

seal, mayor of a city having a seal or justice of the peace of a State other than the State in which the grantor, maker or subscribing witness resided at the time of the execution, acknowledgment, examination or probate thereof, and such acknowledgment, examination or probate so had and taken is or was in other respects according to law, and such deed, mortgage, power of attorney or other instrument above mentioned has been duly ordered to registration and has been registered, then and in that event such acknowledgment, examination, probate and registration are hereby in all respects made valid and binding: *Provided*, that this act shall apply to probates and acknowledgments of deputy clerks of other States when such probate and acknowledgment has been attested by the official seal of said office and adjudged sufficient and in due form of law by the clerk of the court in the State where the instrument is required to be registered: *Provided*, this act shall not affect any pending suit.

Proviso: probate before deputy clerks.

Proviso: pending suits excepted.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 506.

AN ACT TO AMEND CHAPTER 677 OF THE PUBLIC LAWS OF 1901 TO PREVENT FIRE WASTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and seventy-seven of the Public Laws of one thousand nine hundred and one, ratified on the fourteenth day of March, one thousand nine hundred and one, be amended by adding after section three thereof the following sections, to-wit:

SEC. 4. That it shall be the duty of the Insurance Commissioner to notify every city and incorporated town where there is no chief of fire department to appoint said officer at once, and it shall be also his duty to see that said officer in every city and incorporated town is reasonably remunerated by said city or town for the services required of him by this and other acts, and the aldermen or commissioners of any city or town failing or refusing to appoint said officer or failing or refusing to reasonably remunerate him shall be guilty of a misdemeanor: *Provide*d, that nothing herein shall prevent any person appointed hereunder from holding some other position in the government of said city or town.

Chiefs of fire departments to be appointed.

To be reasonably remunerated.

SEC. 5. That the chiefs of fire departments hereinbefore provided for shall also be local inspectors of buildings for the cities or towns for which they are appointed and shall perform the duties required herein and shall make all reports required by the Insurance Commissioner, and shall make all inspections and perform

Chiefs to be inspectors of buildings.

Proviso: town may appoint an inspector.

Failure of duty a misdemeanor.

Insurance Commissioner to provide books and blanks. Commissioner or deputy to inspect towns.

Special inspections.

Allowance to commissioner.

Fire limits to be established in all towns.

No frame or wooden building within fire limits.

Construction of walls.

Walls of business houses.

such duties as may be required by the said Insurance Commissioner: *Provided, however*, that any city or town may appoint and reasonably remunerate a local inspector of buildings, in which case the chief of fire department shall be relieved of the duties herein imposed. Any chief of fire department or local inspector of buildings failing to perform the duties required of him, and any such officer giving a certificate of inspection without first making the inspection as required, and any such officer giving a certificate of inspection improperly shall be guilty of a misdemeanor.

SEC. 6. That the Insurance Commissioner shall provide all books and blanks of every kind which may be required to carry out all the provisions of this act, and the Insurance Commissioner or his deputy shall make inspections of the cities and towns of the State, and whenever the Commissioner has reason to believe that the local inspectors are not doing their duty he or his deputy shall make special trips of inspection and shall take such steps as may be proper to have all the provisions of law relative to the investigation of fires and the prevention of fire waste enforced, and out of the amount collected from fire insurance companies for the investigation of fires and the prevention of fire waste one-twentieth of one per cent. on the premium receipts shall be allowed the Commissioner for the extra duties required by this act.

SEC. 7. That the board of aldermen or the board of commissioners of all incorporated cities and towns shall pass ordinances establishing and defining fire limits, which shall include the principal business portion of the cities and towns, and the aldermen or commissioners failing or refusing to establish and define said fire limits shall be guilty of a misdemeanor.

SEC. 8. That within the fire limits of said cities and towns as established and defined no frame or wooden building shall be hereafter erected.

SEC. 9. The walls of all buildings in said cities or towns other than frame or wooden buildings shall be constructed of brick, iron or other hard, incombustible material, and all regulations contained in this law shall apply also where walls or buildings are raised, altered or repaired.

SEC. 10. The walls of warehouses, stores, factories, livery-stables, hotels or other brick or stone buildings for business purposes in said cities or towns, except fire-proof buildings where the framework is of steel, shall conform to the following schedules:

Schedule.	Height of building.	Minimum thickness in inches of wall.				
		1st	2d	3d	4th	5th
One-story building.....	13	..	..	..	..	..
Two-story building.....	17	13	..	..	..	..
Three-story building.....	17	17	13	..	..	..
Four-story building.....	22	17	17	13	..	..
Five-story building.....	26	22	17	17	13	13

The walls of all brick or stone buildings over five stories high shall be thirteen inches thick for the top story and increasing four inches in thickness for each story below to the ground, the increased thickness of each story to be utilized for beam and girder ledges. All top story walls must extend through and eighteen inches above the roof in parapets not less than thirteen inches thick and coped with terra-cotta, stone, cast-iron or cement. The roof of all buildings named in this section shall be of metal, slate or tile or gravel or other standard fire-proof roofing.

Walls of higher buildings to be 13 inches for top story.

Extension of top story walls.

Roofs.

SEC. 11. That in all buildings mentioned in the preceding section there shall be prepared a proper and substantial foundation, and no foundation shall be less than one foot below the exposed surface of the ground, and no foundation shall rest on any filling or made ground, and the breadth of the foundation of the several parts of any building shall be proportioned so that as near as practicable the pressure shall be equal on each square foot of the foundation and cement mortar shall be used in the masonry of all foundations exposed to dampness.

Foundations.

That no opening or doorway shall be cut through a party or fire wall of a brick or stone building without a permit from the inspector, and every such door or opening shall have top, bottom and sides of stone, brick or iron; shall be closed by two sets of standard metal-covered doors (separated by the thickness of the wall) hung to rabbeted iron frames or to iron hinges in brick or stone rabbets; shall not exceed ten feet in height by eight feet in width, and every opening other than a doorway shall be protected in a manner satisfactory to the inspector.

Doorways through party walls.

Other openings.

SEC. 12. That all business buildings being more than fifty-six feet high, covering an area of more than five thousand superficial feet, also all buildings exceeding eighty feet in height, shall have a four-inch or larger metallic stand-pipe within or near the front wall extending above the roof and arranged so that engine hose can be attached from the street, said riser to have two and one-half-inch hose coupling on each floor. All hose coupling shall conform to the size and pattern adopted by the fire department.

Stand-pipes and hose coupling.

SEC. 13. That the end of joists or beams entering a brick wall shall be cut not less than three-inch bevel so as not to disturb the brick-work by any deflection or breaking of the joists or beams. All such joists or timbers entering a party or division wall from opposite sides shall have at least four inches of solid brick-work between the ends of such timbers or joists.

Joists and beams.

Joists and timbers in party wall.

SEC. 14. That all fire-places and chimneys in stone or brick walls in any building hereafter erected and any chimneys or flues hereafter altered or repaired shall have the joints struck smooth on the inside, and the fire-backs of all fire-places hereafter erected shall be not less than eight inches in thickness of solid masonry, the chimney walls to be not less than four inches thick, the top of the chimney to extend not less than five feet above the roof (for

Fire-places and chimneys.

flat roofs) and two feet above the ridge of any pitched roof. No wood-work or timber shall be placed under any fire-place or under the brick-work of any chimney. All floor beams, joists and headers shall be kept at least two inches clear of any wall enclosing a fire-flue or chimney breast.

Buildings held to be unsafe, notice to be posted.

SEC. 15. Every building which shall appear to the inspector to be especially dangerous in case of fire by reason of bad condition of walls, overloaded floors, defective construction, decay or other causes shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. Any person removing such notice so affixed shall be guilty of a misdemeanor and liable to a fine of not less than ten dollars nor more than fifty dollars for each and every offense.

Removal of notice a misdemeanor.

Penalty.

Forfeit for continuance.

The owner or party having an interest in the said unsafe building or structure mentioned in this section, being notified thereof in writing by the inspector, shall forfeit and pay a fine for every day's continuance thereof after such notice a sum of not less than ten dollars nor more than fifty dollars.

Alterations subject to inspection.

No building now or hereafter built shall be altered until it has been examined and approved by the inspector as being in a good and safe condition to be altered as proposed, and the alteration so made shall conform to the provisions of this law.

Foundation of chimneys.

SEC. 16. That no chimney shall be started or built upon a beam of wood or floor, the brick-work in all cases to start from the ground with proper foundation. In no case shall a chimney be corbeled out more than three inches from the wall, and in all cases corbeling shall consist of at least five courses of brick, the corbeling to start at least three feet below the bottom of the flue.

Corbeling.

Smoke flues.

SEC. 17. That all flues shall extend at least three feet above the roof and always above the comb of the roof, and shall be coped with well-burnt terra-cotta, stone, cast-iron or cement. In all buildings hereafter erected the stone or brick-work of all flues and the chimney shafts of all furnaces, boilers, baker's ovens, large cooking ranges and laundry stoves and all flues used for similar purposes shall be at least eight inches in thickness, with the exception of smoke flues, which are lined with fire-clay lining or cast-iron. These may be four inches in thickness, but this shall not apply to metal stacks of boiler-houses where properly constructed and arranged at a safe distance from wood or other inflammable material.

Smoke flues in buildings hereafter erected.

All buildings hereafter erected shall have smoke flues constructed either in walls of eight inches thickness or with smoke flues lined with cast-iron or fire-clay lining, the walls of which may be four inches in thickness, the lining to commence at the bottom of the flue or at the throat of the fire-place and be carried up continuously the entire height of the flue. All joints shall be closely fitted and the lining shall be built in as the flue or flues are

carried up. All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

SEC. 18. That hanging flues (that is, for the reception of stove Hanging flues. pipes built otherwise than from the ground) shall be allowed only when built according to the following specifications: The flue shall be built four inches thick of the best hard brick, laid on flat side, never on edge, extending at least three feet above the roof and always above the comb of the roof, lined on the inside with cast-iron or fire-clay flue lining from the bottom of the flue to the extreme height of the flue, and ends of all such lining pipes being made to fit close together and the lining pipe being built in as the flue is carried up. If the flue starts at the ceiling and receives the stove pipe vertically it shall be hung on iron stirrups, bent to come flush with the bottom of ceiling joints. Flues not lined as above shall be built from the ground eight inches thick of the best hard brick with the joints struck smooth on the inside.

SEC. 19. That the flues of every building shall be properly Flues to be cleaned. cleaned and all rubbish removed and the flues left smooth on the inside upon the completion of the building.

SEC. 20. That no stove pipe shall pass through any roof, window Stove pipes. or weather-boarding, and no stove pipe in any building with wood or combustible floors, ceiling or partitions shall enter any flue unless the said pipe shall be at least twelve inches from the said floors, ceiling or partitions, unless same is properly protected by metal shield, in which case the distance shall not be less than six inches.

In all cases where stove pipes pass through wooden partitions of Stove pipes guarded. any kind or other wood work they shall be guarded by either a double collar of metal with at least three inches air space and holes for ventilation or by a soapstone or burnt clay ring not less than one inch in thickness extending through the partition or other wood-work. If any chimney, flue or heating apparatus on any premises shall in the opinion of the inspector endanger the premises the inspector shall at once notify in writing the owner or agent of said premises. If such owner or agent fails for a period of forty-eight hours after the service of said notice upon him to make such chimney, flue or heating apparatus safe he shall be liable to a fine as prescribed in this act. Inspector to notify owner if building endangered.

SEC. 21. That no steam-pipes shall be placed within two inches Steam-pipes. of any timber or wood-work unless the timber or wood-work is protected by a metal shield, then the distance shall not be less than one inch. All steam-pipes passing through floors and ceilings or laths and plastered partitions shall be protected by a metal tube one inch larger in diameter than the pipe and the space shall be filled in with mineral wool, asbestos or other incombustible material. Steam-pipes passing through floors.

SEC. 22. That iron cupola or other chimneys of foundries shall Foundries. extend at least ten feet above the highest point of any roof within a radius of fifty feet of such cupola or chimney.

Electric wires.	SEC. 23. That the electric wiring of houses or buildings for lighting or for other purposes shall conform to the regulations prescribed by the organization known as "National Board of Fire Underwriters."
Electric companies to have inspection made.	That in order to protect the property of citizens from the dangers incident to defective electric wiring of buildings it shall be unlawful for any firm or corporation to allow any electric current for the purpose of illuminating any building belonging to any such person, firm or corporation to be turned on without first having had an inspection made of the wiring by the building inspector and having received from the inspector a certificate approving the wiring of such building.
Unlawful to turn on electric current before inspection.	That it shall be unlawful for any person, firm or corporation engaged in the business of selling electricity to furnish any electric current for use for illuminating purposes in any building or buildings of any person, firm or corporation unless the said building or buildings have been first inspected by the inspector of buildings and a certificate given as above provided.
Fee of inspector.	The fee that shall be allowed said inspector of buildings for the work of such inspection of electrical wiring shall be one dollar for each building inspected, to be paid by the person applying for the inspection.
Removal and storage of ashes.	SEC. 24. That ashes shall be removed in metal vessels and unless moved by city drays shall be stowed in brick, stone or metal receptacle or removed by owner to a place not less than fifteen feet from any wooden building or fence. That oily rags and waste shall be kept in closed metal vessels and shall be removed from building daily. Unslacked lime shall not be left exposed to the weather in or near a building.
Rags and waste.	
Unslacked lime.	
Stoves or ranges.	Stoves or ranges shall not be nearer to unprotected wood-work than two feet and the floors under them shall be protected by metal or sand-box.
Quarterly inspection of buildings in fire limits.	SEC. 25. That once in every three months the local inspector of buildings shall make a personal inspection of every building within the fire limits, and shall especially inspect the basement and garret, and he shall make such other inspections as may be required by the Insurance Commissioner and shall report to the Insurance Commissioner all defects found by him in any building upon a blank furnished him by the Insurance Commissioner.
Report to Insurance Commissioner.	
Permits to build.	SEC. 26. That before a building is begun the owner of the property shall apply to the inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of the building law, a copy of which shall accompany the permit. As the building progresses the inspector shall make as many inspections as may be necessary to satisfy him that the building is being constructed according to the provisions of this law. As soon as the building is completed the owner shall notify the inspector, who
Building inspected during erection.	
On completion.	

shall proceed at once to inspect the said building and determine whether or not the flues and the building are properly constructed in accordance with the building law. If the building meets the requirements of the building law the inspector shall then issue to the owner of the building a certificate which shall state that he has complied with the requirements of the building law as to that particular building, giving description and locality and street number if numbered. The inspector shall keep his record so that it will show readily by reference all such buildings as are approved. The inspector shall report to the Insurance Commissioner every person neglecting to secure such permit and certificate.

Certificate.
Inspector to keep record.
Report to Insurance Commissioner.

SEC. 27. That for every new building inspected the local inspector shall charge and collect an inspection fee before issuing the building certificate as follows: Two dollars for each mercantile store-room, livery-stable or building for manufacturing of one story and fifty cents for each additional story, and for other buildings twenty-five cents per room: *Provided*, the inspection fee shall in no case exceed five dollars.

Fees of inspector.

SEC. 28. Whenever the local inspector finds any defects in any new building, or finds that said building is not being constructed, or has not been constructed in accordance with the provisions of this law, it shall be his duty to notify the owner of said building of the defects or the failure to comply with this law, and the said owner or builder shall immediately remedy the defect and make the said building comply with this law: *Provided, however*, that the owner or builder may appeal from the decision of the local inspector to the Insurance Commissioner, and any owner or builder failing or refusing to comply with said notice by remedying the defect and by making the building comply with the building law shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars, and every week during which any defect in any building is willfully allowed to remain after notice from the inspector shall constitute a separate and distinct offense.

Inspector to notify owner of defects in building.
Defect to be remedied.
Proviso: owner or builder may appeal.
Failure to remedy defect a misdemeanor.
Penalty.

SEC. 29. At least once in each and every year the local inspector shall make a general inspection of all buildings in the corporate limits and ascertain if the provisions of this act are complied with, and the local inspector alone or with the Insurance Commissioner or his deputy shall at all times have the right to enter any dwelling, store or other building and premises to inspect same without molestation from any one.

Annual inspection.

SEC. 30. That the local inspector shall keep the following record: A book indexed and kept so that it will show readily by reference all such buildings as are approved, that is, name and residence of owner, location of building, how it is to be occupied, date of inspection, what defects found and when remedied and date of building certificate. Also a record which shall show the date of every

Inspector's records.

general inspection, defects discovered and when remedied. Also a record which shall show the date, circumstances and origin of every fire that occurs, name of owner and occupant of the building in which fire originates, the kind and value of property destroyed or damaged. Also a record of inspection of electrical wiring and certificate issued.

Annual reports to Insurance Commissioner.

SEC. 31. The local inspector shall report before the fifteenth of May of each and every year the number and dates of general and quarterly inspections during the year ending April 1st upon blanks furnished by the Insurance Commissioner, and furnish such other information and make such other reports as shall be called for by the Insurance Commissioner.

Deputy inspectors.

SEC. 32. That all duties imposed by this act upon the building inspector may be performed by a deputy appointed by such inspector.

Electrical inspector.

SEC. 33. That the board of aldermen or commissioners of any incorporated city or town may in their discretion appoint an electrical inspector in addition to the building inspector, and when said electrical inspector is so appointed he shall do and perform all things herein set out for the building inspector to do and perform in regard to electrical wiring and certificates for same, and in such cases the building inspector shall be relieved of such duties.

Powers of cities and towns not abridged.

SEC. 34. That no provision of this act shall be held to repeal the power of any incorporated city or town to make and enforce any further rules and regulations under the powers granted in their several charters, and said cities and towns may pass ordinances for the enforcement of any provision of this act.

Limit of application.

In force from first July, 1905.
Proviso: Insurance Commissioner to send copies of act.

SEC. 35. And this act shall apply only to incorporated cities and towns of over one thousand inhabitants, according to any last United States census, and shall be in force from and after the first day of July, one thousand nine hundred and five: *Provided*, that it shall be the duty of the Insurance Commissioner to send copies of this act to the mayor and chief of the fire department of every city or town affected thereby, and the board of aldermen or commissioners of every such city or town may before the first day of July, one thousand nine hundred and five, by resolution, exempt such city or town from the operation of this act: *Provided*, that before passing such exempting resolution the said board shall give the Insurance Commissioner fifteen days' notice of its intention to so exempt such city or town. After the passage of such resolution and filing of a copy thereof with the Insurance Commissioner such city or town shall be fully and in all respects exempt from the operation of said act. The Insurance Commissioner shall cause a certified copy of this act to be mailed to the mayor or chief officer of every city or town in this State to which it may apply within thirty days after its ratification, and it shall be unlawful for any

City or town may be exempted.

Proviso: Insurance Commissioner to be notified before exemption.

Certified copies on application.

insurance company to make any discrimination in rates or otherwise against any city or town which shall exempt itself from the provisions of this act. Discrimination
forbidden.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 507.

AN ACT TO AMEND CHAPTER 516 OF PUBLIC LAWS OF 1903, RELATIVE TO THE OYSTER INDUSTRY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section ten of chapter five hundred and six- Bushel tax.
teen of Public Acts of one thousand nine hundred and three by striking out in line three of said section the following words: "One and one-half" and inserting in lieu thereof the words "one and one-half," also by striking out words "one-half a cent" in line four of same section and inserting in lieu thereof the words "one-half cent."

SEC. 2. Amend section fourteen of chapter five hundred and six- Use of certain im-
plements made
unlawful in Neuse
river.
teen of Public Acts of one thousand nine hundred and three by adding the following after the word "section" in line twenty-three: "It shall be unlawful to use scoop, scrapes or dredges in the waters of Neuse River above a line in said river running from Carbacon Buoy to the western point of land at Pierce's Creek."

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

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 508.

AN ACT SUPPLEMENTAL TO AN ACT OF THE GENERAL ASSEMBLY RATIFIED FEBRUARY 22, 1905, ENTITLED "AN ACT TO PREVENT THE DESTRUCTION OF SMALL MENHADEN IN THE WATERS OF THE STATE OF NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That an act passed by the General Assembly of North Carolina, ratified February twenty-second, one thousand nine hundred and five, entitled "An act to prevent the destruction of small menhaden in the waters of the State of North Carolina,"