

STATE OF NORTH CAROLINA

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# PUBLIC-LOCAL AND PRIVATE LAWS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1925

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SEVENTH DAY OF JANUARY, A.D. 1925

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## CHAPTER 459

## AN ACT RELIEVING THE BOARD OF COMMISSIONERS OF UNION COUNTY FROM THE PUBLICATION OF AN ANNUAL STATEMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Union County be and they are hereby relieved of publication of an annual statement required by section one thousand three hundred and thirty-four of the Consolidated Statutes, and in lieu thereof they shall have the books audited and everything required of said section shall appear in said audit and the said audit shall be filed in the office of register of deeds and notice shall be given in a paper published in Union County that the said auditor's report is on file for public inspection.

Commissioners  
relieved of  
publication.

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

Ratified this the 7th day of March, A.D. 1925.

## CHAPTER 460

## AN ACT TO PROTECT GAME AND FISH IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and five, Public-Local Laws, one thousand nine hundred and twenty-three, be and the same is hereby repealed.

SEC. 2. That it shall be unlawful for any person to kill or take any game or fish in Transylvania County, except as prescribed in this act.

Unlawful.

SEC. 3. That the following shall be classed as game animals: Deer, bear and squirrel. All other animals shall be classed as wild animals.

Game animals.

The following shall be classed as game birds: Turkey, quail, pheasant and grouse. All other birds shall be classed as non-game birds.

SEC. 4. That it shall be unlawful for any person to kill or take any female deer or deer without horns at any season of the year: *Provided*, nothing herein shall be construed to prohibit any person from taking any kind of deer from his, her or their

Unlawful.

own inclosed parks or reservations. It shall be unlawful to trap for bear or to run or hunt deer with dogs or to use while hunting any gun having a "Maxim silencer" or any other device thereon that will muffle the report of such gun, nor shall any gun be used that does not produce when discharged the usual and ordinary report.

Taking game  
animals only  
during open  
season.

SEC. 5. That no game bird or game animal shall be taken except during the open season as herein prescribed, and only in day time between half an hour before sunrise and sunset, and only with shotgun not larger than number ten gauge or rifle, and no automatic shotgun or pump gun shall be used in hunting any game bird or game animal.

Jack-light, etc.

SEC. 6. That it shall be unlawful for any person to use any jack-light or other artificial light, net, trap, snare, salt-lick or poison in taking any game bird or game animal, nor shall any game bird or game animal as defined in section three of this act be taken from any field or cover in which corn, wheat or other substance has been deposited for the purpose of drawing such game birds or game animals thereto.

Dogs while  
hunting deer.

SEC. 7. That it shall be unlawful for any person to use any dog or dogs while hunting deer, nor shall any person allow his dog or dogs to run deer at any time, and any dog or dogs found running deer in said county of Transylvania may be taken up by any person and impounded and the owner may have five days, after notice, in which to claim and take back into his possession such dogs upon his paying all the expenses of impounding and keeping the same, plus the sum of twenty dollars (\$20), one-half of which sum shall be retained by the person impounding such dog or dogs, and the other half shall be and become a part of the "game and fish fund" herein provided for.

Proviso.

*Provided, however,* if any person or persons shall willfully chase deer with dog or dogs, or willfully or negligently allow his dog or dogs to chase deer, such person shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court, and such dog or dogs may be killed by any person who finds the same actually running deer.

Open season.

SEC. 8. The open season for deer and bear shall be between the fifteenth day of November and the thirty-first day of December of each year.

The open season for squirrel, red or gray fox, muskrat, opossum and raccoon shall be from October first to December thirty-first of each year.

There shall be no closed season for rabbit, wildcat, skunk or mink, and nothing herein shall prevent the taking or killing

of any wild animal as designated in section three of this act, except by poison, if such animal be committing injury to property.

The open season for game birds shall be from November fifteenth to January fifteenth in the following year.

SEC. 9. That the bag limit on game animals and game birds shall be as follows: Bag limit

No one person shall take more than two deer and one bear during any one open season for such, nor shall he take more than five squirrels, one turkey, ten quail and three pheasants during any one day.

Wild animal—bag limit: No one person shall take more than one red or gray fox, five muskrats, five opossum and three raccoons in any one day. Wild animal  
bag limit.

SEC. 10. No person shall sell or offer for sale, ship or otherwise transport any game animal, or part thereof, or any game bird or part thereof, or the nest or egg of such bird: *Provided*, that this section shall not be construed as preventing any hunter from carrying game birds or game animals or parts thereof from the place of killing or taking to his own home for his own private use. Sale of game  
animals.

SEC. 11. That if any person shall be found off his own premises and not in any public highway or public cartway with a gun, it shall be deemed prima facie evidence that such person is hunting. Prima facie  
evidence.

SEC. 12. That no person shall take any mountain trout, brook trout or rainbow trout from any stream in Transylvania County between the first day of September and the first day of April in the following year, and then only in day light and with hook, and no fish of any kind shall be taken at any time from any stream in said county by seining. That no person shall take more than fifteen trout in any one day, and no trout under six inches in length shall be taken. Mountain  
trout, etc.

SEC. 13. That the county commissioners of Transylvania County shall appoint a county game warden whose duty it shall be to see that all the provisions of this act are strictly enforced, and if such warden shall fail, refuse or neglect to perform any part of his duty, the county commissioners shall have power to remove such person and fill the vacancy. County  
game warden.

The county game warden shall have power to appoint a deputy game warden in each township of the county if he shall find it advisable to do so in order to better enforce the provisions of this act, and shall have such compensation as may be agreed upon between himself and the board of county commissioners of the county to be paid out of any moneys derived from the licenses issued and other moneys collected, under any of the provisions of this act. Deputy  
game warden.

“Deputy  
forest warden.”

The county game warden may appoint as township or deputy warden any “deputy forest warden” who may be a suitable person, and such person so appointed shall have all the powers and privileges given to any deputy game warden, and all township wardens shall receive such compensation as may be agreed upon between themselves and the county game warden and the county commissioners.

Powers and  
privileges.

License fees.

SEC. 14. The following license fee shall be paid by all persons who hunt or fish in Transylvania County:

Every resident of the county shall pay the sum of one dollar (\$1) per year for hunting privileges and one dollar (\$1) per year for fishing privileges.

Every nonresident of the county, but resident of the State, shall pay five dollars (\$5) per year for hunting privileges and three dollars (\$3) per year for fishing privileges.

Every nonresident of the State shall pay ten dollars (\$10) per year for hunting privileges and five dollars (\$5) per year for fishing privileges.

Issuance of  
licenses.

SEC. 15. That all licenses herein provided for shall be issued either by the county game warden or the clerk of the Superior Court of said county, who shall keep blanks for that purpose with stub attached showing the name and postoffice address of the applicant and whether such license is for hunting or fishing; and the person obtaining such license shall keep the same on his person at all times while hunting or fishing and shall exhibit same when called for by any sheriff, deputy sheriff, county or township warden, any and all of which officers shall have power to swear out and execute warrants for any violation of this act and subpoena witnesses as in other cases of any violation of any criminal statute; and each of the officers herein mentioned shall have the power and it shall be their duty to arrest, without warrant, any person found violating any of the provisions of this act.

Unlawful hunt  
without license.

SEC. 16. It shall be unlawful for any person to hunt or fish in said county without a license: *Provided*, that a nonresident of the county or State who is the bona fide owner of real estate located in the county of the value of five thousand dollars (\$5,000) and upward shall be deemed a resident of the county under the provisions of this act and shall not be required to secure a license other than such as is required by residents of the county.

Proviso.

*Provided further*, that any nonresident of the county or State may, when invited so to do by a resident of the county, hunt or fish on the lands of the person extending the invitation for as much as one day without being required to take out a license

for so doing; and a license issued to a parent shall be good for any child or children under eighteen years of age while such child or children are hunting or fishing with said parent.

SEC. 17. All licenses issued under this act shall expire on the first day of March of each year, and no licenses shall be issued for less than a period of one year.

Expiration  
of license.

SEC. 18. All moneys received from the issuance of licenses and other sources under this act shall be and constitute a fund known as the "game and fish fund" and shall be deposited in the name of the county game warden, who shall keep an itemized account of all receipts and disbursements made by him out of said fund, and he shall render to the board of county commissioners an annual, itemized, verified statement of every receipt and disbursement touching said fund.

Moneys derived.

SEC. 19. Before entering upon his duties as county game warden such person shall execute and file with the board of county commissioners a justified bond in the sum of at least one thousand dollars (\$1,000) for the faithful performance of his duties and the accounting for all funds that shall come into his hands by virtue of his office.

Bond of  
game warden.

SEC. 20. Nothing contained in this act shall be construed as permitting any person to hunt or fish on the lands of another without the oral or written permission of such landowner.

Concerning act.

SEC. 21. That the sheriff or his deputy, the policemen of any town, or the county game warden or the township game warden shall have power and are hereby required to aid and assist in seeing that the provisions of this act are strictly enforced; and any officer herein charged with such duty who fails, refuses or neglects to perform such duty shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

Power of  
sheriff, etc.

SEC. 22. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50) or imprisoned not less than thirty days.

Violation  
misdemeanor;  
penalty.

SEC. 23. Any person who will furnish evidence sufficient to convict and which does convict any person or persons violating any of the provisions of this act shall be entitled to the sum of ten dollars (\$10), which sum shall be taxed against such defendant so violating, and paid by him as a part of the cost.

Evidence.

SEC. 24. This act shall apply only to the county of Transylvania.

Application  
of act.

SEC. 25. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

Conflicting  
laws repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

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## CHAPTER 461

AN ACT TO AMEND CHAPTER 430 OF PUBLIC-LOCAL LAWS OF 1923, SO AS TO ALLOW TAKING OF FISH IN THE WATERS OF BERTIE COUNTY AND IN WATERS BORDERING THEREON, BY MEANS OF GILL NETS.

*The General Assembly of North Carolina do enact:*

Amendment.

SECTION 1. That chapter four hundred and thirty of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-three, be amended by adding to section twelve the following:

*"Provided, that the provisions of this section and of this act in prohibiting taking fish by setting fyke or gill nets shall not apply to Bertie County, and that from the passage of this act fish may be so taken and caught in Bertie County as provided for in laws prior to the time of passage of said chapter four hundred and thirty; in all other respects said chapter four hundred and thirty shall remain in full force and effect."*

Conflicting laws repealed.

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

SEC. 3. That the provisions of this act shall not be affected by the passage of any public laws passed by General Assembly of one thousand nine hundred and twenty-five.

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

Ratified this the 7th day of March, A.D. 1925.

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## CHAPTER 462

AN ACT REGULATING FEES OF COUNTY COMMISSIONERS AND ROAD TRUSTEES OF HENDERSON COUNTY.

Amendment.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five, chapter two hundred and sixty-nine of the Public-Local Laws of nineteen hundred and nineteen, regulating the salaries of the officers of Henderson County, be amended as follows: Strike out of said section five, all of same,