city or town officer, referred to in section one, who neglects or refuses to comply with any of the requirements of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

SEC. 6. Any expenses incurred by the insurance commissioner in the performance of the duties imposed upon [him] by the provisions of this act shall be defrayed by the fire insurance companies doing business in this state, and a tax of one-tenth of one per centum on the gross premium receipts of all such companies is hereby levied for this purpose, to be collected by said insurance commissioner as other taxes on insurance companies are collected. The insurance commissioner shall keep a separate account of all moneys received and disbursed under the provisions of this act, and shall include same in his annual report.

SEC. 7. The insurance commissioner shall submit annually, as early as consistent with full and accurate preparation and not later than the first day of February, a detailed report of his official action under this act and it shall be embodied in his annual report to the legislature.

SEC. 8. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1899.

Failure to comply with orders. Penalty.

City or town officers failing to comply with provisions of this act shall be punished.

Expenses incurred shall be defrayed by fire insurance companies doing business in North Carolina. Tax for said purpose.

Insurance commissioner shall keep separate account of such moneys.

Insurance commissioner shall submit annual report in reference to the execution of this act.

## CHAPTER 59.

An act to prohibit hunting, fishing, trapping or netting game of any kind upon the lands of another in Alamance and Moore counties.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to hunt, fish, trap or net game of any kind upon the lands of another, without first having obtained permission so to do from the owner of said land.

Hunting, fishing, trapping, etc., forbidden.

SEC. 2. Any person violating the provisions of section one of this act shall be guilty of a misdemeanor, and upon conviction thereof fined not less than five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days.

Violations—misdemeanor—punishment.

SEC. 3. That this act shall apply to Alamance and Moore county [counties] only.

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

Ratified the 10th day of February, A. D. 1899.