

Night watchman
and janitor.
Night watchman
at supreme
court room.
Firemen.

Night watchman
at mansion.

Night watchman
of department of
agriculture.

servant. Such servants shall each receive as compensation the sum of ten dollars and fifty cents per week, to be paid by the State Treasurer. The night watchman and janitor of the Capitol building shall receive two dollars per day. The night watchman at the Supreme Court room shall receive fourteen dollars per week, and the firemen at the Supreme Court room and Capitol buildings shall receive seventeen dollars and fifty cents per week. The night watchman at the Governor's Mansion shall receive fourteen dollars per week, all to be paid by the State Treasurer. The night watchman at the Department of Agriculture shall receive sixty dollars per month, to be paid out of funds belonging to said department.

Sec. 12. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1907.

CHAPTER 831.

AN ACT TO CREATE A "FIREMEN'S RELIEF FUND," AND TO INCREASE THE EFFICIENCY OF THE FIRE DEPARTMENT IN THE SEVERAL TOWNS AND CITIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Fire insurance
companies to
return account
of premiums.

SECTION 1. That every fire insurance company, corporation or association doing business in any incorporated town or city in North Carolina that has, or may hereafter have, a regular organized fire department under the control of the Mayor and City Council or other governing body of said town or city, and which has in serviceable condition for fire duty apparatus and equipment amounting in value to one thousand dollars or more, and which enforces the fire laws to the satisfaction of the Insurance Commissioner, shall return to the Insurance Commissioner of the State of North Carolina a just and true account of all premiums collected and received from all fire insurance business done within the corporate limits of such towns and cities during the year ending December thirty-first, or such portion thereof as they may have transacted such business in such towns and cities. Such returns to be made by the said companies, corporations or associations within sixty days from and after the thirty-first day of December of each year: *Provided*, that this act shall not apply to any insurance corporation or association which invests three-fourths of its capital in North Carolina or in North Carolina securities.

Time of making
returns.

Proviso: companies
excepted.

SEC. 2. That every fire insurance company, corporation or association, as aforesaid, shall within seventy-five days from December thirty-first, of each year, deliver and pay to the State Insurance Commissioner the sum of fifty cents out of and from every one hundred dollars, and at that rate, upon the amount of all premiums written on fire and lightning policies covering property situated within the incorporated limits of such towns and cities during the year ending December thirty-first, in each year or for such portion of each year as said company, corporation or association shall have done business in said towns and cities.

Companies to pay tax on receipts.

SEC. 3. Every such company, corporation or association shall make accurate returns of all business done, both on fire and lightning insurance, covering property situated within the limits of such towns and cities: and in case any fraud, misrepresentation or mistake of any returns, as provided for in this act, be apparent, it shall be the duty of the Insurance Commissioner to investigate such returns and collect the amount which he shall find to be due.

Insurance commissioner to investigate returns and collect tax.

SEC. 4. Every fire insurance company, association or corporation aforesaid which shall knowingly or wilfully fail or neglect to report or pay over any of the moneys due on premiums as aforesaid, at the times and in the manner specified in the preceding sections of this act, or shall be found upon examination to have made a false return of business done by them, shall for each offense forfeit and pay the sum of three hundred dollars for the use and benefit of the fire department of such town or city, to be recovered in a civil action in the name of the town or city.

Forfeit for failure or neglect to report or pay tax or making false returns.

SEC. 5. The Insurance Commissioner shall pay over the money so collected from the insurance companies, corporations or associations, as aforesaid, doing business in the several towns and cities in the State, having or that may hereafter have, organized fire departments as provided in section one of this act, to the Treasurer of each town or city, to be held by him as a separate and distinct fund, subject to the use of the Board of Trustees of the Firemen's Relief Fund in each town or city, composed of five members, residents of said city or town as hereinafter provided for, to be used by them for the purpose as named in section six of this act.

Insurance commissioner to pay money to town treasurers.

Treasurer to hold money.

SEC. 6. In each town or city complying with and deriving benefits from the provisions of this act as per sections one and two, there shall be appointed annually, in January, a local board of trustees, known as the Trustees of the Firemen's Relief Fund, to be composed of five members, two of whom shall be named by the members of the local fire department, two by the Mayor and Board of Aldermen or other local governing body, and the remaining member by the State Insurance Commissioner, all to hold office for two years, or until their successors are appointed, and to serve without pay for their services. They shall immediately after appointment organize by electing from their members a chairman and a secre-

Trustees of firemen's relief fund.

Election and terms.

Organization.

Treasurer to
give bond.

Board to control
fund.
Disbursements
authorized.

To safeguard men
from loss of time.

To provide support
for dependents of
firemen losing life
in service.

For benefit of fire-
men having
honorably served
ten years.

Accounts.

Itemized annual
statements.

Payments withheld
on misconduct
of trustees.

Payments unad-
justed to general
relief fund.

Clerk of municipi-
palities to file
certificates with
insurance com-
missioner.

tary and treasurer, which two last positions may be held by the same person. The said treasurer of said Board of Trustees shall give a good and sufficient bond, to be approved by the Insurance Commissioner, for the faithful and proper discharge of the duties of his office. The board thus organized shall have entire control of the funds derived from the provisions of this act, and shall only disburse the said funds for the following purposes:

(1) To safeguard the men in active service from loss of time from their daily work, occasioned by sickness contracted or injury received while in the performance of their duties as firemen upon such conditions as are now in force or may hereafter be adopted by the North Carolina State Firemen's Association.

(2) To provide a reasonable support for those actually dependent upon the services of any fireman who may lose his life in the fire service of his town, city or State, either by accident or from disease or injury contracted by reason of said service. The amount to be determined according to the earning capacity of the deceased.

(3) To safeguard any fireman who has honorably served for a period of ten years in the fire service of his town or city, from ever becoming an inmate of any almshouse or actually dependent upon charity.

SEC. 7. The Board of Trustees, as above constituted, shall keep a correct account of all moneys received and disbursed by them, and shall at the annual meeting of the North Carolina State Firemen's Association render an itemized statement of the same, for publication in the annual report, a copy of which said report shall be made annually to the State Insurance Commissioner; and in case any board of trustees in any of the towns and cities benefited by this act shall neglect or fail to perform their duties, or shall wilfully misappropriate the funds entrusted to their care, or shall neglect or fail to report at the annual meeting of the State Association, then shall the Insurance Commissioner withhold any and all further payments to such Board of Trustees, or their successors, until the matter has been fully investigated by an official of the State Firemen's Association, and adjusted to the satisfaction of the State Insurance Commissioner. And it is further provided that should such payments be unadjusted for a period of fifteen months from the time when such payment would otherwise have been made, then the Insurance Commissioner shall pay over the said payment to the North Carolina State Firemen's Association to be used, by the said association, as a general relief fund for the purpose of assisting any local Board of Trustees where *bona fide* claims for benefits arising under purposes one and two of section six shall have exceeded the income arising from the local one-half per cent. tax.

SEC. 8. The clerk of any city, town, village or other municipal corporation having an organized fire department shall, on or be-

fore the thirty-first day of October in each year, make and file with the Insurance Commissioner his certificate, stating the existence of such department, the number of steam, hand or other engines, hook and ladder trucks, and hose carts in actual use, the number of organized companies, and the system of water-supply in use for such departments, together with such other facts as such Insurance Commissioner may require, on a blank to be furnished by him. If the certificate required by this section is not filed with the Insurance Commissioner on or before October thirty-first, in any year, the city, town or village so failing to file such certificate shall be deemed to have waived and relinquished its rights for such year to the appropriation herein provided for.

Failure to file certificates a waiver of rights.

SEC. 9. For the purpose of supervision and as a guaranty that provisions of this act shall be honestly administered in a business-like manner, it is provided that every department enjoying the benefits of this law shall be a member of the North Carolina State Firemen's Association, and comply with its constitution and by-laws. And it is further provided that a sum not to exceed five per cent. of the gross proceeds received by each town or city from the provisions of this act shall be turned over to the said State Firemen's Association for general purposes.

Departments to be members of State association.

Appropriation to State association.

SEC. 10. Inasmuch as there are in a number of the towns and cities of this State fire companies composed exclusively of colored men, it is expressly provided that the local boards of trustees shall make no discrimination on account of color in the payment of benefits.

Discrimination on account of color forbidden.

SEC. 11. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 12. That this act shall be in force and take effect from and after its passage.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1907.

CHAPTER 832.

AN ACT TO PROVIDE FOR THE CLEANING OUT OF THE HEAD OF PUNGO RIVER AND FOR BUILDING A CANAL TO RELIEVE THE PRESSURE OF WATER AT THE HEAD OF SAID RIVER AND FOR THE DRAINAGE OF THE LANDS AROUND THE HEAD OF SAID RIVER AND EITHER SIDE OF SAME.

Whereas, the pressure of water from the swamps around the head of Pungo River is greater than the said river, in its present condition, can carry off; and whereas, a canal from some point

Preamble.