

H.B. 1004 CHAPTER 223

AN ACT TO APPOINT DELEGATES TO THE SECOND INTERSTATE LEGISLATIVE ASSEMBLY.

resemble: formation of Interstate Legislative Assembly.

Whereas, a meeting originally known as the First Interstate Conference of Legislators and subsequently restyled the First Interstate Legislative Assembly, in recognition of permanent organization effected, was held at Washington, D. C., on February 3 and 4, 1933, under the auspices of the American Legislators' Association; and

Whereas, the purpose of this meeting was to consider problems of conflicting taxation and to consider also means for co-operation between the states in dealing with each other and with the Federal Government in respect thereto; and

operation of these.

Whereas, for the execution of these and other co-operative purposes there was established, under suitable regulations, by the delegates in attendance a permanent organization of voting representatives of both branches of the forty-eight state legislatures and non-voting advisory representatives of the governors of the several states, to be known as the Interstate Legislative Assembly; and

state's representation in public interest.

Whereas, it is in the public interest that the House of Representatives of this State should be duly represented by one delegate and one alternate in the Interstate Legislative Assembly; and the General Assembly of North Carolina has been invited to appoint such delegates from among its members: Therefore,

The General Assembly of North Carolina do enact:

member of House as delegate and one alternate.

SECTION 1. That the Speaker of the House of Representatives is directed to appoint one representative as its delegate to the Interstate Legislative Assembly, and that the Speaker of the House of Representatives be further empowered to designate a successor or alternate in case of the inability of the first named delegate to serve, and such delegate or alternate shall be without power to commit the House of Representatives to action without specific authority therefor; and the Lieutenant Governor of the State shall appoint one Senator as the delegate from the Senate of North Carolina to the Interstate Legislative Assembly, and that the Lieutenant Governor be further empowered to designate a successor or alternate in case of the inability of the first named delegate to serve, and such delegate or alternate shall be without power to commit the Senate to action without specific authority therefor.

power of commitment.

otherwise as to state.

power of commitment.

SEC. 2. That the Governor of North Carolina is hereby authorized to draw out of the Treasury of North Carolina upon his order any sum of money out of moneys not otherwise appropriated the amount necessary to cover the expenses of said delegates to the second session of the Interstate Legislative Assembly; provided, that such sum or sums of money so drawn shall not exceed the amount of three hundred dollars.

Governor authorized to draw on Treasury for expense money.

Limit on amount.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of April, A. D. 1933.

H.B. 1013 CHAPTER 224

AN ACT TO AMEND CHAPTER 34 OF THE PUBLIC LAWS OF 1929 OF NORTH CAROLINA RELATING TO THE STERILIZATION OF PERSONS MENTALLY DEFECTIVE.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body or responsible head of any penal or charitable institution supported wholly or in part by the State of North Carolina, or any subdivision thereof, is hereby authorized and directed to have the necessary operation for asexualization, or sterilization, performed upon any mentally diseased, feeble-minded or epileptic inmate or patient thereof, as may be considered best in the interest of the mental, moral, or physical improvement of the patient or inmate, or for the public good: Provided, however, that no operation described in this section shall be lawful unless and until the provisions of this act shall first be complied with.

State institutions authorized to sterilize mental defectives.

Act must be complied with.

SEC. 2. It shall be the duty of the board of commissioners of any county of North Carolina, at the public cost and expense, to have one of the operations described in Section 1 of this act performed upon any mentally diseased, feeble-minded or epileptic resident of the county, not an inmate of any public institution, upon the request and petition of the superintendent of public welfare or other similar public official performing in whole or in part the functions of such superintendent, or of the next of kin, or the legal guardian of such mentally defective person: Provided, however, that no operation described in this section shall be lawful unless and until the provisions of this act shall be first complied with.

County Commissioners may perform like operations on mental defectives not in institutions.

Petition for.

Act must be complied with.

SEC. 3. No operation under this act shall be performed by other than a duly qualified and registered North Carolina physician or surgeon, and by him only upon a written order signed after complete compliance with the procedure outlined

Restrictions on such operations.

in this act by the responsible executive head of the institution or board, or the superintendent of public welfare, or other similar official performing in whole or in part the functions of such superintendent, or the next of kin or legal guardian having custody or charge of the feebleminded, mentally defective or epileptic inmate, patient or non-institutional individual.

Prosecutors designated.

SEC. 4. If the person upon whom the operation is to be performed is an inmate or patient of one of the institutions mentioned in Section 1 of this act, the executive head of such institution or his duly authorized agent shall act as prosecutor of the case. If the person to be operated upon is not an inmate of any such public institution, then the superintendent of welfare or such other official performing in whole or in part the functions of such superintendent of the county of which said inmate, patient, or non-institutional individual to be sterilized is a resident, shall be the prosecutor. It shall be the duty of such prosecutor promptly to institute proceedings as provided by this act in any or all of the following circumstances:

Institution of proceedings and facts to be found.

Best interest of patient.

1. When in his opinion it is for the best interest of the mental, moral or physical improvement of the patient, inmate, or non-institutional individual, that he or she be operated upon.

Public good.

2. When in his opinion it is for the public good that such patient, inmate or non-institutional individual be operated upon.

Procreation of insane children.

3. When in his opinion such patient, inmate, or non-institutional individual would be likely, unless operated upon, to procreate a child or children who would have a tendency to serious physical, mental, or nervous disease or deficiency.

Request of next of kin.

4. When requested to do so in writing by the next of kin or legal guardian of such patient, inmate or non-institutional individual.

Other matters.

5. In all cases as provided for in Section 20 of this Act.

Eugenics Board of N. C. created.

SEC. 5. There is hereby created the Eugenics Board of North Carolina. All proceedings under this act shall be begun before the said Eugenics Board. This board shall consist of five members and shall be composed of: (1) The Commissioner of Public Welfare of North Carolina, (2) the Secretary of the State Board of Health of North Carolina, (3) the Chief Medical Officer of an institution for the feebleminded or insane of the State of North Carolina, not located in Raleigh, (4) the Chief Medical Officer of the State Hospital at Raleigh, (5) the Attorney General of the State of North Carolina. Any one of these officials may for the purpose of a single hearing delegate his power to act as a member of said board to an assistant: *Provided*, said delegation is made in writing, to be

Delegation of power to assistants.

Membership.

included as a part of the permanent record in said case. The said board shall from time to time elect a chairman from its own membership and adopt and from time to time modify rules governing the conduct of proceedings before it, and from time to time select the member of the said board designated above as the Chief Medical Officer of an institution for the feebleminded or insane of the State of North Carolina not located in Raleigh.

Organization and rules of Board.

SEC. 6. The Board of Eugenics shall meet at least quarterly in each year in Raleigh for the purpose of hearing all cases that may be brought before it and shall continue in session with appropriate adjournments until all current applications and other pending business have been disposed of. The members shall receive no additional compensation for their services.

Quarterly meetings.

No extra pay.

SEC. 7. The Board shall appoint a secretary not a member of the board who shall conduct the business of the board between the times of the regular meetings. Such secretary shall receive all petitions, keep the records, call meetings, and in general act as the executive of said board in such matters as may be delegated to him by said board.

Secretary of Board and duties.

SEC. 8. Proceedings under this act shall be instituted by petition of the said prosecutor to the said Eugenics Board. Such petition shall be in writing, signed by the petitioner and duly verified by his affidavit to the best of his knowledge, information and belief. It shall contain the history of the inmate or patient as shown in the records of the institution, or if he is not in an institution, then the complete medical history of the case of the individual resident so far as it bears upon the recommendations for asexualization or sterilization, and setting forth the particular reasons why asexualization or sterilization is recommended. This history shall be verified by the affidavit of at least one competent physician who has had actual knowledge of the case and who in the cases of inmates or patients of the institutions described in Section 1 of this act may be a member of the medical staff of said institution. The petition shall further contain an adequate social case history of the circumstances surrounding the inmate's, patient's, or individual resident's life in so far as such circumstances may bear upon the question as to whether said inmate, patient, or individual resident is likely to procreate a child or children. The prayer of said petition shall be that an order be entered by said board requiring the petitioner to perform, or to have performed by some competent physician or surgeon to be designated by him in said petition, or by said board in its order, upon said inmate or patient or individual resident named in said petition in its discretion that one of the operations specified in Section 1 of this act which shall be best suited to the

Proceedings before Board.

Petition.

History of patient.

Social case history.

Prayer of petition.

interests of the said inmate, patient or individual resident or to the public good.

Copy of petition served on patient.

SEC. 9. A copy of said petition, duly certified by the Secretary of the said Board to be correct, must be served upon the inmate, patient or individual resident, together with a notice in writing signed by the secretary of the said board designating the time and place not less than fifteen days before the presentation of such petition to said board when and where said board will hear and act upon such petition.

Notice of hearing.

Service on guardian or next of kin.

A copy of said petition, duly certified to be correct, and the said notice must also be served upon the legal or natural guardian and next of kin of the inmate, patient or individual resident. If no near relative is known, the copy and notice shall be sent to the solicitor of the county in which the inmate, patient or individual resident resides, and it shall be his duty to protect the rights and best interests of the said inmate, patient or individual resident.

Or on solicitor.

If there is no next of kin and no solicitor in said county, or if there is no known guardian of said inmate, patient, or individual resident and the said inmate, patient or individual resident is of such mental condition as not to be competent reasonably to conduct his own affairs, then the said prosecutor shall apply to the Superior Court of the county in which the inmate, patient or individual resident resides or to the judge thereof in vacation, who shall appoint some suitable person to act as guardian of the said inmate during and for the purposes of proceedings under this act, to defend the rights and interests of the said inmate, patient or individual resident. And such guardian shall be served likewise with a copy of the aforesaid petition and notice, and shall under all circumstances be given at least fifteen days' notice of said hearing. Such guardian may be removed or discharged at any time by the said court or the judge thereof in vacation and a new guardian appointed and substituted in his place.

Or on guardian duly appointed.

Removal of guardian.

If the said inmate or patient be under twenty-one years of age and have a living parent or parents whose names and addresses are known or can by reasonable investigation be learned by said prosecutor, they or either of them, as the case may be, shall be served likewise with a copy of said petition and notice and shall be entitled to at least fifteen days' notice of the said hearing.

Notice to parents of minor patients.

SEC. 10. The said board at the time and place named in said notice, with such reasonable continuances from time to time and from place to place as the said board may determine, shall proceed to hear and consider the said petition and evidence offered in support of and against the same: *Provided*, that the said board shall give opportunity to said inmate, pa-

Consideration of matter by Board.

tient or individual resident to attend the said hearings in person if desired by him or if requested by his guardian or next of kin, or the solicitor. Personal appearance of patient allowed.

The said board may receive and consider as evidence at the said hearings the commitment papers and other records of the said inmate or patient with or in any of the aforesaid institutions as certified by the superintendent or executive official, together with such other evidence as may be offered by any party to the proceedings. Evidence to be considered.

Any member of the said board shall have power for the purposes of this act to administer oaths to any witnesses at such hearing. Oaths administered.

Depositions may be taken, as in other civil cases, by any party after due notice and read in evidence, if otherwise pertinent. Depositions.

Any party to the said proceedings shall have the right to be represented by counsel at such hearings. Counsel.

A stenographic transcript of the proceedings at such hearings duly certified by the petitioner and the inmate, patient or individual resident, or his guardian or next of kin, or the solicitor, shall be made and preserved as part of the records of the case. Transcript of proceedings preserved.

SEC. 11. The said board may deny the prayer of the said petition or if, in the judgment of the board, the case falls within the intent and meaning of one or more of the circumstances mentioned in Section 4 of this act, and an operation of asexualization or sterilization seems to said board to be for the best interest of the mental, moral or physical improvement of the said patient, inmate or individual resident or for the public good, it shall be the duty of the board to approve said recommendation in whole or in part or to make such order as under all the circumstances of the case may seem appropriate, within fifteen days after the conclusion of said hearings, and to send to the prosecutor a written order, signed by at least three members of the board, directing him to proceed with the operation as provided in this act. Said order shall contain the name of the specific operation which is to be performed and the date when said operation is to be performed. Board may deny or approve petition.

If the board disapproves the petition, the case may not be brought up again except on the request of the inmate, patient, or individual resident, or his guardian, or one or more of his next of kin, husband, wife, father, mother, brother, or sister, until one year has elapsed. Contents of order.

Nothing in this act shall be construed to empower or authorize the board to interfere in any manner with the right of the patient, inmate, or individual resident, or his guardian or

No other hearing within year.

Right of patient to employ physician.

next of kin to select a competent physician of his own choice for consultation or operation at his own expense.

Orders may be sent parties by registered mail.

SEC. 12. Any order granting the prayer of the petition, in whole or in part, may be delivered to the petitioner by registered mail, return receipt demanded, to all parties in the case, including the legal guardian, the solicitor and the next of kin of the inmate, patient, or individual resident. It shall be the duty of the said guardian, the solicitor and the next of kin to protect by such measures as may seem to them in their sole discretion sufficient and appropriate the rights and best interests of the said inmate, patient, or individual resident.

Rights of patient protected.

Consenting to operation.

If the inmate, patient or individual resident, or the next of kin, legal guardian, solicitor of the county, and guardian appointed as herein provided, after the said hearing but not before, shall consent in writing to the operation as ordered by the board, such operation shall take place at such time as the said prosecutor petitioning shall designate.

Right of appeal to Superior Court.

SEC. 13. If it appears to the inmate, patient or individual resident, or to his or her representative, guardian, parent or next of kin, or to the solicitor, that the proceedings taken are not in accordance with the law, or that the reasons given for asexualization or sterilization are not adequate or well founded, or for any other reason the order is not legal, or is not legal as applied to this inmate, patient or individual resident, he or she may within fifteen days from the date of such order have an appeal of right to the Superior Court of the county in which said inmate or patient resided prior to admission to the institution, or the county in which the non-institutional individual resides. This appeal may be taken by giving notice in writing to any member of the board and to the other parties to the proceeding, including the doctor who is designated to perform the said operation. Upon the giving of this notice the petitioner within fifteen days thereafter shall cause a copy of the petition, notice, evidence and orders of the said board certified by any member thereof to be sent to the clerk of the said court, who shall file the same and docket the appeal to be heard and determined by the said court as soon thereafter as may be practicable.

Notice to Board.

Record on appeal.

Evidence on appeal.

Judgment of Court.

The said Superior Court in determining such an appeal may consider the record of the proceedings before the said board, including the evidence therein appearing, together with such other legal evidence as may be offered to the said court by any party to the appeal.

Upon such appeal the said Superior Court may affirm, revise, or reverse the orders of the said board appealed from and may enter such order as it deems just and right and which it shall certify to the said board.

The pendency of such appeal shall automatically and without more stay proceedings under the order of the said board until the appeal be completely determined. Should the decision of the Superior Court uphold the plaintiff's objection, such decision will annul the order of the Board to proceed with the operation, and the matter may not be brought up again until one year has elapsed except by the consent of the plaintiff or his next of kin, or his legal representatives. Should the court affirm the order of the board, then, if no notice of appeal to the Supreme Court is filed within ten days after such decision, said board's recommendation as affirmed shall be put into effect at a time fixed by the original prosecutor or his successor in office and the inmate, patient or individual shall be asexualized or sterilized as provided in this act.

Appeal stays proceedings.

Ruling with patient.

Ruling again patient.

In this appeal the person for whom an order of asexualization or sterilization has been issued shall be designated as the plaintiff, and the prosecutor presenting the original petition shall be designated as defendant.

Designation of parties.

SEC. 14. In the proceedings before the Superior Court the record of the proceedings before said Board shall be conclusive and binding as to all questions of fact. The Superior Court shall pass upon and review only questions of law.

Record before Board conclusive as to facts.

The cost of appeal, if any, to the Superior or higher courts, shall be taxed as in civil cases. If the case is finally determined in favor of the plaintiff, the costs shall be paid by the county.

Appeal costs.

SEC. 15. Any party to such appeal to the Superior Court may, within ten days after the date of the final order therein, apply for an appeal to the Supreme Court, which shall have jurisdiction to hear and determine the same upon the record of the proceedings in the Superior Court and to enter such order as it may find the Superior Court should have entered.

Appeal to Supreme Court.

The pendency of an appeal in the Supreme Court shall operate as a stay of proceedings under any orders of the said board and the Superior Court until the appeal be determined by the said Supreme Court.

Appeal to Supreme Court stays proceedings.

SEC. 16. Neither the said petitioner nor any other person legally participating in the execution of the provisions of this act shall be liable, either civilly or criminally, on account of such participation, except in case of negligence in the performance of said operation.

Civil or criminal liability of parties limited.

SEC. 17. Nothing contained in this act shall be construed so as to prevent the medical or surgical treatment for sound therapeutic reasons of any person in this State, by a physician or surgeon licensed in this State, which treatment may incidentally involve the nullification or destruction of the reproductive functions.

Necessary medical treatment unaffected by act.

Permanent records
of proceedings
before Board.

SEC. 18. Records in all cases arising under this act shall be filed permanently with the secretary of the said Eugenics Board. Such records shall not be open to public inspection except for such purposes as the court may from time to time approve.

Valid parts of
act upheld.

SEC. 19. This act is severable in its provisions; and the validity of any part, section, or provision of the same shall not be construed to affect the validity of any other part which may be given practical operation and effect without the invalid part, section or provision.

Definitions.

Where the inmates, patients or non-institutional individuals are referred to in this act as of the masculine or feminine gender, the same shall be construed to include the feminine or masculine gender as well. Wherever the term individual resident appears in this act, it shall be construed to mean non-institutional individual.

Discharge of
patient from
institution.

SEC. 20. Before any inmate or patient designated in Sections 1 and 4 of this act shall be released, paroled or discharged, it shall be the duty of the governing body or responsible head of any institution above mentioned to comply with the procedure set out in this act, whenever a written request for the asexualization or sterilization of said inmate or patient is filed with the governing body or responsible head of the institution in which such inmate or patient has been legally confined. This written request may be made by any public official or by the legal guardian or next of kin of any inmate or patient not later than thirty days prior to the date of said parole or discharge. Upon the receipt of the signed approval of the Eugenics Board as described in this act, it shall be the duty of said governing board or responsible head to issue an order for the performance of the operation upon said inmate or patient, and the operation must be performed before the release, parole or discharge of any such inmate or patient.

Order for
operation.

Ch. 34, Public
Laws 1929,
repealed.

SEC. 21. Chapter 34, Public Laws of 1929, is hereby repealed.

SEC. 22. This act shall take effect from and after the date of its ratification.

Ratified this the 5th day of April, A. D. 1933.

H.B. 1043

CHAPTER 225

AN ACT TO AMEND CHAPTER 252 PUBLIC LAWS 1931 RELATING TO PAYMENT OF CRIMINAL COSTS BEFORE A JUSTICE OF THE PEACE IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and fifty-two of the Public Laws of one thousand nine hundred and thirty-one, the same being section one thousand two hundred and eighty-eight of the Consolidated Statutes as therein enacted, be and the same is hereby amended by adding at the end of said section the following:

"*Provided*, that in cases where the defendant is sentenced to prison or to work upon the public roads by any justice of the peace in Jackson County, and in case such defendant is unable to pay the costs of such action, then the county of Jackson shall be liable for the payment of the costs of the trial justices and the sheriff of said county."

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

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of April, A. D. 1933.

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H.B. 1116

CHAPTER 226

AN ACT SUPPLEMENTAL TO AND AMENDATORY OF SENATE BILL NUMBER ONE HUNDRED AND EIGHTY, IT BEING "AN ACT TO ALLOW THE COUNTIES, MUNICIPALITIES AND OTHER GOVERNING AGENCIES TO REFUND TAX SALES CERTIFICATES," RATIFIED MARCH 27TH, 1933.

The General Assembly of North Carolina do enact:

SECTION 1. That Senate Bill Number One Hundred and Eighty, it being "An Act to Allow the Counties, Municipalities and other Governing Agencies to refund Tax Sales Certificates," ratified March 27th, 1933, be amended as follows: At the end of Section 14 of said act, add—*Provided*, this Act shall not apply to Davidson County.

SEC. 2. This Act shall be in force and effect from and after its ratification.

Ratified this the 5th day of April, A. D. 1933.

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S.B. 625 CHAPTER 462

AN ACT TO AMEND HOUSE BILL EIGHT HUNDRED AND ELEVEN, ENTITLED "AN ACT TO ENLARGE THE TERM OF OFFICE OF THE SEVERAL REGISTERS OF DEEDS OF THIS STATE," RATIFIED MAY NINTH, ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of House Bill eight hundred and eleven, entitled "An act to enlarge the term of office of the several Registers of Deeds of this State," ratified May ninth, one thousand nine hundred thirty-five, be and the same is hereby amended by striking out after the word "Davidson" and before the word "Halifax" the word "Edgecombe."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of May, A. D. 1935.

S.B. 258 CHAPTER 463

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE OF NORTH CAROLINA, RELATING TO THE STERILIZATION OF PERSONS MENTALLY DEFECTIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section four of Chapter two hundred and twenty-four, Public Laws of North Carolina, Session one thousand nine hundred and thirty-three, be and the same is hereby amended by inserting after the period in line four and before the word "If" in the same line, the following sentence:

"If the person upon whom the operation is to be performed is an inmate or patient of a charitable or penal institution supported by the county, the executive head of such institution or his duly authorized agent, or the county superintendent of welfare or such other official performing in whole or in part the functions of such superintendent of the county in which such county institution is situated, shall act as petitioner in instituting proceedings before the Eugenics Board."

SEC. 2. That Section eight of Chapter two hundred and twenty-four, Public Laws of North Carolina, Session one thousand nine hundred and thirty-three, be and the same is hereby amended to read as follows:

H. B. 811, Public Laws 1935, amended, as to four-year term for Edgecombe County Register of Deeds.

Conflicting laws repealed.

Ch. 224, Public Laws 1933, amended, as to sterilization of mental defectives.

Persons qualified to act as petitioner.

Again amended.

"Proceedings under this act shall be instituted by the petition of said petitioner to the Eugenics Board. Such petition shall be in writing, signed by the petitioner and duly verified by his affidavit to the best of his knowledge and belief. It shall set forth the facts of the case and the grounds of his opinion. The petition shall also contain a statement of the mental and physical status of the patient verified by the affidavit of at least one physician who has had actual knowledge of the case and who in the cases of inmates or patients of institutions described in Section one of this act may be a member of the medical staff of said institution. The Eugenics Board may require that the petitioner submit additional social and medical history in regard to the inmate, patient or individual resident and his family. The prayer of said petition shall be that an order be entered by said Board authorizing the petitioner to perform, or to have performed by some competent physician or surgeon to be designated by him in the petition or by said Board in its order upon said inmate, patient or individual resident named in said petition in its discretion that the operation of sterilization or asexualization as specified in Section one of this act which shall be best suited to the interests of the said inmate or patient or to the public good."

SEC. 3. That Section nine of Chapter two hundred and twenty-four, Public Laws of North Carolina, Session one thousand nine hundred and thirty-three, be and the same is hereby amended by adding at the end of the first paragraph thereto the following:

"It shall be sufficient service if the copy of said petition and notice in writing be delivered to said inmate, patient or individual resident, and it shall not be necessary to read the above mentioned document to said patient, inmate or individual resident."

SEC. 4. That section thirteen of Chapter two hundred and twenty-four, Public Laws of North Carolina, Session one thousand nine hundred and thirty-three, be and the same is hereby amended by adding after the word "decision" in line thirty-five the words, "unless appealed from," and that Section thirteen be further amended and the same is hereby amended by striking out the second paragraph beginning with the words, "the said Superior Court" and substituting in lieu thereof the following:

"The presiding Judge of said Superior Court may hear the appeal upon affidavit or oral evidence and in determining such an appeal may consider the record of the proceedings before the Eugenics Board, including the evidence therein appearing together with such other legal evidence as may

Proceedings regulated.

Petition to verified.

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Hearing may be secret.

be offered to the said Judge by any party to the appeal. In hearing such an appeal the general public may be excluded and only such persons admitted thereto as have direct interest in the case."

Again amended.

SEC. 5. That Section fourteen of Chapter two hundred and twenty-four, Public Laws of North Carolina, Session one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out all the first paragraph of Section fourteen which reads:

Superior Court restricted to matters of law.

"In the proceedings before the Superior Court the record of the proceedings before said Board shall be conclusive and binding as to all questions of fact. The Superior Court shall pass upon and review only questions of law."

Again amended.

SEC. 6. That Section nine of Chapter two hundred and twenty-four, Public Laws of North Carolina, Session one thousand nine hundred and thirty-three, be and the same is hereby amended by adding at the end of said section the following:

No petition and hearing required where next of kin applies.

"Provided, that the procedure described in this section shall not be necessary in the case of any operation for sterilization or asexualization provided for in this act if the parent, legal or natural guardian, or spouse or next of kin of the inmate, patient or non-institutional individual shall submit to the superintendent of the institution of which the subject is a patient or inmate or to the superintendent of public welfare of the county in which the subject is residing, regardless of whether the subject is a legal resident of such county, a duly witnessed petition requesting that sterilization or asexualization be performed upon said inmate, patient or non-institutional individual, provided the other provisions of this act are complied with. Any operation authorized in accordance with this proviso may be performed immediately upon receipt of the authorization from the Eugenics Board."

Performance of operation.

Existing rights of surgeons unaffected.

SEC. 7. That nothing in this act shall, in any way, interfere with any surgeon in the removal of diseased pathological tissue from any patient.

SEC. 8. This act shall take effect from and after the date of its ratification.

Ratified this the 11th day of May, A. D. 1935.

S.B. 633

CHAPTER 464

AN ACT TO AMEND SECTION FIFTY-THREE, CHAPTER FOUR, PUBLIC LAWS OF NORTH CAROLINA, SECTION TWO HUNDRED TWENTY-ONE (e) OF MICHIE'S CODE, RELATIVE TO ENFORCEMENT OF LIABILITY OF BANK DIRECTORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-three of Chapter four, Public Laws of North Carolina, Session one thousand nine hundred twenty-one, same being section two hundred twenty-one (e) of Michie's Code be amended by adding a new sentence at the end of said section as follows: "Any aggrieved stockholder in any bank in liquidation may prosecute an action for the enforcement of the provisions of this section. Only one such action may be brought. The procedure shall follow as nearly as may be that prescribed by section two thousand five hundred forty-five of the Consolidated Statutes, relative to suits on bonds of contractors with municipal corporations."

Ch. 4, Public Laws 1921, and C. S. 221, amended.

Enforcement of liability of bank directors.

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

Conflicting law repealed.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of May, A. D. 1935.

S.B. 635

CHAPTER 465

AN ACT TO PERMIT THE ADVERTISING OF ALCOHOLIC BEVERAGES PERMITTED TO BE SOLD AND DISTRIBUTED UNDER THE LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION. 1. That it shall be lawful for newspapers, magazines and periodicals to accept and publish advertisements relating to wines, beers and other alcoholic beverages permitted to be sold and distributed under the laws of North Carolina.

Advertising o alcoholic beverages permitted in State.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting la repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of May, A. D. 1935.