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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1909,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1909.

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CAPTIONS

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA.

SESSION 1909.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1909.

CHAPTER 1.

AN ACT TO INCORPORATE CAROLINA BONDING AND
GUARANTY CORPORATION.

The General Assembly of North Carolina do enact:

SECTION 1. That Charles N. Evans, Matt J. Heyer, Milton Corporators, Calder, J. Victor Grainger, William B. Drake, Jr., Frederick W., Dick, Thomas E. Cooper, Walker Taylor, Charles E. Taylor, Jr., and Arthur Cobb, together with such other persons as are now or may hereafter be associated with them, their successors and assigns, be and they are hereby created, constituted and incorporated a body politic and corporate, by and under the name and style of Carolina Bonding and Guaranty Corporation, and by that name shall be known to law, and have and enjoy perpetual succession, and be and the corporation by this chapter created is hereby authorized and empowered to sue and be sued, plead and be impleaded, prosecute and defend in all courts, whether at law or in equity; to have and use a common seal, and the same to break, alter, renew or change at pleasure; to make, enter into, execute and perform all such contracts and agreements as may be necessary or proper in the conduct of its business; to do and perform any and all acts and things necessary, proper or expedient for the purpose of carrying this act into effect and promoting the designs and objects of the corporation, including the assumption of contracts and obligations of other corporations and persons and subrogation to rights of others, charging for its services, engagements, undertakings and guaranties and the receipt and disbursement of moneys; and the corporation shall have and possess, in addition to the powers, rights and privileges specifically granted and conferred by and under this act, all the rights, privileges, immunities and franchises given, granted or appertaining to and conferred on corporations and insurance companies under the general laws of the State.

Home office.	SEC. 2. That the home office and principal place of business of the corporation shall be in the city of Wilmington, county of New Hanover; but the board of directors of the corporation shall have power to establish branch offices and appoint agents and, under its seal, attorneys, in its stead and place and under such powers as they may deem necessary, in any and all such other places that the said board may deem proper and expedient for the conduct and promotion of its business, whether in this or the other States, Territories, possessions and dependencies of the United States, the District of Columbia or in foreign countries.
Branch offices— attorneys in fact.	
Powers as guaranty company.	SEC. 3. That the corporation be and it is hereby authorized and empowered to guaranty the fidelity of persons occupying positions of public or private trust; to guaranty the performance of contracts and other undertakings and obligations; to execute and guaranty bonds and other undertakings required or permitted in all actions or proceedings at law or in equity or by law allowed; to act as surety on, execute and guaranty bonds required of or given by officers, agents or employees of the United States, this or any other State, of any county, municipal or other public or private corporation, association or copartnership, or any agent, factor or other employee of any person whomsoever; and generally to conduct and carry on that business denominated and known as guaranty and fidelity insurance in all the branches, kinds, species and classes thereof; and the corporation shall have and is hereby granted the right, power and license, itself, to reinsure and guaranty risks and undertakings (other than life insurance contracts) of other insurance companies, and to reinsure in other companies risks, bonds and other undertakings assured, executed and guaranteed by itself.
Reinsurance power.	
Capital stock.	SEC. 4. (a) That the capital stock of the corporation shall be one hundred thousand dollars (\$100,000), divided into one thousand (1,000) shares of the par value of one hundred dollars (\$100) each; but the corporation is authorized and empowered to increase its capital stock at any time, or from time to time, under such conditions and in such manner as may be by the board of directors determined, to any amount not exceeding one million dollars (\$1,000,000).
Increase of capital.	
Taxes and fees based on actual capital.	(b) Any and all taxes and fees, corporate, license, franchise or otherwise, required by law to be paid to the Secretary of State or to the Insurance Commissioner by the corporation or the incorporators thereof shall be based on the actual capital stock of the corporation and not on the amount to which the corporation is by this act authorized to increase its capital stock and which is prescribed as the limit of such increase; and whenever any increase of the capital stock may be desired by the corporation, over and above the said sum of one hundred thousand dollars (\$100,000), the corporation shall make application to the Secretary of State for the increase desired, and upon payment to the said
Procedure for increase.	

Secretary of State of taxes for said increase he shall issue to the said corporation a certificate, under his seal of office, authorizing the amount of increase of the capital stock of said corporation, and after such certificate of the Secretary of State is issued the corporation shall have power to increase its capital stock in the amount set forth in such certificate.

(c) Subscriptions to the capital stock of the corporation may be Subscriptions. received by the incorporators or by any committees or agents appointed by them, and at any time and place they may determine and appoint, with or without public notice thereof, as they may deem best.

(d) When fifty thousand dollars (\$50,000) of the capital stock Organization. of the company has been subscribed the company may organize, and it shall thereupon be deemed fully organized and empowered to have, possess and exercise all the powers and functions of a corporation under this chapter and the laws of the State: *Provided*, that the corporation shall not exercise any of the powers, privileges and franchises granted to and conferred on it by and under section three (3) of this chapter until the full amount of the capital stock of one hundred thousand dollars (\$100,000) provided for in subsection (a) of this section shall have been subscribed and one-half thereof paid into the treasury of the corporation, when and thereupon it shall have and possess all authority and power fully to transact, do, carry on and conduct in the full scope and intent thereof the business authorized in said section three (3) of this act, and shall possess full and plenary power to exercise all rights, franchises and privileges by this act granted and conferred.

Proviso: subscription and payment on which business may begin.

SEC. 5. That assets of the corporation, to the extent of one Investments of hundred thousand dollars (\$100,000), the amount of the capital assets. stock thereof prescribed under this chapter, shall be invested in bonds of the United States, this or any other of the States whose bonds do not sell for less than par, bonds of counties, cities and towns of this or any other State whose net indebtedness does not exceed five per centum (5%) of the last preceding valuation of property therein for the purpose of taxation, in bonds and notes of persons and corporations secured by first mortgage on real estate situate in incorporated cities and towns in this or any other States; any moneys and surplus funds of the corporation, over and above the said amount of one hundred thousand dollars (\$100,000), may be loaned on corporate or individual notes, bills of exchange or other commercial paper, secured by such collateral or endorsement as the board of directors may determine or accept, or invested in such real estate in incorporated cities and towns, bonds or other securities and preferred stocks of corporations, not speculative in character, as the board of directors may by a three-fourths vote of the whole board determine. In the event of an increase of the capital stock of the corporation over and above the sum of

two hundred thousand dollars (\$200,000), the assets of the corporation, to the extent of fifty per centum (50%) of the amount of the entire capital stock thereof, shall be invested in bonds and securities of the same kinds and classes prescribed herein for the investment of the assets to the amount of the capital stock of the corporation at its organization.

Corporate powers
in directors.

SEC. 6. (a) That all corporate powers of the corporation, except as in this chapter otherwise provided, shall be vested in the board of directors, and be by them exercised directly or through such committees, officers and agents as the board may elect or appoint.

Number of
directors.

(b) The board of directors shall consist of not less than six nor more than twenty-seven stockholders, the number within the limits herein provided to be prescribed by the stockholders.

Directors
classified.
Terms of office.

(c) The directors of the corporation shall be divided into three classes, each of which shall consist of one-third of the board. At its organization one-third of the board shall be elected for one year, one-third for two years and one-third for three years; thereafter all directors shall be elected for three years.

President and
other officers.

(d) The directors shall, from the membership of the board, elect a president and such other officers as may be by the by-laws provided, and may from without the stockholders of the corporation appoint and at any time remove such other officers, agents and employees as they may deem proper for the promotion and conduct of the business of the corporation, and give them such powers and require of them such services as they may determine.

By-laws, rules and
regulations.

(e) The board of directors shall make all by-laws, rules, ordinances and regulations for the government of the corporation and the management and conduct of its business; subject only to the power of the stockholders as provided in section seven (7), subsection (c), of this chapter.

Stockholders not
personally liable.

SEC. 7. (a) No stockholder shall be personally liable or responsible for any contract, debt, tort or other obligation or liability of the corporation; and shares of the capital stock of the corporation shall, when paid for at the par value thereof, be non-assessable.

Election of
directors.

(b) The directors of the company shall be elected by the stockholders at the regular annual meeting of the stockholders.

Powers of stock-
holders as to
by-laws.

(c) The stockholders may, by a majority vote of all outstanding stock, at any regular annual stockholders' meeting, alter, amend or repeal any by-laws and regulations made by the board of directors, and themselves make and pass any new by-laws and regulations for the government of the corporation.

Stock votes.

(d) At all elections of directors each stockholder shall be entitled to as many votes as equal the number of his shares of stock, multiplied by the number of directors to be elected, and such stockholder may cast all such votes for a single director or distribute

them among any two or more of them, as he may see fit; but such right of cumulative voting shall be exercised by stockholders in person only, and not by proxy.

SEC. 8. That when the requirements of this act have been complied with, the Insurance Commissioner shall issue to the corporation a certificate authorizing and licensing it, the said Carolina Bonding and Guaranty Corporation, to execute all bonds, obligations and undertakings and fully to exercise all the powers and carry on and conduct the business provided for in section three (3) of this chapter.

SEC. 9. That the properly executed guaranty, bond or other similar undertaking of the corporation created by this act may be accepted by any and all officers and courts of the State in all cases and causes wherein a bond or similar undertaking or surety is now or may hereafter be required by law; and that the undertaking and guaranty of the corporation may be accepted as surety on all official bonds that now are or may hereafter be required by law.

SEC. 10. That all laws and clauses of laws, in so far as they conflict with this act, are hereby repealed.

SEC. 11. That this act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 2.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory in Chapel Hill Township, Orange County, lying within the following boundaries, to-wit, beginning at the southeast corner of the town of Chapel Hill, as the corporate limits of said town shall be on the first day of April, one thousand nine hundred and nine, and following said town line west to a white oak in said line near the residence of I. W. Pritchard; thence north to College Avenue, to the northwest corner of Louis Utley's lot; thence northeast to the southwest corner of Thomas F. Lloyd's property, on north side of College Avenue; thence north with said T. F. Lloyd's line to the northwest corner of said property; thence east with said T. F. Lloyd's line to the line of C. F. Smith; thence north with said C. F. Smith's line to the northwest corner of said line; thence with said line to Malett Street; thence across Malett Street to the northwest corner of W. B. Thompson's property, on Franklin Street, thence northwest to a point twenty

School district established. Name.	yards west of George Woods' front gate, on Rosemary Street; thence north one hundred yards; thence east, parallel with Rosemary Street, to west line of the town of Chapel Hill; thence south with said line to the beginning, shall be and is hereby constituted a public graded-school district, to be known and designated as Chapel Hill Graded-school District.
Particular tax to be levied.	<p>SEC. 2. That for the purposes of defraying the expenses of the public graded schools provided for in this act the board of aldermen of the town of Chapel Hill shall, annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and nine, levy a particular tax on all subjects of taxation within the limits of said graded-school district on which said board of aldermen may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be such percentage on all real and personal property and on all other subjects of taxation as the board of graded-school trustees herein provided for shall recommend; the rate in no case, however, to be less than twenty-five nor more than thirty-three and one-third cents on the one hundred dollars valuation of real and personal property and not less than seventy-five cents nor more than one dollar on each taxable poll.</p>
Rate as recommended by school trustees.	
Limits of rate.	
Collection of tax.	<p>SEC. 3. That the said special taxes shall be collected by the tax collector of the town of Chapel Hill at the time and in the manner that the municipal taxes are collected, and said tax collector shall pay the same over to the treasurer of said board of trustees, and the treasurer of said board of trustees shall pay out said taxes and all other funds which may come into his hands for the benefit and use of said graded schools only upon the warrant of said trustees, signed by the chairman and the secretary: <i>Provided</i>, that said tax collector and said treasurer shall enter into bond in such amounts as said board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the benefit and use of said graded schools, and that of the latter for the safe-keeping and proper disbursement of the same. And said tax collector and said treasurer shall be allowed such commission or compensation as the board of trustees may fix.</p>
Payments from fund.	
Proviso: bonds of treasurer and tax collector.	
Compensation.	
Trustees named.	<p>SEC. 4. That C. H. Herty, W. A. Temple, J. D. Webb, W. S. Roberson, R. A. Eubanks and N. W. Walker shall be and are hereby constituted a board of graded-school trustees for Chapel Hill Graded-school District; that the first two of said trustees shall hold office until the thirtieth day of June, one thousand nine hundred and fifteen; the second two, until the thirtieth day of June, one thousand nine hundred and thirteen; the last two until the thirtieth day of June, one thousand nine hundred and eleven; and their successors, elected as hereinafter provided, shall hold office</p>
Terms of office.	
Successors.	

for the term of six years each. The vacancies occurring by reason of the expiration of the term of office of the trustees, as aforesaid, shall be filled by a majority vote of the other members of the board of trustees holding over, acting in conjunction with the mayor and aldermen of the town of Chapel Hill; and for the purpose of filling such vacancies the said members of the board of trustees and the board of aldermen shall meet in joint session, at the call of the mayor, on the Monday immediately preceding the thirtieth day of June in each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in the board of trustees, occurring by reason of death, resignation or otherwise than by expiration of term of office, shall be filled for the unexpired term by the remaining members of the board. Said board of trustees, immediately after the provisions of this act shall have been submitted to the qualified voters of said graded-school district, as provided in section eleven of this act, and adopted, shall meet and proceed to organize by electing a chairman, a secretary and a treasurer and by adopting such by-laws as they may deem necessary and proper.

Proviso:
vacancies.

Meeting and
organization.

SEC. 5. That the said board of graded-school trustees and their successors shall be and they are hereby constituted a body corporate by the name and style of the Board of Graded-school Trustees of the Town of Chapel Hill, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; acquire, by gift, purchase or devise, real and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, which it may break and change at pleasure.

Trustees
incorporated.

Corporate name.
Corporate rights.

SEC. 6. That said board of graded-school trustees shall have exclusive control of all public schools in said school district, free from supervision and control of the county board of education and the County Superintendent of Orange County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; they shall have the power to establish and maintain such school or schools as they may deem necessary; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of said schools; shall cause to be taken, from time to time, in accordance with the general school law of the State, an accurate census of the school district, and shall exercise such other powers as shall be necessary for the successful control and operation of said graded schools.

Control of schools.

Further enumeration
of powers.

School census.

SEC. 7. That said board of graded-school trustees are hereby authorized in their discretion to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction, other than that included in the prescribed course, and to admit pupils residing without the limits of said district, upon such terms as the said board of trustees may deem just and reasonable.

Curriculum and
text-books.

Nonresident
pupils.

Owners of contiguous land to participate in taxes and benefits.

SEC. 8. That all persons owning and residing on land lying contiguous to said graded-school district may, for the purposes of this act, list and pay special school taxes, at the same rate as the board of trustees may decide upon for said school district, on the whole of such land, poll and personal property, and that all such persons listing and paying taxes on said land and personal property shall be entitled to the benefits of said schools without further cost: *Provided*, that such persons shall first make application to the graded-school trustees for permanent attachment to said graded-school district.

Proviso: application for permanent attachment.

Apportionment from general school funds.

SEC. 9. That all the public-school funds derived from the State and the county of Orange for the use and benefit of the public schools in said graded-school district shall be paid over to the treasurer of the board of trustees by the treasurer of said county, for the use and benefit of the public graded schools in the said graded-school district; and the property, both real and personal, of the school district embraced within the limits designated in section one of this act shall become the property of said graded-school district, and the title thereto shall be vested in the said board of trustees in trust therefor.

Property vested in trustees.

Reports.

SEC. 10. That it shall be the duty of the said board of graded-school trustees to make to the State Superintendent of Public Instruction, at the close of each school year, full statistical and financial reports of the graded schools of said districts, and duplicate copies of said report shall be furnished to the Superintendent of Schools of Orange County.

Date for election.

SEC. 11. That an election shall be held on the first Tuesday in May, one thousand nine hundred and nine, at the time and place and under the same regulations as for the election of Mayor and Board of Aldermen of Chapel Hill, at which election a box shall be provided, in which the qualified voters of said school district may vote on the provisions of this act. Those qualified voters approving the provisions of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools"; and if a majority of the qualified voters shall be "For Schools" it shall be deemed and held that a majority of the qualified voters of said school district are in favor of the provisions of this act, and the same shall immediately be in full force and effect. And for the proper conduct of said election the registrar and poll holders provided by the charter of Chapel Hill for its regular elections shall act as the registrar and poll holders for said election: *Provided*, that the results of said election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Chapel Hill: *Provided further*, that the board of graded-school trustees provided for in this act shall give thirty days' notice of said election by publishing in some newspaper published in Chapel Hill and by posting in two public

Box to be provided.

Ballots.

Registrar and poll holders.

Proviso: enrollment of result.

Proviso: notice of election.

places in said school district a notice of same, which shall contain a synopsis of section two of this act: *Provided, also*, that a new registration of the qualified voters of said graded-school district shall be required for the purposes of said special-tax election, said registration to be conducted in accordance with the requirements of the charter of the town of Chapel Hill. Proviso: new registration.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February. A. D. 1909.

CHAPTER 3.

AN ACT TO PROVIDE FOR SALE OF MARKET HOUSE IN THE CITY OF RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the city of Raleigh are hereby authorized, empowered and directed to sell the municipal building of said city now used as a market and known as Metropolitan Hall, together with the land upon which the same is located: *Provided*, they shall not sell the same for a less sum than sixty thousand dollars. Sale directed. Proviso: minimum price.

SEC. 2. Before said building and land is sold, the proposition for the sale of same shall be submitted to a vote of the duly qualified electors of said city at the next municipal election to be held in said city in May; that at said election those who are in favor of selling said building shall vote ballots with the words "For Sale of Market House," and those opposed to selling said building shall vote ballots with the words "Against Sale of Market House" written or printed thereon; that if at said election a majority of those voting shall cast their ballots "For Sale of Market House," then the board of aldermen of said city shall proceed at once to advertise the sale of said property for thirty days in at least two newspapers published in the city of Raleigh and in such other manner as they shall see fit, and shall sell the same at public auction to the highest bidder, for cash, at the courthouse door in Raleigh, North Carolina: *Provided*, that said property shall not be sold for a sum less than sixty thousand dollars. Proposition for sale submitted to electors at municipal election. Ballots. Advertisement of sale. Proviso: minimum price.

SEC. 3. That in case of a sale of said municipal building, the mayor of the city of Raleigh is hereby authorized and directed, upon the payment of the purchase price, to make, execute and deliver a deed to the said property to the purchaser of the same, and the city clerk is hereby authorized and directed to attest the same and to affix thereto the common seal of said city. Deed for property.

Payment of purchase.	SEC. 4. That the money derived from the sale of the market house shall be paid to the city treasurer and shall be kept by him. The bond of the said treasurer shall be increased in an amount equal to the sum coming into his hands from this source, the premium on said bond to be paid out of said fund. Said money shall not be paid out except as hereinafter provided.
Bond of treasurer.	
Board of market-house improvement.	SEC. 5. That T. B. Womack, John Cross, M. Rosenthal, the mayor and city attorney be and they are hereby appointed and incorporated as the "Board of Market-house Improvement of the City of Raleigh," and they shall hold their office until the completion of the market house hereinafter provided for. As soon as practicable after this act goes into operation, and before entering upon their duties, said board shall meet and elect one of their number chairman. The members of said board shall receive no salary for their services. It shall be the duty of said board to purchase a suitable location for the building of a city market, and to build thereon a convenient market, with modern improvements, and to properly equip the same, and when completed to turn the same over to the mayor and board of aldermen of the city; and they are appointed and incorporated for the purpose of having exclusive management of the building and equipping of said city market
Term of office.	house and purchasing a site for the same. They shall advertise for plans for said market house, and after selecting a suitable plan shall advertise for bids for the construction of the same, and shall let the contract for the construction of said building to the
Organization.	lowest responsible bidder, who, before entering upon the contract of erecting said building, shall enter into a bond in an amount to be determined by said board, with good and sufficient surety.
Board to serve without salary. Board to purchase location and build market.	SEC. 6. That said board shall elect one of their number secretary, whose duty it shall be to keep a full and accurate account of the proceedings had at the meetings of said board. In case any member of said board shall die or resign, the remaining members shall elect his successor, who shall fill the place left vacant by such death or resignation.
Incorporation.	SEC. 7. No money shall be paid out by the city treasurer, under this act, except upon warrants signed by the chairman of said board and countersigned by the secretary of said board.
Advertisement for and selection of plans. Contract.	SEC. 8. That possession of the building now used as a market and herein provided to be sold shall not be given until the market herein provided to be built shall be ready for use.
Contractor to give bond.	SEC. 9. That any moneys remaining from the sale of the present municipal building after the purchase of the location and building of the city market herein provided for shall be turned over by the mayor and board of aldermen to the building commission created by an act authorizing the sale of bonds for the erection of a municipal building for the city of Raleigh, to be used by them in
Secretary.	
Vacancies.	
Warrants for payment of money.	
Possession of present building.	
Surplus to use of municipal building.	

building such municipal building: *Provided*, that said money shall be used to reduce the amount of the bond issue authorized for the erection of said building. Proviso: reduction of bond issue.

SEC. 10. That this act shall not become operative unless a bond issue be authorized for the purpose of erecting a municipal building: *Provided*, that the municipal building now used as a market house and herein provided to be sold shall not be advertised or sold until work has actually been begun upon the new municipal building. Act not operative.
Proviso: work on municipal building to begin before sale of market.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 4.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF SPENCER MOUNTAIN MILLS, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twelve of the Private Laws of one thousand eight hundred and ninety-five, and all amendatory acts thereto, be and the same are hereby repealed. Repealing clause.

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

Ratified this the 19th day of January, A. D. 1909.

CHAPTER 5.

AN ACT TO AMEND CHAPTER 340 OF THE PUBLIC LAWS OF 1903, AND CHAPTER 263 OF THE PUBLIC LAWS OF 1907, RELATING TO SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: By striking out the words "said board." in line nineteen, between the words "by" and "for," and substituting therefor the following: "the qualified voters of the graded-school district as their present term may expire, on Tuesday after the first Monday in May, one thousand nine hundred and nine, and every two years thereafter." Election of school trustees.

Election officers. SEC. 2. That the election officers who hold the election for the town of Plymouth shall at the same time hold the election for trustees of the Plymouth Graded School, as provided by this act, and shall receive no extra compensation therefor.

Compensation. SEC. 3. That the Board of Trustees of the Plymouth Graded School shall, annually, on or before the first Monday of May in each year, publish at the courthouse door and in some newspaper published in Washington County a complete and itemized statement of all receipts and disbursements of all moneys received and expended in operating said school.

Trustees to publish accounts. SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 21st day of January, A. D. 1909.

CHAPTER 6.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LANDIS, ROWAN COUNTY (CHAPTER 245, PRIVATE LAWS 1901).

The General Assembly of North Carolina do enact:

Limitation of fines. SECTION 1. That chapter two hundred and forty-five, Private Laws one thousand nine hundred and one, be amended as follows: Strike out the word "three," in line two of section nine, and insert in lieu thereof "not exceeding twenty-five."

Proviso: land exempted from condemnation for streets. SEC. 2. Add to the end of section ten of chapter two hundred and forty-five, Laws one thousand nine hundred and one, aforesaid, the following: "*Provided, however,* that the part of Mill Street between Zion Street and Railroad Avenue and the portion of Railroad Avenue between Ryder Avenue and Ridge Avenue shall not at any time and under no conditions and circumstances be opened, dedicated, used or applied for the use of the public as public highways or public streets or roads, and no board of aldermen shall have authority to do so."

Town officers. SEC. 3. That said charter of the town of Landis and chapter two hundred and forty-five, Private Laws one thousand nine hundred and one, be further amended as follows, to-wit: The officers of said town shall consist of a mayor, mayor *pro tem.*, four aldermen, clerk, treasurer, tax collector and as many policemen or constables as may be needed, who shall hold their respective offices until their successors are elected and qualified. The mayor and four aldermen shall be elected biennially by the electors of said town, but the other officers of said town shall be appointed by the aldermen and hold office at their will.

Election and term of office.

SEC. 4. That an election shall be held in said town on Tuesday after the first Monday of May, one thousand nine hundred and nine, and biennially thereafter, for the election of a mayor and four aldermen, and under the same rules and regulations as now provided by law in sections two thousand nine hundred and forty-five to two thousand nine hundred and sixty-seven of the Revisal of one thousand nine hundred and five, except there shall be only one polling place in said town. No person shall be mayor or alderman or other officer of said town unless he shall be a *bona fide* resident thereof and a qualified voter.

SEC. 5. All taxes levied by the town shall be uniform, and the *ad valorem* tax shall not exceed for general purposes thirty-three and one-third cents on the hundred dollars' worth of property, and *per capita* tax shall not exceed one dollar: and each shall be levied, listed and paid as now provided by sections two thousand nine hundred and sixty-eight, two thousand nine hundred and sixty-nine, two thousand nine hundred and seventy, two thousand nine hundred and seventy-one, two thousand nine hundred and seventy-two and two thousand nine hundred and seventy-three of the Revisal of one thousand nine hundred and five. If any person fails to pay his tax, on demand, after September first of each year, then the tax collector of said town shall have full authority to levy and make sale of the real and personal property of such person, and to that end said tax collector shall have all the powers, rights and authority as now vested in sheriffs by virtue of sections two thousand eight hundred and seventy-nine, two thousand eight hundred and eighty, two thousand eight hundred and eighty-one, two thousand eight hundred and eighty-three, two thousand eight hundred and eighty-four, two thousand eight hundred and eighty-five, two thousand eight hundred and eighty-six, two thousand eight hundred and eighty-seven, two thousand eight hundred and eighty-eight, two thousand eight hundred and eighty-nine, two thousand eight hundred and ninety, two thousand eight hundred and ninety-one, two thousand eight hundred and ninety-two, two thousand eight hundred and ninety-three, two thousand eight hundred and ninety-four, two thousand eight hundred and ninety-five, two thousand eight hundred and ninety-six, two thousand eight hundred and ninety-seven, two thousand eight hundred and ninety-eight, two thousand eight hundred and ninety-nine, two thousand nine hundred, two thousand nine hundred and one, two thousand nine hundred and two, two thousand nine hundred and three, two thousand nine hundred and four, two thousand nine hundred and five, two thousand nine hundred and six, two thousand nine hundred and seven, two thousand nine hundred and eight, two thousand nine hundred and nine, two thousand nine hundred and ten, two thousand nine hundred and eleven, two thousand nine hundred and twelve, two thousand nine hundred and thir-

Town elections.

Polling place.

Qualifications for officers.

Town taxes.

Collection of taxes by distress.

Tax deeds for
real property.

teen and two thousand nine hundred and fourteen of the Revisal of one thousand nine hundred and five, and said sections are hereby made a part of the charter of said town as fully as if written herein, except where the word "sheriff" appears therein the words "tax collector" shall be inserted; and when sale of real estate shall be made by the tax collector, then the deed and other papers to vest title shall be executed by the tax collector, under the corporate seal of the town, attested by the mayor and clerk of the board of aldermen. That to all other intents and purposes, so far as can be applied to towns, the foregoing sections shall apply in full force.

Certificate for
collection of taxes
of nonresidents.

SEC. 6. If any person liable to pay poll or *ad valorem* tax shall leave, escape or not remain in the town of Landis when taxes become due, or if the tax collector cannot find sufficient property to pay such taxes within said town, then he may certify under his hand and seal an abstract of the taxes due by such person to the sheriff of the county or town where such person has gone or removed, and the same shall be a valid execution in such sheriff's hands to levy and seize any property of such person, as now provided by law for sheriffs in section two thousand eight hundred and seventy-one of the Revisal, and to that end said section, except as herein modified, is hereby made a part of the charter of said town. That all other parts of chapter seventy-two of the Revisal of one thousand nine hundred and five not inconsistent with this act are hereby made a part of the charter of the town of Landis.

Refusal or failure
to list taxes a
misdemeanor.
Punishment.

SEC. 7. If any person shall willfully refuse or fail to list his property for taxes or himself for poll, if liable for poll tax, he shall be guilty of a misdemeanor, and upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days.

Privilege and
franchise taxes.

SEC. 8. That in addition to the *ad valorem* and poll taxes above set forth, the board of aldermen of said town shall have full right and authority to levy such privilege and franchise taxes as they may think proper on such things as are now taxable by law and as are taxed by the State or county of Rowan, which shall include the subjects of taxation set out in Schedule B, page three hundred, Public Laws of one thousand nine hundred and seven, and all articles therein referred to. In addition to the foregoing, said aldermen may levy a tax of one dollar on all dogs and two dollars on bitches.

Process of mayor.

SEC. 9. The warrants and processes of said town issued by its mayor may be served in any county by its policemen or sheriffs or other officers of the county where the crime was committed or the county where the offender has gone or fled, and such officer may pursue said offender until apprehended, and when arrested bring him back for trial before the mayor of said town.

SEC. 10. The mayor of said town shall have the same criminal jurisdiction that justices of the peace now have of all crimes and violation of town ordinances committed within the limits of said town, and may punish by fine not exceeding fifty dollars or imprisonment not exceeding thirty days, and may sentence such violators to work on the streets of said town or the public roads of the county, and the mayor's commitment to the officer of said town or sheriff of the county shall be sufficient for such officer to turn him over to the proper authorities for such public work, as aforesaid.

Criminal jurisdiction of mayor.

SEC. 11. The board of aldermen of said town may adopt and enact such rules, ordinances and regulations for the government of the town and for preserving the peace and abating nuisances as to them may seem just and reasonable, and impose a fine or imprisonment for their violation, as now provided by law (section three thousand seven hundred and two of the Revisal of one thousand nine hundred and five).

Rules and ordinances.

SEC. 12. That if any person shall commit any of the following offenses within the corporate limits of said town he shall be guilty of a misdemeanor and punished by fine or imprisonment, as above set forth, to wit: Assault; assault and battery; indecent exposure of person; cursing, swearing or using profane language, so as to be heard by passers-by or in or near any public place or street; public drunkenness; vagrancy; hallooing; disorderly conduct in any public place or street; disturbing any public meeting or gathering; obstructing an officer in the discharge of his duties; blocking public streets or thoroughfares; permitting dogs to run at large without first paying a license tax; permitting live stock to run at large within the limits of said town; shooting gun or pistol or other explosive within the corporate limits of said town; permitting hogpens or privies to become offensive; throwing trash or *débris* into the streets of said town; jumping on or swinging onto trains while in motion; delivering intoxicating liquors to another within said town; acting as agent for another or firm or corporation for the purpose of selling or taking orders or delivering intoxicating liquors within said town; driving through said town with horse, automobile or bicycle at a greater speed than ten miles an hour; practicing any trade or vocation or making any exhibit or giving any show or performing any act upon which the town shall place a license tax, without first paying the tax required for the same; exhibiting a stud or jack to any mare or jennet within the limits of said town; permitting trains or cars to blockade public crossings for more than ten minutes at one time; injure, deface or mutilate the property of another, or any public building, shade tree or any town property; failing or refusing to obey any rules or regulations made by the board of health

Offenses constituting misdemeanors.

or aldermen of the town, and especially during any epidemic of fever, smallpox or other contagious disease; officer failing to perform his duties for the town or being in a state of intoxication while on duty; renting houses to prostitutes within the limits of said town; permitting any dead carcass to remain upon his premises within said town after having been notified to bury or remove the same; selling pistols, knucks or other deadly weapons to minors; selling cigarettes to persons under sixteen years old; keeping or maintaining disorderly or bawdy houses within said town.

Power to borrow money for school building.

SEC. 13. The board of aldermen of said town shall have the right to borrow a sum not exceeding twenty-five hundred dollars for the purpose of aiding in or erecting a suitable school building for said town, and may pledge the faith and credit of said town to that extent, and may secure the same by note, mortgage or bonds, any of which shall be executed in the name of the town and signed by the mayor, under its corporate seal and attested by the clerk of the board; and said aldermen, for the payment of the same, may levy and collect a special tax of twenty-five cents on each hundred dollars' worth of property and seventy-five cents on each poll, and this special tax shall be in addition to the regular and general taxes above set forth.

Special tax.

Power to borrow money for general purposes.

SEC. 14. Said board of aldermen may in any year borrow a sum not exceeding one thousand dollars to pay the general and current expenses of the town or for the purpose of improving the streets and sidewalks of said town, and under the same rules and regulations as set forth in the preceding section, and may levy and collect a special tax to pay the same, as set out in section thirteen of this act.

Special tax.

Power to issue bonds.

SEC. 15. That subject to the following rules and regulations and a submission to the qualified voters of the town of Landis, the board of aldermen of said town shall have the right and authority in any year to issue bonds to the amount of fifty thousand dollars, or less, for the purpose of putting in lights or waterworks or sewerage or macadamizing the roads and streets of said town; and if said board of aldermen should at any time desire to do so, they may submit the question and purpose of the issue to the qualified voters of the town for their approval or disapproval; and if said bond issue carries by a majority of the qualified votes of said town, as hereinafter set forth, then said aldermen of said town shall be authorized and empowered to issue said bonds or so much thereof as may be necessary for the purpose voted on by the voters of the town, the payment of which shall not be less than twenty years nor more than forty years from the date of their issue, and at a rate of interest of not more than five per cent per annum.

SEC. 16. That said bonds, if issued, shall not be sold or disposed of for less than par value, and all bonds, as issued or when issued, shall be signed by the mayor, attested by the town treasurer and sealed with the corporate seal of the town, and their coupons shall be interest-bearing and attached thereto, which said bonds and coupons shall be exempt from town taxation until after they mature. The coupons shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the board of aldermen of said town, and they are hereby empowered to do so, to levy and collect each year a sufficient special tax of not exceeding fifty cents on each hundred dollars' worth of property and not exceeding one dollar and fifty cents on each taxable poll, which said taxes shall be collected as other taxes for said town, and under the same rules and regulations as set out in this act for the collection of general taxes. That all taxes collected under this bond issue shall be kept separate and apart from the general taxes of said town and shall be used for no other purpose than the payment of the bonds and coupons as they fall due, and as coupons or bonds are taken up and paid by the town they shall be marked "Satisfied and canceled" by the aldermen of said town. That before any bonds shall be issued or tax levied to pay the same, the board of aldermen shall call an election by giving thirty days' notice, in some newspaper in Rowan County and four public places in said town, of the purpose and object of the election, and shall prepare one or more voting places for the election, and all persons desiring to have bonds shall vote on a printed or written ticket the words "For Bonds," and all persons against bond issue shall vote a written or printed ticket "Against Bonds." The board of aldermen, under this act, may call an election whenever they desire, by giving the aforesaid notice, and if the election for bonds fails to carry may order another election and as often as they desire.

Bonds not to be sold below par. Authentication.

Exempt from town taxes.

Coupons receivable for town taxes. Special tax for interest and bonds.

Specific appropriation of taxes.

Notice of election.

Ballots.

Successive elections.

SEC. 17. That if bonds should carry, then the board of aldermen shall, as early as practicable, for the purposes the election was ordered, issue said bonds and dispose of them, and begin the work for which they were voted. The board of aldermen of said town shall have full control and supervision of any and all plants or works for which said bonds shall be issued.

Issue of bonds.

Control of aldermen over public works.

SEC. 18. That all parts of chapter seventy-three not inconsistent with this act and which have not already been made a part shall be considered as a part of this act.

Former charter applicable.

SEC. 19. This act shall be in force from and after its ratification.

Ratified this the 21st day of January, A. D. 1909.

CHAPTER 7.

AN ACT TO INCORPORATE THE BOARD OF PUBLICATION
OF THE WESTERN NORTH CAROLINA CONFERENCE,
METHODIST EPISCOPAL CHURCH, SOUTH.*The General Assembly of North Carolina do enact:*

Corporators. SECTION 1. That D. B. Coltrane, J. R. Scroggs, N. L. Eure, W. G. Bradshaw and J. L. Nelson, their associates and successors, be and they are hereby declared and constituted a body politic and corporate, under the name and style of the Board of Publication of the Western North Carolina Conference, and as such shall have succession for a period of sixty years, and a common seal, which they may alter at pleasure, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of the State, and shall have all the privileges and rights hereby specifically granted, and also those conferred upon corporations by the laws of North Carolina.

Corporate name.

Period.

Corporate powers.

Business authorized. SEC. 2. That the said corporation shall have power and authority to carry on in all its branches the general publishing and printing business, and especially it shall have charge of the publication of the *North Carolina Christian Advocate*, the official organ of the Western North Carolina Conference, and all business pertaining thereto. It shall also have control of the publishing interest of the Western North Carolina Conference. It may publish one or more newspapers and periodicals, by any name desired, and may publish, handle, purchase and sell all kinds of books, tracts, treatises and pamphlets. It shall have the right to acquire, hold and own such real property as may be necessary for the proper and convenient transaction of its business.

Right to hold real estate.

Power of purchase and sale. SEC. 3. That the present corporation, known as the Christian Advocate Publishing Company, chartered under the general law of North Carolina and doing business in Greensboro, North Carolina, shall have power and authority to sell, convey and transfer to the corporation formed under this act all of its assets, franchise and property of every kind, and to merge itself therein; and the corporation organized under this act shall have power and authority to purchase, receive, take into possession and hold all the assets, franchises and property of every kind belonging to said existing corporation.

Incorporators to carry on business. SEC. 4. That the incorporators are authorized and empowered to conduct, transact, manage and carry on the business of the corporation; that they shall be elected as follows: W. G. Bradshaw, for a term of one year; J. L. Nelson, for a term of two years; N. L. Eure, for a term of three years; J. R. Scroggs, for a term of four years, and D. B. Coltrane, for a term of five years.

Term of incorporators.

Election and term of successors. At the expiration of the term of each, the board shall nominate a

successor for a term of five years, who shall be elected by the Western North Carolina Conference: *Provided*, that in case of a vacancy for other causes than that of the expiration of a term, said vacancy shall be filled for the remainder of the term as hereinbefore provided: and *Provided further*, that the said corporation shall be under the jurisdiction, control and direction of the said Western North Carolina Conference.

Proviso:
vacancies.

Proviso: control
of corporation.

SEC. 5. The incorporators shall submit a report annually to the Western North Carolina Conference, giving it full and accurate account of the business of the corporation. They shall also nominate an editor annually, subject to election by a vote of the said Western North Carolina Conference.

Incorporators to
report annually.

Nomination and
election of editor.

SEC. 6. The incorporators shall hold and use all of the resources of the corporation formed under this act, upon the following uses and trusts and no other, to wit: The wise and efficient promotion of the publishing interest and business of the Western North Carolina Conference: *Provided*, that all the profits which may accrue, over and above what is necessary to meet the expenses of such efficient management, shall be turned over, from time to time, as the incorporators may deem wise, to the treasurer of the Board of Trustees of the Western North Carolina Conference, to become a part of the conference trust fund, for the benefit of the claimants upon said fund.

Uses and trust to
which incorpora-
tors hold
property.

Proviso:
distribution.

SEC. 7. That the property of said corporation used for its purposes shall not be subject to taxation.

Exemption from
tax.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 8.

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINSTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and thirty-eight of the Private Laws of North Carolina of one thousand nine hundred and five be amended by striking out all of said section from and after the word "follows," in line six of said section, and by inserting in lieu thereof the following: "Beginning at a point on the southern edge of the Tower Hill Road five hundred feet north 73° east of the intersection of the northeast corner of Orion Street with the southern edge of Tower Hill Road; thence north 23° 45' west three thousand three hundred feet to a cypress tree on the northwest side of the roadbed of the Atlantic Coast Line Railroad,

Corporate
boundaries.

said cypress being twenty-four feet four inches from a point in the center of the roadbed eight feet southerly of the southernmost edge of the southernmost cross-tie in the trestle across Adkin Branch; thence in a southwesterly direction to the northwest corner of the silk mill property; thence in a westerly direction with the old road to the west side of the Kinston and Snow Hill county road; thence with said road to the southeast corner of the Rountree property; thence with the Rountree property line north 84° west seven hundred and sixty-five feet to a stake in the said Rountree property line; thence south 5° west one thousand six hundred and thirteen feet to a stake in the eastern edge of Pollock Street ten feet south of its intersection with the southern edge of the Goldsboro public road; thence north 79° west eight hundred and thirty-three feet ten inches to a point one hundred and fifty-four feet six inches west of the western edge of the second street west of Pollock Street; thence south $3^{\circ} 45'$ west one thousand and seventy-eight feet to a point in the northern edge of Atlantic Avenue fifty-five feet six and three-fourths inches northerly of the outside edge of the northernmost rail of the Norfolk and Southern Railroad; thence north $80\frac{1}{2}^{\circ}$ west nine hundred and ninety-one feet to a point opposite the northwestern corner of the water and light plant property owned by the city of Kinston; thence south $11^{\circ} 122'$ west to and beyond said corner with the city property's western line seven hundred and thirty-one feet to a large pine in said line; thence with the same line and same course to Neuse River; thence down with the various meanders of said Neuse River to a point on said river that bears south $87^{\circ} 30'$ west from a stake in the westernmost fence line of the lumber company's plant lot fifty-one feet north of the fence corner; thence north $87^{\circ} 30'$ east to the above-mentioned stake in the fence line; thence north $87^{\circ} 30'$ east eight hundred and twenty-five feet to an elm near the old Stubbs house on the east side of Heritage Street; thence south $12\frac{1}{2}^{\circ}$ west three hundred and twenty-four feet to a stake at the intersection of Heritage and Spring Hill streets; thence south 76° east seven hundred and eighty-nine and one-half feet to a stake; thence south $77\frac{1}{2}^{\circ}$ east four thousand one hundred and sixty feet to a stake at a telegraph pole on the western side of the Norfolk and Southern Railroad bed; thence north $77^{\circ} 45'$ east seven hundred eighty-six and one-half feet to a marked persimmon tree; thence north $1^{\circ} 45'$ east two thousand one hundred and thirty-six feet to a marked poplar tree on the edge of the swamp of Adkin Branch; thence with the various courses of the edge of said swamp to a stake (said stake is located as follows: north 80° west one hundred and eighty-five feet, north $65^{\circ} 45'$ west four hundred and sixty-four feet, north $52^{\circ} 45'$ west one hundred and thirty feet to the above-mentioned stake); thence north 17° west four hundred and ninety-five feet to a stake; thence north $11\frac{1}{2}^{\circ}$ west three hundred and eighty feet to a stake (at the corner of the pasture);

thence north 50° 45' east one thousand two hundred and six feet to a sycamore sapling on a ditch; thence north 8° 45' east seven hundred and five feet eight inches to a stake at the footway across the Adkin Branch on the southern edge of Tower Hill Road; thence with the southern edge of Tower Hill Road south 83° 30' west five hundred and eleven feet; thence south 74° west three hundred and forty-four feet to the beginning point.

SEC. 2. That section three, chapter one hundred and eighty of the Private Laws of one thousand eight hundred and ninety-nine, and section two, chapter one hundred and eighty of Private Laws of one thousand nine hundred and one of North Carolina, be and the same are hereby repealed, and that the following be substituted therefor:

"That the said city of Kinston shall be divided into three wards Wards. denominated First. Second and Third wards.

"*First Ward.*—That all the territory in the city of Kinston west First ward. of Queen Street shall be and constitute the First Ward.

"*Second Ward.*—That all of the territory in the city of Kinston Second ward. north of Gordon Street and east of Queen Street shall be and constitute the Second Ward.

"*Third Ward.*—That all of the territory in the city of Kinston Third ward. south of Gordon Street and east of Queen Street shall be and constitute the Third Ward."

SEC. 3. That all male residents of the city of Kinston twenty- Voters taken in one years of age who have been taken in said city by virtue of the by extension of extension of the city limits, as herein set out, shall have a right to corporate limits. vote in the next city election, if otherwise qualified, as if they had resided in the city of Kinston for such time as would entitle them to vote under the law.

SEC. 4. That section six, chapter one hundred and eighty of the Private Laws of one thousand nine hundred and one of North Carolina, be amended by striking out the figures "11," in the second line of said section, and inserting in lieu thereof "11," and by striking out the figures "37," in the second line of said section, and inserting in lieu thereof the figures "57." Figures corrected.

SEC. 5. That section eight of chapter one hundred and eighty of the Private Laws of one thousand nine hundred and one of North Carolina be and is hereby repealed, and that the following be inserted in lieu thereof: "That in order to pay the interest on the bonds of the city of Kinston now outstanding, and interest on any and all bonds of said city that may be hereafter lawfully issued, the board of aldermen is hereby authorized and it shall be its duty, annually, to compute and levy at the time of levying other taxes of said city a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation which shall be returned and listed for general taxation in said city, not exceeding forty cents on the hundred dollars valuation Limit. of property and fifty cents on each poll, with which to regularly Special tax for interest on bonds.

Collection of tax. and promptly pay the interest on said bonds. Said taxes shall be collected in the same manner and at the same time the other taxes of said city are collected, and shall be paid over by the city tax collector to the treasurer of the city of Kinston."

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of January, A. D. 1909.

CHAPTER 9.

AN ACT TO PERMIT THE BEAUFORT LAND AND IMPROVEMENT COMPANY AND OTHERS TO EXTEND TURNER STREET, TO BUILD A ROAD OR BRIDGE ACROSS TOWN CREEK, CARTERET COUNTY, NORTH CAROLINA, BEGINNING AT THE FOOT OF TURNER STREET, ON SAID TOWN CREEK, IN THE TOWN OF BEAUFORT, AND EXTENDING ACROSS SAID TOWN CREEK.

The General Assembly of North Carolina do enact:

Construction and
maintenance of
bridge authorized.

SECTION 1. That the Beaufort Land and Improvement Company, its successors and assigns, or the commissioners of the town of Beaufort, North Carolina, be and they are hereby permitted to construct and maintain a bridge, road or causeway across Town Creek, in Carteret County, near Beaufort, North Carolina, beginning at the foot of Turner Street, Beaufort, North Carolina, on the edge of Town Creek, and extending across said Town Creek to a point opposite the foot of Turner Street of said town.

Location.

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

Ratified this the 26th day of January, A. D. 1909.

CHAPTER 10.

AN ACT TO AUTHORIZE THE TOWN OF MOORESVILLE, NORTH CAROLINA, TO ISSUE BONDS WITHOUT RESUBMITTING THE QUESTION TO A VOTE OF THE QUALIFIED VOTERS OF SAID TOWN, TO IMPROVE STREETS AND INSTALL WATERWORKS.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. That whereas an election was held in the town of Mooresville, North Carolina, on September the tenth, one thousand nine hundred and eight, upon the question of whether the said town shall issue ten thousand dollars of bonds for street improve-

ments and fifteen thousand dollars of bonds for a waterworks system; and whereas at said election there were three hundred and sixty-one legally registered voters, and one hundred and ninety-six voters voted "For Bonds" and twenty-eight voters voted "Against Bonds," making a clear majority of thirty-one votes for bonds out of the total registered list of voters; and whereas, when the said bonds were offered for sale, the question was raised by the attorney for the purchaser of the said bonds that the issue was illegal because there was not a separate vote on each of the propositions; and whereas it is very desirable to dispose of the bonds, for the purposes above set out, at as early a moment as possible, the mayor and the board of commissioners of the town of Mooresville are hereby authorized and empowered, for the purpose of raising ten thousand dollars for street improvements and fifteen thousand dollars to put in and establish a waterworks system, to issue coupon bonds without submitting the question to a vote of the qualified voters of the said town, said bonds to be known as construction bonds, and shall be issued for an amount not exceeding twenty-five thousand dollars, to be issued as speedily as possible, to be used for the purposes above set out, and no other, by the said mayor and board of commissioners. Said bonds are to be in denominations of not less than one hundred dollars, bearing interest, from date of their issue, at a rate not exceeding five per centum per annum, said interest to be payable semiannually, and the said bonds shall not be sold for less than par. The principal of said bonds shall be payable at the expiration of thirty years from the date thereof. Said bonds and coupons shall be numbered and shall be signed by the clerk and treasurer of said town and countersigned by the mayor of the said town, and the official seal of the said town shall be attached to each bond.

Preamble.
Preamble.
Preamble.
Bond issue authorized.
Amount.
Denomination.
Interest.
Maturity.
Authentication.

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

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

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 11.

AN ACT FOR THE RELIEF OF THE BOARD OF GRADED-SCHOOL TRUSTEES OF LUMBERTON.

Whereas heretofore parts of certain public-school districts within the county of Robeson which included the town of Lumberton were consolidated into one district, which was thereafter known as White Public-school District Number One, for Lumber-

Preamble.

Preamble. ton Township; and whereas, thereafter, by taxation, a fund was raised and used in the purchase of a lot in the town of Lumberton, on Walnut Street, lying between Thirteenth and Fourteenth streets, in the town of Lumberton, and containing about one acre;

Preamble. and whereas thereafter certain money was borrowed from the State of North Carolina and used in the erection of a building upon said lot; and whereas by act of the General Assembly of North Carolina, at the session of one thousand nine hundred and seven, the town of Lumberton was made a graded-school district and was authorized by law to receive all public moneys raised from property in said district; and whereas said district has issued bonds and has erected a large and commodious graded-school building in said town of Lumberton, and has also voted a special tax for the maintenance of said graded school; and whereas on this account the property belonging to the old public-school district, above referred to, has ceased to be used for school purposes, and there now exists no longer any reason for using said property for school purposes; and whereas it is advisable that said property should be sold and disposed of, in order that the fund derived therefrom may be used for educational purposes; and whereas it is just and proper that, inasmuch as the territory now embraced within said graded-school district originally furnished by far the larger part of the fund from which said property was purchased, said territory should receive the benefit of the money to be raised upon a sale of said property; and whereas the indebtedness to the State of North Carolina upon said property has never been fully paid and the sum of four hundred and forty-eight dollars is now due thereon; and whereas the authorities of the said graded-school district have indicated their willingness to assume the payment of this debt to the State, and have further offered to pay over for the benefit of that portion of the old public-school district which lies on the west side of Lumber River the sum of two hundred dollars, this being its proportionate part and share in the said property, said money to be paid to the State and to said district upon the execution and delivery to said graded-school trustees of a deed conveying to them the said property in fee simple; and whereas this proposition having been submitted to the County Board of Education of Robeson County, the said board approved the same, and is willing to execute said deed upon receiving the necessary authority from the General Assembly of North Carolina: therefore,

Preamble.

The General Assembly of North Carolina do enact:

Conveyance to
graded school
authorized on
conditions.

SECTION 1. That upon the assumption by the board of graded-school trustees of the town of Lumberton of the indebtedness to the State of North Carolina of four hundred and forty-eight dollars upon the property hereinafter described, and upon the payment by said board to the County Board of Education of Robeson

County of the sum of two hundred dollars, that the said county board of education of the county of Robeson be and it is hereby authorized, directed and instructed to execute and deliver to the said board of graded-school trustees of said town of Lumberton a good and sufficient deed conveying to said trustees and to their successors in office, in fee, all that certain lot or parcel of land lying in the town of Lumberton, upon Walnut Street, in said town, between Thirteenth and Fourteenth streets, in said town, and containing one acre, it being the same land whereon it located a public-school building heretofore used and occupied for school purposes by said white district.

Description of property.

SEC. 2. That upon the payment by said Board of Graded-school Trustees of Lumberton of said sum of two hundred dollars the said County Board of Education of Robeson County shall turn same over to the treasurer of said county, to be by him credited to White Public-school District Number Three, for Lumberton Township, the said sum of money to be used by said district for school purposes.

Money credited to school district.

SEC. 3. That any cost attendant upon the transfer of the said property and execution and registration of said deed shall be borne by the said Board of Graded-school Trustees of Lumberton.

Cost of transfer.

SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 28th day of January, A. D. 1909.

CHAPTER 12.

AN ACT TO AUTHORIZE THE TOWN OF MARSHALL TO ISSUE BONDS FOR THE IMPROVEMENT OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the town of Marshall be and they are hereby authorized and empowered to issue coupon bonds, in the sum of twenty thousand dollars and in denominations of not less than one hundred dollars nor more than one thousand dollars, at the option of the purchaser, and bearing interest from date at the rate of not exceeding six per centum per annum, payable semiannually until said bonds are paid, said bonds to be known and designated as the Marshall improvement bonds.

Bond issue authorized.

Amount.

Denomination.

Interest.

SEC. 2. Said bonds shall be payable to bearer, bear the date of their issue and become due and payable at a time to be fixed by said board of aldermen and named therein, not exceeding thirty years from that date, principal and interest to be payable at the

Place of payment.

treasurer's office in said town or at such other place as may be agreed upon between the board of aldermen of said town and the purchaser or purchasers of said bonds.

Bonds and coupons to be numbered.

SEC. 3. That said bonds shall be numbered from one consecutively, and the coupons attached thereto shall bear the number of the bond to which they are attached, and the purchaser or purchasers of said bonds, or any of them, shall not be required to see to the application of the purchase money thereof.

Authentication.

SEC. 4. That said bonds shall be signed by the mayor and attested by the secretary of said town and sealed with the corporate seal thereof.

Special tax for interest.

SEC. 5. For the purpose of paying the interest coupons on said bonds as they shall become due, it shall be the duty of the board of aldermen of said town and they are hereby authorized, empowered and directed to levy and collect each year a sufficient special tax upon all subjects of taxation which now or hereafter may be embraced in the subjects of taxation under the charter of said town, in the manner and at the same time other taxes are levied and collected under said charter, for the purpose of paying the interest coupons as they shall become due: *Provided*, that the rate of taxation for the purposes aforesaid shall never exceed fifty cents on the one hundred dollars' worth of taxable property and one dollar and fifty cents on each taxable poll: *Provided further*, that the taxes so levied and collected shall be used for the purposes above stated, and none other; and it shall be the duty of the treasurer of said town to keep a separate account of the same, and to pay off out of said fund said interest coupons as they shall become due, and to take up and cancel the same, and to report semiannually to said board of aldermen the number and amount of coupons so taken up and canceled by him.

Proviso: tax rate.

Proviso: specific appropriations.

Separate accounts.

Semi-annual reports.

Sinking fund.

SEC. 6. That for the purpose of creating a sinking fund to pay said bonds at maturity the board of aldermen of said town are hereby authorized, empowered and directed to levy, annually, beginning two years before, at the same time other taxes are levied, a tax of not exceeding one dollar on each one hundred dollars' worth of taxable property and not exceeding three dollars on each taxable poll in said town, said tax to be collected as other taxes are collected in said town, and shall be paid over to the town treasurer when collected, and shall be held and kept by him separate and apart from all other funds, and applied by him to the payment of said bonds at maturity, and to no other purpose: *Provided*, that said treasurer may, if said bonds can be purchased at a reasonable price in the open market, expend the amount realized from said tax each year in purchasing said bonds: *Provided further*, that in the event said treasurer cannot purchase said bonds, as aforesaid, then he shall deposit said sinking fund in some bank or banks, to be designated by said board of aldermen, on interest.

Tax rate.

Specific appropriation.

Proviso: purchase of bonds.

Proviso: deposits of sinking fund.

SEC. 7. That any and all sums of money received by said town from the sale or rental of water shall be paid to the treasurer of said town, who shall keep a separate account of the same, and at the end of each and every year shall transfer to the fund above provided for the payment of the principal and interest of said bonds all of said moneys so received in excess of the expenses of running said water system and keeping the same in repair; and said moneys, when so transferred, shall become a part of said fund and shall be used and expended in no other manner than in that provided for the disposition of the fund derived from the taxes levied and collected in the preceding section.

Water rents
devoted to pay-
ment of bonds
and interest.

SEC. 8. That said board of aldermen shall not issue the said bonds or levy and collect the said taxes until they shall have been authorized and empowered so to do by a majority of the qualified votes cast by the voters of said town, at an election called and held as hereinafter provided, to pass upon the question of issuing said bonds and levying said tax.

Bond issue
subject to ap-
proval of voters.

SEC. 9. The board of aldermen of said town shall, upon the petition of the board of internal improvements of said town, signed by at least ten of the qualified voters thereof, order a special election in said town upon the question of issuing said bonds and levying said tax; and at said election those favoring the issuing of said bonds and levying and collection of said tax for the payment of said bonds and the interest thereon shall cast a ballot upon which shall be written or printed "For Improvements," and those opposing shall cast a ballot upon which shall be written or printed "Against Improvements."

Call for election.

Ballots.

SEC. 10. That due notice of the time and place of holding said election and of the purpose of the same shall be given by said board of aldermen, by publication thereof once each week for four weeks immediately preceding said election in some newspaper published in said town and by a notice thereof posted at the courthouse door of Madison County, in said town, for twenty days preceding said election.

Notice of election.

SEC. 11. That for the purpose of holding said election said board of aldermen shall appoint one registrar and two judges at the time said election is ordered, and that said registrar shall immediately give notice, by posting a notice at the courthouse door in said town, where he may be found, and shall for twenty days next preceding said election (Sundays excepted) and until sundown of the day next preceding said election keep open the books for the registration of the voters for said election. For the purpose of this election the said board of aldermen shall order and there shall be a new registration of voters of said town, and the voters to register and vote in this election shall be qualified in like manner as are voters to register and vote in elections held in said town for mayor and other municipal officers.

Officers of
election.

Notice of
registration.

Registration
books.

New registration.

Law governing election.

SEC. 12. As to the manner and time of opening and closing the polls and the challenging of voters, said election shall be held in all respects as is provided by law for elections in said town for mayor and aldermen thereof.

Tabulation and return of votes.

SEC. 13. That said registrar and judges shall tabulate and count the votes cast in said election, and shall make and sign their return to the mayor and board of aldermen of said town, showing when and where said election was held, the number of voters registered for said election, the number of votes cast "For Improvements" and the number of votes cast "Against Improvements" and the result of said election, which return shall be filed with the secretary of the board of aldermen of said town within twenty-four hours of the closing of the polls at said election; and the mayor and board of aldermen of said town shall meet in special session at the mayor's office in said town at ten o'clock A. M. on the second day after the said election, and said secretary shall lay said return before them, and they shall examine the same, declare the result and cause the same to be recorded in their minutes.

Returns to be filed.

Canvass of returns and declaration of result.

Effect of election.

SEC. 14. If a majority of the qualified voters of said town (and only those voters who shall register for this election shall be deemed qualified voters of said town) shall have voted "For Improvements," then the board of aldermen of said town shall, upon the request, in writing, of the board of internal improvements of said town, cause said bonds to be executed and issued in the amount and manner hereinbefore set forth, and shall deliver the same to the board of internal improvements of said town; and said board of internal improvements shall sell the same and apply the proceeds thereof to the following purposes and none other: First, they shall complete the present system of waterworks in said town, at a cost not to exceed five thousand dollars; second, they shall install in said town a system of sewerage, at a cost not to exceed five thousand dollars; third, all the residue of the amount realized from the sale of the said bonds they shall expend in grading, paving and improving the present streets and sidewalks of said town, and in laying out, making and improving such other streets therein as they may deem necessary and to the best interests of said town.

Issue and sale of bonds.

Appropriation of proceeds, Waterworks, Sewerage.

Street improvements.

Successive elections.

SEC. 15. If, however, at said election, a majority of the qualified votes in said town shall not be cast "For Improvements," then the said board of aldermen shall, upon petition as hereinbefore provided, call a new election from time to time until a majority of the qualified votes in said town shall be cast "For Improvements"; said election or elections to be called and conducted in all respects as hereinbefore provided: *Provided*, that a new election shall not be called within a period of six months from any previous election.

Proviso: no new election within six months.

Former elections declared illegal and void.

SEC. 16. That no bonds having been issued by said town under the provisions of sections thirty-three, thirty-four, thirty-five and

thirty-six of chapter one hundred and sixty-five, Private Laws of one thousand nine hundred and five, or under the provisions of section one, chapter four hundred and eighty-five, Private Laws of one thousand nine hundred and seven, any and all elections held or attempted to be held in said town under the provisions of said sections, or either of them, are declared to be illegal, without authority of law, and void.

SEC. 17. That sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven and thirty-nine of chapter one hundred and sixty-five, Private Laws of one thousand nine hundred and five, and section one of chapter four hundred and eighty-five, Private Laws of one thousand nine hundred and seven, be and the same are hereby repealed. Former bond laws repealed.

SEC. 18. That this act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 13.

AN ACT TO INCORPORATE THE TRUSTEES OF THE ATLANTIC MISSION CONFERENCE OF THE METHODIST EPISCOPAL CHURCH.

The General Assembly of North Carolina do enact:

SECTION 1. That D. D. Bailey, W. H. Luther, W. Q. A. Graham, T. S. Davis, L. N. Booth and their associates and successors shall be a body politic and corporate, under the name and style of the "Trustees of the Relief Fund," and under such name and style shall have existence for a period of sixty years, and shall be the custodians and dispensers of such funds as shall be placed in their hands by and for the benefit of the Atlantic Mission Conference of the Methodist Episcopal Church. They shall have power to sue and be sued, plead and be impleaded, shall have a corporate seal and have all other rights and privileges incident to corporations, as conferred by the laws of North Carolina. Corporate name. Term. Corporate powers.

SEC. 2. That the number of members of the corporation shall be five, and shall be elected by the Atlantic Mission Conference of the Methodist Episcopal Church or its successor in the territory now occupied by said conference. They shall be members of said conference and their terms of membership may be fixed by the conference electing them. Election of members of corporation. Qualifications for and term of membership.

SEC. 3. That immediately upon the passage of this act said corporation may organize by electing such officers as they may deem necessary, prescribe their duties, establish such rules and for the regulation of said corporation as may be needed, not in- Organization. Rules and by-laws.

consistent with the Constitutions of the United States and the State of North Carolina, having for their object the promotion of the cause of religion.

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

Ratified this the 29th day of January, A. D. 1909.

CHAPTER 14.

AN ACT TO MAKE ADDITIONAL COMMISSIONERS FOR THE TOWN OR VILLAGE OF SNOW HILL, IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

New commis-
sioners named.

SECTION 1. That C. F. Moore and L. V. Morrill be and they are hereby appointed commissioners for the town or village of Snow Hill, in Greene County.

Beginning of
term.

SEC. 2. That the term of office of C. F. Moore and L. V. Morrill as commissioners of the said town or village of Snow Hill shall begin whenever the said C. F. Moore and L. V. Morrill, each for himself, shall take the oath of office as town commissioners for the town or village of Snow Hill, in the county of Greene, and shall comply with the statutes regarding the qualification of town commissioners.

Conclusion of
term.

SEC. 3. That the respective terms of office of the said C. F. Moore and L. V. Morrill shall continue and not expire until their successors in office shall have been elected and qualified as town commissioners for the town or village of Snow Hill, in Greene County.

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

Ratified this the 30th day of January, A. D. 1909.

CHAPTER 15.

AN ACT TO DRAIN WHITE OAK SWAMP, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That C. C. Lyon, C. W. Lyon, J. P. Kelly, N. A. Currie, W. P. Blizzard, W. H. Hargrove, Lee Smith, W. J. Keith, R. L. Tippet, L. M. Porter, P. S. Porter, James W. Squires, R. C. Squires, D. M. Smith, W. T. Pridgen, J. J. Pridgen, J. M. Hargrove, A. E. Hawes and Ed. Sellers are hereby created a corporation, under the name of the "White Oak Swamp Drainage Company," with a principal office at Centerville, Bladen County, North Carolina.

Corporate name.

Principal office.

SEC. 2. That the objects for which said corporation is formed are to secure the drainage of White Oak Swamp, in Bladen County, North Carolina, to dig such canals, enlarge existing canals, erect and maintain dams to keep out of the said swamp the high water of Cape Fear River, and in all other ways and manners to render the lands of White Oak Swamp and the lands adjacent thereto suitable for tillage for agricultural and other purposes.

SEC. 3. The corporation shall exist perpetually.

Term.

SEC. 4. That the above-named incorporators shall meet at Center-ville, in said county, and complete the organization of said company by the election of a board of directors from among their number, to consist of not less than three nor more than seven, who shall hold office until their successors are elected; prescribe by-laws for the governing of the corporation, and do all such other things as may be necessary to complete the organization of said company, first giving ten days' public notice of said meeting, unless there shall be signed by all of said incorporators a waiver of notice of said meeting, which waiver of notice shall be entered upon the minutes of said meeting.

Meeting for
organization.
Organization.

Notice of meeting.

SEC. 5. That the directors so elected shall proceed to the election of a president, a vice president, a secretary and treasurer and such other officers as may be prescribed in the by-laws; that the said incorporators and their successors shall have the right from time to time to change, alter and modify the by-laws then prescribed in the manner which shall be named in the said by-laws.

Officers to be
elected by
directors.

SEC. 6. That each person whose lands shall be benefited by the operation of this corporation shall, upon the payment of the assessment hereinafter provided for, become a member of said corporation and entitled to one vote, without regard to the number of acres, quantity of land or value thereof so benefited; that upon failure to pay the assessment hereinafter provided for by any owner of land in the said swamp or lands adjacent thereto, such person shall cease to be a member of said corporation and shall lose all rights therein.

Membership in
corporation.

Votes of members.

Forfeiture of
membership.

SEC. 7. That the said corporation shall have the power to issue bonds, which shall run for such length of time, bear such rate of interest and be callable at such time as may be determined by the board of directors, which said bonds, together with the interest thereon, shall be and constitute a first lien upon the assessments levied against any of the lands of the members of said company or of other landowners in said White Oak Swamp and any lands adjacent thereto which shall be benefited by the operations of this company, ascertained as hereinafter provided.

Power to issue
bonds.

SEC. 8. That this company may file its petition before the Clerk of the Superior Court of Bladen County, setting forth the work contemplated by it and its probable effects upon the landowners of said White Oak Swamp and lands adjacent thereto, upon the filing

Petition to be
filed.

- Commissioners to assess damages and benefits. of which it shall be the duty of said clerk of the Superior Court to appoint three discreet commissioners, who shall, after a personal examination and the hearing of such evidence as may be offered before them, estimate the injury done to each and every landowner affected thereby, and the benefit which each landowner will derive therefrom, and shall make a report, in writing, of such estimates.
- Exceptions and appeals. SEC. 9. Any landowner who shall be dissatisfied with the findings of the said commissioners, as reported by them to the Clerk of the Superior Court of Bladen County, shall, within ten days after notice of the filing of said report, file exceptions thereto, which exceptions shall be passed upon by the clerk, and upon appeal shall be determined by the judge or jury, as prescribed by law in the case of condemnation of lands.
- Benefit in excess of damages a lien on lands. SEC. 10. Upon the confirmation of the report of the said commissioners by the said clerk of the Superior Court or, upon appeal, by the judge of the Superior Court, the amount of benefit in excess of damages shall constitute a first lien upon the lands of such landowners for the payment of the bonds hereinbefore provided for and in the manner hereinafter provided for.
- Directors to levy assessments. SEC. 11. That the directors of this company shall annually levy an assessment against each landowner benefited by the operations of this company in proportion to the benefit derived, in a sum sufficient to pay the interest on the bonds hereinbefore provided for and to constitute a sinking fund sufficient to pay the said bonds at maturity. If any landowner shall, after notice of the proper officers of this company, fail for ninety days to pay his assessment, then the officers of this company shall place the said assessment in the hands of the Sheriff of Bladen County, who shall collect the same as other taxes are collected in said county, and when collected pay the net proceeds thereof to the treasurer of this company.
- Collection of assessment. SEC. 12. That the moneys derived from the said assessments of benefits, whether paid directly to the treasurer of the company or collected through the officers of the law, shall constitute the assets of the said corporation, together with such voluntary contributions as shall be made to it.
- Assets of corporation. SEC. 13. If, after this corporation shall have erected a dam to prevent the overflow of water of Cape Fear River into said swamp, any person shall cut or maintain any canal or ditch into any of the canals or ditches of this company or into the said swamp, thereby diverting water into said swamp, he shall be guilty of a misdemeanor.
- Diverting water into swamp a misdemeanor. SEC. 14. This act shall be in force from and after its ratification.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 16.

AN ACT TO CORRECT AND AMEND SECTION 2 OF CHAPTER 201 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1905, IT BEING "AN ACT TO AMEND, REVISE AND CONSOLIDATE ALL LAWS RELATING TO THE TOWN OF MOUNT OLIVE, IN THE COUNTY OF WAYNE."

The General Assembly of North Carolina do enact:

SECTION 1. That the number "15," in line four of section two, Number chapter two hundred and one of the Private Laws of North Carolina of one thousand nine hundred and five, be stricken out and the number "51" inserted in lieu thereof. Number corrected.

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

Ratified this the 4th day of January, A. D. 1909.

CHAPTER 17.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, chapter ninety-seven, Private Laws of North Carolina, session one thousand nine hundred and one, shall be amended as follows, to wit: In the thirty-third line of section six, after the word "three" therein, add the words "or more, up to ten." Improvement of sidewalks payable in installments.

SEC. 2. That the plan heretofore adopted by the board of commissioners of the town of Hendersonville, wherein the said board of commissioners has given the abutting property owners on Main Street and Anderson Avenue, in said town, the privilege of paying for the improvements made by said town in the construction of cement sidewalks in ten equal annual installments, with interest, shall be and is hereby ratified and made valid to the same extent as it would have been had the charter of said town specifically and definitely expressed authority so to do. Plan heretofore adopted validated.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 18.

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS
OF 1899, RELATING TO THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-seven of chapter one hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed and the following enacted in its stead in said chapter as section twenty-seven: "That when in the opinion of the board of aldermen of said town of Greenville it shall become necessary to open any new street or to reopen an old one, or to repair, enlarge or extend one already open or in use, and it shall become necessary to take, use or condemn any private property for such purpose or for any other public purpose, the board of aldermen of said town may enter upon and take possession of such needed property and proceed to open, reopen, repair, enlarge or extend such street or streets or to make such other contemplated improvement. If the board and the owners or claimants of such property so taken shall be unable to agree upon the damages done to such owner or claimant for the property so taken, then the said board or the owner or claimant of the property as taken may file a petition before the Clerk of the Superior Court of Pitt County to have such damage assessed by commissioners appointed by the clerk of said court for that purpose, but the filing of such petition shall not have the effect of stopping, hindering or delaying such contemplated public work. The said petition shall designate and describe the property as taken or to be taken and used, and the purpose for which it is desired, and if filed by the board of aldermen it shall be signed by the mayor or other presiding officer of said board and shall set forth the names and residence of the owners or claimants of the property taken or to be taken. If any of the owners or claimants are minors and without general guardian, the clerk shall appoint some suitable person guardian *ad litem* for such minor to protect his interest; and if any of the owners or claimants are nonresidents, the clerk shall cause the usual publication for such nonresident to appear and answer. Upon the filing of said petition, the clerk shall issue notice thereof to the opposite party or parties in interest, notifying them to appear within ten days and answer said petition. At the expiration of said ten days the clerk shall appoint three disinterested, discreet persons to view the premises and assess the damages, if any, which such owners or claimants may suffer, and make report, in writing, to the clerk of said court within ten days from the date of their appointment. That said commission shall be duly sworn to do justice to all parties concerned: that the clerk shall,

Power to enter
upon land for
streets.

Procedure for
assessment of
damages.

Jury of view.

at the request of the board of aldermen, at any time after filing of said petition, issue an order authorizing the aldermen, their agents and employees to enter upon said property and proceed forthwith to make such contemplated improvement. After the time has expired for answering and after the report of the commission has been filed, the clerk shall proceed to make such orders and decrees in the case as to him may seem just and proper, from which orders and decrees either party may appeal to the Superior Court in term time, but such appeal shall not have the effect to stay, hinder or delay the board of aldermen from beginning, continuing or completing the contemplated improvements. The party taking such appeal, when one is taken, shall, within ten days from the date of the orders and decrees appealed from, file with the clerk a written notice, in which shall be set forth the grounds of such appeal, and shall cause a copy of this notice to be served upon the opposite party. Thereupon the clerk shall transmit all the papers in the case to the Superior Court in term time and shall docket the case in that court, when the amount of the damage shall be assessed by a jury, if it shall be demanded by either party. Upon the hearing of such appeal in the Superior Court, the judge presiding shall make such orders, judgments and decrees as to the court may seem just and proper. Either party may appeal to the Supreme Court as in other cases of appeal from the Superior Court.”

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 19.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CROUSE, IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and nine, Private Laws of one thousand nine hundred and seven, be amended by adding thereto the following, and be known and designated as sections thirty and thirty-one:

“Sec. 30. That the board of aldermen shall have power to lay out, open and name any street or streets, and to establish the width and location of same, within the corporate limits of said town, whenever by them deemed necessary, and shall have power to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits, and shall have full power and authority, for the purposes herein expressed, to condemn, appropriate or use any land or lands within

Powers of board of aldermen as to streets.

Power to condemn lands.

Procedure to
assess damages.

said town, upon making reasonable compensation to the owner or owners thereof; and in case the owner or owners of any land which shall be condemned, appropriated or used under the provisions of this act and the board of aldermen shall fail to agree upon the compensation for such land, the matter shall be settled by arbitrators, who shall be freeholders and residents of said town, and shall be chosen by the parties, one by the aldermen and the other by the owner of said land; and in case the owner of such land shall fail or refuse, upon notice given, to choose such arbitrator, then the mayor of said town shall select one in his stead, or in case the owner of said land is a minor, then the guardian, if one, shall select one of said arbitrators, or in event no guardian, then the father or mother of said minor shall choose said arbitrator; and upon failure of said parties to choose, after notice of five days, the mayor of said town shall choose said arbitrator for said minor owner, and in case the two arbitrators so chosen, as aforesaid, cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned or sought to be condemned, and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change or the laying out of a street, and the award of the arbitrators and umpire or any two of them shall be conclusive of the rights of the parties, and shall vest in the town of Crouse the right to use the land for the purpose herein specified; and all damages agreed upon by the parties, or awarded by the arbitrators in case of disagreement, shall be paid by taxation or any other liabilities of the corporation: *Provided*, that either party may appeal to the Superior Court, as now provided by law: *Provided further*, that upon the payment of the amount assessed by the arbitrators by the town of Crouse to the clerk of the Superior Court, in said case upon appeal, for the use and benefit of the landowner, then and in that event the said authorities of the town of Crouse shall be permitted to enter upon and take possession of said land so condemned and make said improvement contemplated, without awaiting the final determination of said action, and shall vest in said town of Crouse said real estate, for the purposes of said town and the inhabitants thereof, subject, of course, to pay any additional amount the court, upon appeal, and jury shall finally award.

Town boundary.

"Sec. 31. That the limits or boundary of said town be reduced by shortening the eastern and western boundary lines by cutting off of same thirteen hundred and fifty feet, and that said lines be so shortened that the northern line of said town, running parallel with the street in front of Heafner Brothers' store, shall be eighteen hundred feet north of the iron pin in the street in front of Heafner Brothers' store, and the southern boundary line

shall run parallel with the street in front of Heafner Brothers' store and shall be eighteen hundred feet south of the pin in the middle of the street in front of Heafner Brothers' store."

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 force from and after its ratification.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 20.

AN ACT TO PERMIT WAKELON GRADED AND HIGH SCHOOL DISTRICT, IN WAKE COUNTY, TO VOTE \$10,000 OF BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That a majority of the trustees of the Wakelon Graded and High School District, in Wake County, North Carolina, be and is hereby authorized and empowered to petition the Board of County Commissioners of Wake County, North Carolina, to call an election in said district, at a time and place to be specified by them, to determine the question, "Shall the Wakelon Graded and High School District, in Wake County, issue ten thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction of a graded and high school building in said district?" Trustees authorized to petition for election.

SEC. 2. That upon said request of a majority of the trustees, as aforesaid, it shall be the duty of the said Board of County Commissioners of Wake County to order an election to be held in said district, at such time and place as may be specified in said request, to determine the question, "Shall the Wakelon Graded and High School District, in Wake County, issue ten thousand dollars of the bonds of the said district, with interest coupons attached, to aid in the construction of a graded and high school building in said district?" That said board of county commissioners shall, at least thirty days preceding such election, give notice of said election and purpose thereof, by publication in one or more newspapers published in said county and at such other places as may be determined upon by it. County commissioners to order election.

SEC. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided*, that Law governing election.
Proviso: new registration.

	there shall be a new registration of all of the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: <i>Provided further</i> , that said board of county commissioners shall appoint a registrar and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided; that the votes shall be counted at the close of the polls and returned to the said board of county commissioners on Thursday next following the election, and said board of county commissioners shall canvass, tabulate and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.
Proviso: election officers.	
Challenges.	
Count and return of votes.	
Ballots.	SEC. 4. That at said election the ballots tendered and cast shall have written or printed upon the same "For School Bonds" or "Against School Bonds," and all qualified electors who favor the issue of bonds shall vote a ticket on which shall be written or printed the words "For School Bonds," and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words "Against School Bonds."
County commissioners to issue bonds.	SEC. 5. That if a majority of the votes cast in said election shall be "For School Bonds" and the result shall be declared and recorded as aforesaid, then it shall be the duty of the Board of County Commissioners of Wake County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed ten thousand dollars, which said bonds shall bear a rate of interest at the rate of six per cent per annum, with interest coupons attached, payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times, not exceeding thirty years from the date of issue, as the said Board of Commissioners of Wake County may determine;
Denominations.	
Interest.	
Maturity.	
Authentication.	that said bonds and the coupons attached thereto shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and that said bonds shall have upon them the seal of the county; that said bonds shall be styled bonds in aid of the construction of a graded and high school building in Wakelon Graded and High School District of Wake County.
Delivery and sale of bonds.	SEC. 6. That upon the preparation, signing and executing of said bonds, said board of county commissioners shall deliver the same

to the treasurer of the school fund in Wake County, who shall sell said bonds at such times and in such manner as the said Board of Education for Wake County may direct; that none of said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act; that said bonds shall be numbered consecutively, and the coupons attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place, when they are due and when payable and by what authority they were issued. The said Board of Education for Wake County shall record all the proceedings in respect to said bonds in the minutes of its meeting, and, when sold, the numbers of the bond or bonds, the denominations, to whom sold and the number of coupons attached.

Specific appropriation.

Board of education to record proceedings.

SEC. 7. That when said bonds are issued and sold, the proceeds thereof shall be deposited with the treasurer of the school fund for Wake County, and the same shall be expended by said board of education in such manner and for such uses and purposes in the building of said graded and high school building as a majority of the trustees herein mentioned shall direct, and no other; that the said treasurer of the board of education shall keep said funds provided for in this act which may come into his hands separate from all other funds, and shall keep separate accounts of the same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond, payable to the State of North Carolina for the use of said trustee, in the usual manner, in such an amount as the board of county commissioners may direct.

Deposit and expenditure of proceeds of bonds.

Treasurer to give bond.

SEC. 8. When said bonds shall have been issued, the Board of County Commissioners of Wake County shall levy annually on the first Monday in June a tax not exceeding twenty cents on the hundred dollars of property and sixty cents on the poll in said Wake-lon Graded and High School District of Wake County, and none other, to provide for the payment of the interest upon the same and to create a sinking fund sufficient to meet the payments of said bonds at their maturity. The tax so levied shall be collected as other taxes, and shall be kept by the treasurer of the school fund as a separate fund, and applied first to the payment of the interest upon said bonds and next to the creation of a sinking fund, as aforesaid; that said treasurer of the school fund shall be commissioner of the sinking fund for said bonds, and it shall be his duty to keep said fund invested in some safe security or bond; and said commissioner of the sinking fund may be required to execute such bond as the board of education shall direct for the safe-keeping of said fund and the faithful performance of his duties as commissioner, and shall make such reports from time to time as the board of education or the trustees herein mentioned may direct.

Special tax for interest and sinking fund.

Commissioner of sinking fund.

Investment of sinking fund. Bond of commissioner.

Application of act. SEC. 9. That this act shall apply only to the Wakelon Graded and High School District, in Wake County.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 21.

AN ACT TO LOCATE AN EXTENSION OF WEST CENTER STREET, IN THE TOWN OF PIKEVILLE, AND TO AUTHORIZE THE BOARD OF TOWN COMMISSIONERS OF SAID TOWN TO LAY OFF, ESTABLISH AND OPEN SAID STREET.

The General Assembly of North Carolina do enact:

SECTION 1. That an extension of West Center Street and the sidewalk thereof, in the town of Pikeville, Wayne County, North Carolina, be and the same is hereby located and established, as follows: From its present terminus at Church Street said West Center Street shall be extended as a public street northwardly by the new county high school to the northern corporate limits of said town, and said extension shall be a continuation northwardly of said West Center Street the same course and the same width as said West Center Street has been laid off and established south of Church Street, to wit, the western edge of the sidewalk of said extension shall be eighty-one feet westwardly from the center of the main track of the Atlantic Coast Line Railroad and shall run parallel to said track, and said sidewalk shall be ten feet wide.

SEC. 2. That the board of town commissioners of the town of Pikeville are hereby authorized to lay off, open and establish said extension of West Center Street and the sidewalk thereof, as the same has been located and established in section one of this act; and if it becomes necessary to condemn land in carrying out the provisions of this act, the right of the power of eminent domain shall be exercised in accordance with the provisions of the charter of said town of Pikeville and the amendments thereto.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 22.

AN ACT TO AMEND SECTION 4 OF CHAPTER 73 OF THE
PRIVATE LAWS OF NORTH CAROLINA, SESSION 1869-'70,
BEING "AN ACT TO INCORPORATE THE MASONIC TEM-
PLE ASSOCIATION OF THE CITY OF CHARLOTTE."*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter seventy-three of the Private Laws of North Carolina, passed by the General Assembly at its session one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, said chapter seventy-three being "An act to incorporate the Masonic Temple Association of the city of Charlotte," and which was ratified on the twenty-fifth day of March, one thousand eight hundred and seventy, be and the same is hereby amended by striking out the words "one-half of its value," in the third line of said section four, and inserting in lieu thereof the words "one hundred and twenty-five thousand dollars."

Amount of bond
issue authorized.

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 force from and after its ratification.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 23.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
WILSON.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and eight of the Private Laws of one thousand nine hundred and seven, entitled "An act to consolidate, revise and amend the charter of the town Wilson," be amended by adding to section forty-six thereof the following words: "The board of commissioners of the town of Wilson is hereby authorized and empowered to issue bonds of the town of Wilson for a sum not exceeding seventeen thousand dollars and to pledge the faith and credit of the said town for the payment of the said bonds and the interest thereon. Said bonds shall be known and designated as 'electric-light improvement bonds,' and shall be in denominations of one thousand dollars each, shall be payable at the end of fifteen years from the date of issue, shall bear interest at the rate of five per cent per annum, payable semi-annually; the proceeds of the sale of the said bonds shall be used for the purpose of enlarging and improving the electric-light plant

Bond issue
authorized.

Amount.

Electric light
improvement
bonds.
Denomination.
Maturity.
Interest.Specific
appropriation.

Sale of bonds.

and equipment of the town of Wilson, and for no other purpose. The said board of commissioners is further authorized and empowered to sell the said bonds at either public or private sale: *Provided, however*, that no one of said bonds shall be sold at less than par. Said board is further authorized to prepare the said bonds and to adopt the form of the same, and to make the interest coupons payable at such time and place as it shall deem proper."

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

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 24.

AN ACT TO INCORPORATE THE NORTH CAROLINA PUBLIC-SERVICE COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That J. K. Russell, J. I. Scales, L. H. Hole, Jr., and such other persons as may be associated with them are hereby created and declared a body politic and corporate, with perpetual succession, under the name and style of "North Carolina Public-service Company," and in that name may sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with: shall have the power to adopt a common seal and change the same at will, and shall be capable of taking, by purchase, conveyance, lease or in any other way, real and personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes herein enumerated: and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may now or hereafter lawfully exercise under the laws of the State of North Carolina, and may make all necessary regulations for its government, not inconsistent with the laws of the United States or the said State of North Carolina. It may build branch roads or extensions from any part of its main line, below designated, not exceeding one hundred (100) miles in length.

Corporate name.

Corporate powers.

Branch roads.

Railroad, telegraph and telephone line.
Termini and route.

SEC. 2. That the said company, upon its organization, shall have the power to build, construct, maintain and operate a railroad, operated by electricity or any other motive power, and a telegraph and telephone line connecting the towns of Greensboro, High Point and Winston-Salem or any of said towns, through the counties of Forsyth and Guilford or either of said counties or other counties, as above set out.

Capital stock.
Increase of capital.

SEC. 3. The capital stock of said railway company shall be three million five hundred thousand dollars (\$3,500,000), which may be

increased from time to time, by proper corporate action of its stockholders, to an amount not exceeding five million dollars (\$5,000,000), to be divided into shares of the par value of one hundred dollars (\$100) each: *Provided*, such increase of capital stock shall be made upon application to the Secretary of State and lawfully granted by him, such application to be accompanied by a receipt from the State Treasurer for the tax prescribed in section five thousand one hundred and ninety. Revisal of one thousand nine hundred and five, for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and when one thousand dollars (\$1,000) of the capital stock shall have been subscribed for, which said subscription shall be in the common stock of the company, the corporation may organize and begin business, with all the powers with which it is chartered. Of the remaining capital stock which may be issued, not more than fifty per cent (50%) thereof may at the option of the stockholders from time to time be issued as preferred stock, with such powers, privileges and preferences as to dividends and assets, right of limitations and restrictions as the stockholders by proper corporate action may determine: *Provided, however*, that at no time shall the corporation have issued and outstanding preferred stock in an amount exceeding fifty per cent (50%) of the common stock actually issued and outstanding.

Proviso: application to secretary of state.

Stock vote.

Organization and beginning of business.

Preferred stock.

Proviso: limit of preferred stock.

SEC. 4. The subscription to the capital stock may be made and paid in money, lands, material or services, or other things of value necessary to the uses of the corporation, or in bonds, stocks or other valuable securities, in such manner and on such terms as may be agreed upon by the president and directors of said company, and the stock issued by the directors of said corporation in payment of any subscription or purchase of real estate or personal property necessary for the purpose of the said corporation, or for work, labor or services performed, or materials furnished to or for such corporation shall be full paid stock, and when so issued shall not be liable for any further call; neither shall the holder thereof be liable for any further payments; and in the absence of actual fraud the judgment of the directors as to the value of the property, work, labor or services performed or materials furnished, for which the capital stock of the company may be issued, shall be conclusive; and in all statements and reports of the corporation required to be filed by the laws of the State of North Carolina this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.

Payments of subscriptions.

Full paid stock.

SEC. 5. The board of directors of said corporation shall consist of as many members, not less than three, as the stockholders may by proper corporation action determine, and said board of directors shall have the power to fill any vacancies that may occur in

Directors.

Vacancies.

Election of officers.

it during the period for which it has been elected. The officers of the company shall be annually elected by the directors from among their number, in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer may at the election of the board of directors be one and the same person.

Power to purchase franchises and property.

SEC. 6. The said company shall have the power to take, by purchase, lease or otherwise, the franchises and property of any other street or interurban railroad, electric lighting and power or gas plants and systems now constructed or that may hereafter be constructed in this State or elsewhere; and such street or interurban railroad companies, electric lighting, electric power and gas companies owning franchises in this State as may desire to sell, lease or otherwise convey their franchises and property to the corporation herein created, are hereby granted such right, power and privilege, and all such transfers and franchises are hereby authorized and validated. Said corporation shall have power to consolidate its franchises and property with any other corporation, under such name as shall be agreed upon. It may assign or lease its franchises or any part thereof to any other corporation, and the corporation so leasing or purchasing shall hold, own and enjoy all the property and franchises so leased and purchased, as though it had been originally held and constructed by the corporation so leasing or purchasing; and the corporation so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the corporation created by this act: *Provided, however*, that nothing in this act shall be so construed as to allow the corporation hereby authorized to become the agency through which any competing railroad companies in this State may consolidate.

Power of consolidation.

Power of assignment or lease.

Powers in connection with other railroads.

SEC. 7. That in the event said company shall deem it necessary to cross, intersect, join or unite its railway with any other railroad before constructed at any point on its route and upon the grounds of such other property with the necessary turnouts, sidings and switches and other conveniences, in furtherance of the objects of its connection, or to construct its road across, along or upon any street, highway, plank road, turnpike or railroad which the route of the road hereby authorized to be constructed shall intersect or touch, it may do so in the manner prescribed by chapter sixty-one of the Revisal of one thousand nine hundred and five.

Powers as to streets, highways and other railroads.

Powers and procedure for condemnation of lands.

SEC. 8. Whenever from any cause the said railroad company cannot agree with the owners of the land over which the railroad shall be laid out for the purchase of the land for a right of way, depot or terminal purposes, the said company may proceed to enter upon and condemn the same in the manner set out in chapter sixty-one of the Revisal of one thousand nine hundred and five. In assessing the damages the appraisers to be appointed, as set out in

chapter sixty-one, shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owners, and likewise shall consider any general or special benefit which the owner may derive from the location of the road; and if the consideration shall be for a right of way only, the consideration shall extend only to the right of way, but if for depot or building purposes the consideration shall be in fee. Either party may appeal to the Superior Court, in term time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days; but if the said company, at the time of the appraisal, shall pay into the court the sum appraised by the commissioners, then and in that event the said company may enter, take possession of and hold the said lands, notwithstanding the pendency of the appeal, until the final judgment rendered on said appeal.

Appeals.

Rights of company pending appeals.

SEC. 9. The right of said company to condemn and take land under this act shall be limited to a space of sixty (60) feet on either side of its roadbed, measuring from the center of the same; except for depots, warehouses and terminal facilities it may condemn not exceeding three (3) acres in any one place.

Limit of right of condemnation.

SEC. 10. That said company may subscribe to, purchase or otherwise acquire capital stock and bonds, or either, of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold and vote shares in the same. It may buy, sell, own, hold and deal in real estate; it may develop, build, construct, lease, rent, operate and equip water powers in this State or elsewhere, and may distribute, sell or otherwise dispose of electric currents so generated by such water powers; it may build, construct and operate hotels and restaurants and parks and amusement properties, and may lease or rent the same.

Investments in other corporations.

Power to deal in real estate.

Electric power.

SEC. 11. The said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy, sell and collect for, within the towns and cities mentioned in this act and in all towns and cities which any of its lines of railway may touch, or any towns and cities within a radius of fifty (50) miles of the cities touched by its lines of railway, and in all towns and cities in which it may purchase the rights, privileges and franchises of any corporation doing an electric lighting, electric power, street railway or gas business, or either electricity, electric current, gas or other suitable and proper materials or fluids for public and private use, for its own use and for distribution and sale to all persons, firms and corporations, upon such terms as may be agreed upon by the contracting parties; and may construct, equip, operate and maintain a line or lines of street railway, with one or more tracks, in such cities and towns as are above designated, with such cars, trolley wires, cable posts, sidetracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem neces-

Rights as lighting and power and gas company.

sary: *Provided*, that in the laying of its tracks, the location of its wires and poles and the laying of its pipes, it first have and obtain the consent of the board of aldermen of said towns and cities, and that it conform its buildings and works to the reasonable rules and regulations which may be prescribed by said boards of aldermen. It may acquire, by lien, purchase, subscription, purchase of the capital stock, or otherwise, the works, tracks, property, poles, lines, wires, power houses, mains, pipes, branch roads, privileges and all other property of other corporations doing a street railway and electric lighting and power business, and a gas business, or either of them, in any of the cities to which it may extend its line of railway, within the radius above set out, or in which it may acquire, as above set out, any electrical or gas properties, and may sell, lease, use, maintain and extend the same, and power is hereby conferred upon such companies chartered under the laws of this State to transfer, by sale or lease, all their works, tracks, property, franchises, rights, privileges or immunities to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon.

Powers in making surveys.

SEC. 12. That in order to carry into effect the powers herein granted, said company may survey such rights for its line or lines of street or interurban railway and for its ways and lines for transmission and distribution of power, light and heat as may be deemed practicable; and in the event any lands of individuals or corporations, or any easement, privilege or right of way therein shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings and all its poles, wires, cable, depots, mains, pipes and conduits for the purpose of transmission and distribution of power, light and heat, if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same or to any easement or privilege of right of way therein in the manner and by the special proceedings prescribed in chapter thirty-two of the Revisal of one thousand nine hundred and five, regulating electric companies.

Easement and privileges.

Power to issue bonds and make mortgages.

SEC. 13. It shall be lawful for the said North Carolina Public-service Company, chartered by this act, to issue from time to time bonds in such denominations and running for such a time and bearing interest at such a rate and payable at such a time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure the payment of the same the company is authorized to execute a mortgage or mortgages to such person or corporations as the company may select, on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road be divided and built in sections, which the said company is au-

thorized to do, such mortgage or mortgages may be placed upon such separate sections and in such manner as the company may direct.

Sec. 14. That the stockholders of said company, whether corporate or private, shall not be liable for the debts of said company. Liability of stockholders.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 4th day of February, A. D. 1909.

CHAPTER 25.

AN ACT TO AMEND CHAPTER 114 OF THE PRIVATE LAWS OF 1907, IT BEING "AN ACT TO AMEND THE CHARTER OF CITIZENS TRUST AND SAVINGS BANK, OF ASHEVILLE, NORTH CAROLINA, AND TO CHANGE THE NAME OF SAID BANK."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and fourteen of the Private Laws of one thousand nine hundred and seven be amended by striking out the words "trust and savings," in line one. Part of title stricken out.

Sec. 2. That from and after the ratification of this act said bank shall be called "Citizens Bank." Corporate name.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 26.

AN ACT TO AMEND CHAPTER 83 OF THE PRIVATE LAWS OF 1907, AUTHORIZING A BOND ISSUE BY THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter eighty-three of the Private Laws of one thousand nine hundred and seven be amended by striking out, in line ten of said section three, the word "fifty" Special tax rate.

and inserting in lieu thereof the word "seventy-five," and in line eleven of said section, by striking out the words "one dollar and fifty" and inserting in lieu thereof the words "two dollars and twenty-five."

SEC. 2. That another section be added to said act, to come in immediately after section fourteen, as printed, and to be known as section fifteen, in words as follows: "That for the purpose of carrying out the provisions of this act the power of eminent domain is hereby conferred upon the mayor and board of commissioners. In the event that they shall not be able to agree with the owners of lands over or through which it may be necessary or convenient to lay water or sewer pipes, whether in or outside of the corporate limits of the town, then and in that event the said town authorities may enter upon such lands and condemn them for the purposes of laying therein or thereon the said water and sewer pipes, in the same manner and by the same proceedings as is provided in the charter of the town for the condemnation of lands for streets: *Provided*, that if the lands to be condemned shall lie without the corporate limits of the town the appraisers may be appointed from the body of the county. The power of acquiring such right of easement by condemnation shall be continuous and applicable alike as well to future extension and improvements as to the laying of the original pipe lines. The said mayor and board of commissioners may likewise acquire such lands by condemnation, in or out of the corporate limits of the town, as may be necessary to protect the watershed or sheds from which comes the water supply for the town. In case condemnation proceedings shall be resorted to, no appeal from the report of the appraisers shall stay the construction of such pipe line or lines; but the town, upon paying to the owner of the land condemned the amount of the damages assessed by the appraisers, or upon depositing the amount so assessed in the office of the Clerk of the Superior Court of Caldwell County, to the use of such owner, may at once enter upon such condemned lands and subject them to the uses for which they were acquired. An appeal shall lie in behalf of either party from the report of the appraisers to the Superior Court of Caldwell County at term time."

Power of eminent domain.

Procedure for entering upon lands.

Proviso: lands outside corporate limits.

Power continuous.

Lands for protection of watershed.

Appeal not to stay construction.

Appeal.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1909.

CHAPTER 27.

AN ACT TO AMEND CHAPTER 237 OF THE PRIVATE LAWS OF 1907, IT BEING "AN ACT TO AUTHORIZE THE TOWN OF CANTON TO ISSUE BONDS."

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Canton are hereby authorized and empowered to issue the bonds authorized by chapter two hundred and thirty-seven of the Private Laws of one thousand nine hundred and seven and heretofore voted by a majority of the voters of said town of Canton, and to cause all of said bonds, except those referred to in section nineteen of said act, which are to be issued for school purposes, to draw interest at the rate of six per centum per annum; and they are also authorized to issue the bonds referred to in section nineteen of said act which have heretofore been voted for school purposes, and to cause them to draw interest at five per centum per annum. Said board is hereby authorized and empowered to levy annually a sufficient tax on all of the property of said town to pay the interest on said bonds as they become due, and principal at maturity.

Interest on bonds other than for school purposes.

Interest on bonds for school purposes.

SEC. 2. That the bonds authorized by said chapter shall be in such denominations as said board may determine, and the said bonds and the coupons thereof shall be payable at such place or places as the board of commissioners of said town may determine.

Denominations of bonds.

SEC. 3. That the said board of town commissioners may sell said bonds either at public or private sale, as to them may seem best.

Sale of bonds.

SEC. 4. That section seven of said chapter two hundred and thirty-seven be and the same is hereby amended by striking out all after the word "act," in line four, down to and including the word "school," in line six, it being the purpose of this section to provide that said finance committee shall have no control or authority over the money to be issued for erecting said graded-school buildings, nor shall said finance committee have any control or authority whatever over said graded schools or any taxes levied or collected for said graded schools to be expended in their behalf.

Powers of finance committee as to graded-school funds.

SEC. 5. That section nineteen of said chapter be amended by striking out, in line fourteen, the words "subject to the approval of the finance committee, as aforesaid."

Authority of finance committee abridged.

SEC. 6. That section twenty is hereby amended by striking out, in line two, the words "subject to the approval of the finance committee."

Authority of finance committee abridged.

SEC. 7. That the said board of graded-school trustees shall have the power and they are hereby authorized to select a treasurer of

Graded-school trustees to elect treasurer.

Election and term of treasurer.	said board, who shall have charge of the proceeds to be derived from the sale of said school bonds and who shall also have charge of all school money collected under the provisions of this act.
Compensation.	Said treasurer shall be elected by said board of school trustees and shall hold his office for a term of two years, until his successor is elected and qualifies. He shall receive as compensation for his services the same commission as is paid to the treasurer of the town of Canton for his services. He shall give such bond for the faithful performance of his services as said board may determine, and shall only pay out moneys which may come into his hands upon the order of the board of trustees.
Bond.	
Repealing clause.	SEC. 8. That all clauses or parts of said chapter two hundred and thirty-seven of the Private Laws of one thousand nine hundred and seven, or all other laws in conflict with any of the provisions of this act are hereby repealed.
	SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 28.

AN ACT TO VALIDATE A CERTAIN BOND ISSUE FOR THE TOWN OF BEAUFORT, NORTH CAROLINA.

Preamble.	Whereas the commissioners of the town of Beaufort, North Carolina, have passed a resolution to issue twenty thousand dollars of bonds, twelve thousand dollars of the same for the purpose of providing for the erection of an electric-light plant for the town of Beaufort and eight thousand dollars of the same for the purpose of draining the said town: and whereas the said commissioners have made a levy of thirty cents on each one hundred dollars' worth of taxable property in said town and fifty cents on each poll in said town, for the purpose of providing a sinking fund to pay off said bonds at maturity and the interest on same as it accrues: and whereas the said commissioners authorized said bonds to be of the denomination of one thousand dollars each, and not to bear a greater rate of interest than five per cent per annum, and not to be sold below par, and said bonds to be due and payable thirty years from the date of their issue: therefore,
Preamble.	
Preamble.	
Acts of commissioners validated.	<p><i>The General Assembly of North Carolina do enact:</i></p> <p>SECTION 1. That all and every act of said commissioners of said town, in the authorization of the issuance of said bonds, as aforesaid, be and the same is hereby in all respects validated.</p>

SEC. 2. That said commissioners be and they are hereby authorized to issue said bonds and sell the same, and are hereby authorized and empowered to levy annually a tax of thirty cents on each one hundred dollars' worth of taxable property in said town and fifty cents on each poll in said town, during the life of said bonds, to provide for the said sinking fund and to pay for said bonds when they fall due, and interest on same as it falls due, and to do all and every necessary thing to insure the validity of said bond issue.

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

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 29.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GRANITE FALLS, IN CALDWELL COUNTY, BEING CHAPTER 323, PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That section four, chapter three hundred and twenty-three of the Private Laws of one thousand eight hundred and ninety-nine, be and the same is hereby amended by striking out the word "twenty," in line eight of said section, and inserting in lieu thereof the word "fifty"; also, by striking out the words "sixty cents," in line nine of said section, and inserting in lieu thereof "one dollar and fifty cents."

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

Ratified this the 5th day of February, A. D. 1909.

CHAPTER 30.

AN ACT FOR THE RELIEF OF THE ESTATE OF B. J. FISHER, DECEASED.

Whereas it is represented as follows: That the estate of B. J. Fisher, deceased, owns a tract of land on the northeast corner of North Elm and East Market streets, in the city of Greensboro, North Carolina, opposite the courthouse, in the county of Guilford, and also opposite the United States post office, upon a part of which corner lot are now situate some old, dilapidated brick

buildings, while the other part remains vacant, and that the said lot is in the heart of the city of Greensboro and in a strategic business center, and is capable, upon improvement, of yielding a large income, but in its present condition is nearly unproductive and likely to become a burden to the said estate; and whereas it is further represented that the same, together with all of his property, was devised by the said B. J. Fisher, deceased, to his wife for life, remainder to his children, some of whom are now infants; and that the said Isabella Fisher has qualified in the county of Guilford as administratrix of the said estate, and C. A. Bray, of the county aforesaid, has been appointed by the Superior Court of Guilford County trustee for the management and investment of the funds of said estate, in an action now pending in the Superior Court of Guilford County; and whereas it is urged that the estate has some money on hand, but not sufficient funds to construct a building which will best subserve the interests of all parties concerned, and that the probable income and the increase in the value of the property, when improved, together with other improved real estate, will be ample to protect a loan of sufficient amount to construct a suitable building and prevent any sacrifice of said property; and it being alleged that it is necessary to borrow the said money, as aforesaid, in addition to what the estate now has in hand, to improve said real estate: now, therefore,

The General Assembly of North Carolina do enact:

Administratrix and trustee authorized to apply for leave to borrow money.

SECTION 1. That the said Isabella Fisher, administratrix of B. J. Fisher, deceased, and C. A. Bray, trustee of the said estate, or their successors, together with any of the part owners of said land who are *sui juris*, be and they are hereby authorized and empowered to apply to the Superior Court of Guilford County for leave to borrow on the part of the said estate such sums as they may deem necessary for the purpose of improving the said tract or parcel of land belonging to the said estate situate at the corner of North Elm and East Market streets, Greensboro, North Carolina, bounded on the north by the property of King & Kimball, Wright, Scales and others, on the east by the property of E. M. Hendrix, on the south by East Market Street, on the west by North Elm Street, and more particularly described as follows:

Location of property.
To be changed and improved.

Metes and bounds.

Beginning at the intersection of the building lines of East Market and North Elm streets, at a granite stone (which lines are each thirty-three feet from the center line of both North Elm and East Market streets, as marked by granite stone at the intersection of East Market and North Elm streets, and also at the intersection of North Elm and Gaston streets and East Market and Davie streets); thence with the building line of East Market Street south 86° 13' east one hundred and seventeen and forty-two one-hundredths feet to a stone in E. M. Hendrix's line; thence with his line north 3° 2' east one hundred and fifty-one and two one-

hundredths feet to a stone, his corner; thence north $80^{\circ} 59'$ west forty-four and five-tenths feet to a stone in the northeast corner of land belonging to Mrs. A. L. Wright; thence south $3^{\circ} 20'$ west sixty-four feet to a stone; thence with line of land belonging to the heirs of John A. Gilmer north $87^{\circ} 35'$ west seventy-two and sixty-two one-hundredths feet to a stone in the building line of North Elm Street; thence with the building line of North Elm Street south 3° west eighty-four and ninety-five one-hundredths feet to the point of beginning, together with a right of ingress and egress over, under and through an alley in the rear part of the Scott lot, for the purpose of a driveway, forever, from the northeast corner of above-described lot, out to Gaston Street, being the land contained in the deed from Southern Stock Mutual Insurance Company and Underwriters, of Greensboro, North Carolina, to the said estate, recorded in book one hundred and eighty, page five hundred and thirty, of the records of Guilford County, or any part thereof; and for authority to pledge the credit of the estate for such amount by issuing of notes or bonds, and to secure such bonds by executing a mortgage or deed of trust upon the said property or any part thereof.

SEC. 2. That the application to the court shall state when the notes or bonds shall mature and what their denominations shall be and the rate of interest they shall bear. What application to state.

SEC. 3. That the said trustees and the said administratrix shall make their application for leave to borrow the money, and secure the same, by a petition in the Superior Court of Guilford County, in the cause now pending, to wit, Isabella Fisher against Olivia Maude Fisher and others, and the said petition shall set forth fully the facts in the case and the reasons for the application; and the Superior Court of Guilford County, in term time, is authorized and empowered to make such order and grant to the petitioners such full and complete power to borrow such sum and secure the same by a deed of trust or mortgage on said property, or any part thereof, as to the court in term time may seem right and proper and for the best interests of the owners of the property. Application by petition in cause now pending.

SEC. 4. That before any order is made it shall be necessary for all the infant parties to be represented in court, as required by law. Court authorized to make order.

SEC. 5. Upon compliance with the provisions of this act, and the orders of the court made in the said cause, authorizing the borrowing of money and securing the same by mortgage and bonds, the said mortgage or deed of trust and notes or bonds secured thereby, executed by the said trustee, as the court directs, shall be valid and binding, as if given by the owner of property when under no disability. Infants to be represented.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1909. Mortgage or deed of trust notes or bonds valid and binding.

CHAPTER 31.

AN ACT TO AMEND CHAPTER 47 OF THE PRIVATE LAWS OF 1874, ENTITLED "AN ACT TO INCORPORATE THE MEMBERS OF THE CONGREGATION OF UNITED BRETHREN OF THE TOWN OF SALEM," RATIFIED JANUARY 31, 1874.

The General Assembly of North Carolina do enact:

Law amended.	SECTION 1. That chapter forty-seven of the Private Laws of one thousand eight hundred and seventy-four, ratified January thirty-first, one thousand eight hundred and seventy-four, incorporating the members of the Congregation of United Brethren of Salem and vicinity, be amended as follows: Strike out all of said act after the enacting clause and insert in lieu thereof the following:
Corporators.	"Section 1. That the members of the Congregation of the United Brethren, commonly called Moravians, of the town of Salem and its vicinity, be and the same are hereby created a body politic and
Corporate name.	corporate, under the name and title of the 'Congregation of United Brethren of Salem and its Vicinity.'
Corporate powers.	"Sec. 2. That said corporation by the said name and title shall have perpetual succession, with authority to adopt a common seal, to sue and be sued, to plead and be impleaded in all courts of law, and shall have power and authority to take, purchase, hold and receive, to them and their successors, in trust for and to the use of said congregation, any lands, tenements, property of whatsoever nature or kind, real, personal or mixed, which are now or may at any time hereafter become the property of said corporation, by purchase, gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whatsoever; and the same to grant, bargain, sell, improve or dispose of, for the use and benefit of said congregation: <i>Provided</i> , it shall not be lawful to appropriate or use any of the principal of the funds belonging to the congregation for any purpose except for rebuilding any church belonging to said congregation which may be destroyed by fire or other calamity, nor apply any of the income from the funds or other property of said congregation to other than charitable, religious, educational or other like purposes.
Proviso, use of principal of funds.	
Application of income.	
Effect of misnomer.	"Sec. 3. No misnomer of said corporation or its successors shall defeat or annul any gift, grant, devise or bequest to said congregation, provided the intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate was intended to pass to the said corporation.
Central board of trustees.	"Sec. 4. The secular and business affairs of said corporation shall be managed by the board of trustees, called the central board of trustees, who shall be elected by the congregation council, under such rules and regulations as it may from time to time

adopt. The congregation council shall be composed of all male members of the congregation in good standing who have attained the age of twenty-one years and who have complied with its rules and regulations. The central board of trustees shall elect one of their number as president of said board, who shall preside at all meetings and whose duty it shall be to execute all deeds and other contracts as may be directed by the said board. They shall also elect a secretary and treasurer, who may be one and the same person, and may or may not be a member of said board of trustees.

Congregation council.

Organization of central board.

"Sec. 5. The spiritual affairs of said congregation shall be managed by a board of elders, called the central board of elders, which shall be composed according to and be governed by such rules and regulations as may from time to time be adopted by the congregation council.

Central board of elders.

"Sec. 6. Should the members of either of the above boards, for any cause, fail to be elected as provided, this corporation shall not be thereby dissolved, but the outgoing members shall hold over until their successors are elected.

Elders and trustees to hold until successors appointed.

"Sec. 7. Whenever it is deemed expedient to divide the congregation, it shall be lawful, by and with the consent of a majority of the members present of the home church, first obtained in regular meeting called for that purpose, for them so to do, by setting apart as a separate church any of the churches or chapels that may belong to and form part of the said corporation, provided the same be done with the assent of a majority of the persons entitled to vote, as aforesaid, who shall belong to such church or chapel intended to be set apart, and who shall attend a meeting to consider such separation, after at least ten days' notice previously given for that purpose in the said church or chapel, during or immediately after divine service; and such separation, so assented to by the board of provincial elders and the Congregation of United Brethren of Salem and its Vicinity, shall take effect according to the terms agreed upon between the parties; and the members of the congregation of such church or chapel so separated shall immediately thereafter cease to be members of the corporation of the Congregation of United Brethren of Salem and its Vicinity, above mentioned, and may, if they so desire, proceed to incorporate themselves according to law as a separate congregation of the Moravian Church, or *Unitas Fratrum*; and, whether so incorporated or not, may receive from the corporation of the Congregation of United Brethren of Salem and its Vicinity any grant, conveyance or gift of any chapel or other real or personal estate for its separate use, and may hold and enjoy the same accordingly, as fully and beneficially as any such religious body or corporation can hold and enjoy its temporalities, howsoever the same may be acquired.

Division of congregation.

Meeting for consideration of separation.

Effect of separation.

Powers, privileges
and duties not
enumerated.

"Sec. 8. No enumeration of powers, privileges and duties herein contained shall be so construed as to exclude any unenumerated which are necessary to the proper fulfillment of the design and purpose of this act and not inconsistent with its express provisions and limitations."

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 6th day of February, A. D. 1909.

CHAPTER 32.

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF HIGHLANDS, IN MACON COUNTY, TO SELL LOT No. 102, ON FOURTH STREET, IN SAID TOWN.

Preamble.

Whereas, on the twenty-first day of August, one thousand eight hundred and eighty-three, Katherine E. Kelsey, Samuel T. Kelsey, Carlos S. Sherman and Clara M. Sherman executed to the town of Highlands, in Macon County, a deed to lot Number one hundred and two, on Fourth Street, in said town, "for the purpose of a town hall and such other public uses as the town may deem proper, forever"; and whereas said lot is no longer needed for the purpose of a town hall or for any other public use: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Sale authorized.

SECTION 1. That the mayor and commissioners of the town of Highlands are hereby authorized and empowered to sell said lot at public auction to the highest bidder, for cash, and apply the proceeds of sale to such uses for the benefit of said town as they may deem proper.

Notice of sale.

SEC. 2. That notice of the time and place of sale shall be advertised at the courthouse door in Macon County and at three public places in the town of Highlands for not less than thirty days, the sale to be made at such place in said town as shall be designated in the notices aforesaid.

Deed to purchaser.

SEC. 3. That upon the payment of the amount of his bid by the purchaser at said sale, or his assignee, to the treasurer of the town of Highlands, it shall be the duty of the mayor of said town to execute to such party a deed to said lot, which deed shall have the effect to vest in the grantee therein named, his heirs and assigns, the fee-simple title to said lot, free from all claims thereto on the part of said town or of any person other than the grantee, his heirs and assigns.

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

Ratified this the 6th day of February, A. D. 1909.

CHAPTER 33.

AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN
OF FOUR OAKS, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appointed for the town of Four Oaks, in Johnston County, one public cotton weigher, who shall hold his office for the term of two years from the date of his appointment, and his successor shall be elected biennially thereafter on the first Monday in March by the board of commissioners of the said town of Four Oaks.

Cotton weigher
to be appointed.
Term.

Election of suc-
cessor.

SEC. 2. That James A. Creech shall be and is hereby appointed to fill the first term of office under this act; that is to say, March first, one thousand nine hundred and nine, to March first, one thousand nine hundred and eleven.

First term filled.
Term.

SEC. 3. That the cotton weigher elected as above provided for, before being allowed to act as such, shall give a justified bond in such sum as the said board of commissioners shall deem sufficient,

Cotton weigher to
give bond.

not to exceed five hundred dollars, conditioned for the faithful performance of his duties as cotton weigher for the said town, the said bond to be approved by the said commissioners and, when approved, filed in the office of the Register of Deeds of Johnston County; and the said cotton weigher, before entering upon his duties, shall make and subscribe an oath, before some person qualified to administer oaths, to fairly and impartially weigh all cotton brought to him and to faithfully perform all the duties appertaining to his said position of cotton weigher; and any cotton weigher accused and convicted of any fraud or unfairness in the weighing of cotton or in making unfair deductions from the weights of the same, for water or any other damages, shall be peremptorily removed from office by said board of commissioners.

Cotton weigher to
qualify.

Removal for fraud
or unfairness.

SEC. 4. That any person other than the aforesaid cotton weigher who shall weigh any bale of cotton offered for sale in said town of Four Oaks shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days, in the discretion of the court.

Weighing by other
persons a misde-
meanor.
Punishment.

SEC. 5. The cotton weigher provided for in this act shall receive as full compensation for his services ten cents for each bale weighed, the seller and purchaser to pay five cents each, and that the purchaser shall retain five cents of the purchase price and shall be responsible to said weigher for his fees and to whom said weigher shall look for such fees.

Compensation of
cotton weigher.

SEC. 6. That it shall be the duty of said cotton weigher to keep separated and reported the cotton belonging to different purchasers weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform where the weigh-

Cotton to be kept
separate.

Record of cotton weighed.	ing is done, such as may be established for public convenience: and, furthermore, that it shall be his duty to keep a record of all cotton weighed, showing the names of seller and buyer, the grade of cotton and price paid, if known to such weigher.
Records evidence.	SEC. 7. That the records of said officer shall be evidence in any
Records open to inspection.	court, when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make request to be allowed such privilege.
Assistants or deputies.	SEC. 8. That the said cotton weigher may, if he shall see proper, appoint one or more assistants or deputies in the discharge of his duties in his said position, but the said cotton weigher shall be responsible on his said bond for each and all of the acts of any person or persons so appointed by him.
Vacancies.	SEC. 9. That said board of commissioners are empowered to fill all vacancies in said position of cotton weigher.
	SEC. 10. That this act shall be in force from and after its ratification.
	Ratified this the 8th day of February, A. D. 1909.

CHAPTER 34.

AN ACT TO AID IN THE DEVELOPMENT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Appropriation authorized.	SECTION 1. That the mayor and board of aldermen of the city of Asheville shall annually set apart and appropriate from the funds derived annually from general taxes in said city an amount not less than one-fortieth of one per cent nor more than one-tenth of one per cent upon the assessed valuation of all real and personal property taxable in said city, which funds shall be used and expended under the direction and control of the mayor and board of aldermen of said city and the directors of the Board of Trade of Asheville, under such rules and regulations as they shall prescribe, for the purpose of aiding and encouraging the location of manufacturing, industrial and commercial plants in and near said city, the encouraging of the building of railroads thereto, and for such other purpose as will, in the discretion of said Mayor and Board of Aldermen and directors of the Board of Trade of Asheville, increase the population, taxable property and business prosperity of said city.
Limit.	
Purpose of appropriation.	
Appropriation to be authorized by voters.	SEC. 2. That said appropriation of funds shall not be made unless authorized by a vote of the majority of the qualified voters of the city of Asheville at the next public election to be held in said city for the election of a mayor and board of aldermen thereof.
Time of election.	

at which election those qualified voters in said city who favor the making of such appropriation herein provided shall vote ballots having the words "For Appropriation" written or printed thereon, and those opposed to said appropriation shall vote ballots having the words "Against Appropriation" written or printed thereon; and if at such election a majority of qualified voters of said city shall cast ballots having the words "For Appropriation" written or printed thereon, then said mayor and board of aldermen shall make such appropriation as hereinbefore specified.

SEC. 3. That there shall be a separate box in which the ballots cast at said election shall be placed, and the result thereof shall be canvassed, determined, certified and recorded as the results of other elections in said city, and said election shall be held generally under the rules prescribed by law for the election of mayor and aldermen thereof.

Separate ballot box.
Canvass of result.
Law governing election.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 35.

AN ACT TO REPEAL CHAPTER 344, PRIVATE LAWS OF 1903 (THE CHARTER OF THE VILLAGE OF GLADSTONE, IN STANLY COUNTY).

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-four, Private Laws of one thousand nine hundred and three, entitled "An act to incorporate the village of Gladstone, Stanly County," be and the same is hereby repealed.

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 36.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

SECTION 1. The limits of the town of Scotland Neck shall be as set out in the first act of incorporation and all amendments thereto, with the following territory added thereto: "Beginning on the east side of the present town limits at a point in the course of the

Territory added.
Metes and bounds.

line of the south side of Seventh Street; thence in an easterly direction the course of this Seventh Street nine hundred and twenty feet; thence at right angles a straight line parallel with Greenwood Street of said town in a northerly direction to a point on the south side of Eighth Street of said town."

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

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 37.

AN ACT TO INCORPORATE THE TOWN OF LENOIR, IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Election of mayor and commissioners.	SECTION 1. That the qualified voters living within the corporate limits of the town of Lenoir, as hereinafter set out, shall on the first Monday in May of each and every year elect by ballot seven commissioners and a mayor, to serve for the term of one year only,
Corporation.	or until their successors shall be elected and qualified. Said commissioners and mayor and their successors in office shall be a
Corporate name.	body politic and corporate, under the name and style of "Town of Lenoir," and under such name may sue and be sued, plead and
Corporate powers.	be impleaded, and in addition to the powers and privileges hereafter specially conferred shall have all the power incident and
Proviso: elections under this section.	usual to corporations of like character under the general laws of the State: <i>Provided</i> , that elections under this section shall be held only for the purpose of electing successors to the present
Additional commissioner named.	board of commissioners and mayor by reason of the expiration of the term or terms for which said commissioners and mayor may have been elected under existing law or appointed under this act, until the first Monday in May, one thousand nine hundred and
Proviso: successors to present board.	eleven, at which time a full board of commissioners and mayor shall be elected: <i>Provided further</i> , that until the election on the first Monday in May, one thousand nine hundred and nine, J. H. Beall is hereby designated as the seventh commissioner under this act: <i>Provided further</i> , that the successor or successors of any member or members of the present board of commissioners whose term or terms shall expire by limitation shall be elected for the
Inspectors of elections.	term of one year only.
Advertisement of elections.	SEC. 2. Every election for commissioners and mayor shall be held under the inspection of such persons, not exceeding three
Returns.	as the board of town commissioners may appoint, who shall advertise the election at three public places in the town for ten days immediately preceding such election. Said inspectors shall make out two statements of the election so held, and return on

to the Register of Deeds of Caldwell County and return the other to the secretary of the town board of commissioners, and the return of every such election shall be duly recorded by said register and secretary.

SEC. 3. The inspectors of election shall be sworn by the mayor of the town or other officer authorized to administer oaths generally, and they shall conduct the election as for members of the General Assembly, and at the close of the poll they shall declare elected such persons as shall have the highest number of votes, and they shall within five days notify the persons so elected, and the persons so notified shall within five days after such notification qualify by taking the oath of office.

Inspectors to be sworn.
Law governing elections.
Declaration of result.
Notification.
Officers elect to qualify.

SEC. 4. If among the members voted for there should be any two or more having an equal number of votes, and either would be duly elected but for the equal vote, the inspectors shall determine by lot the election between them; and if no election should be held as provided for, the mayor and old board of commissioners shall hold over.

Fees.
Officers to hold over.

SEC. 5. In case of a vacancy in the office of mayor or commissioner the commissioners shall fill the same.

Vacancy.

SEC. 6. No person shall be mayor or commissioner of the town unless he shall be a qualified voter therein.

Qualifications for mayor.

SEC. 7. The mayor, before some officer authorized to administer oaths generally, shall take an oath to obey the laws of the State of North Carolina and of the United States and to faithfully administer the duties of his office. The commissioners shall likewise take a similar oath before the mayor, after he shall have been qualified, or some other officer authorized to administer oaths generally.

Mayor and commissioners to be sworn.

SEC. 8. The commissioners shall have power to make such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided* the same be not inconsistent with the laws of the land. Among the powers hereby conferred on them they may, not oftener than annually, levy a tax on real and personal property within the corporation not to exceed for general purposes in any one year more than one per centum on the assessed valuation of such property, on all polls taxed by the General Assembly for public purposes, on all shows, exhibitions and concerts given for reward as are taxed by the General Assembly, on all dogs and on all horses, cattle, swine, goats or sheep running at large within the corporate limits, or they may impound such horses, cattle, etc., and keep the same until all fines, fees or charges shall be paid, and may, after ten days from such impounding, sell them at public auction, and out of the proceeds pay all costs and charges. They may also levy taxes for municipal purposes on all persons, property, privileges and subjects within the corporate limits, and on all itinerant or

Ordinances, by-laws, rules and regulations.
Proviso.
Taxing power.
Limit of tax rate.
Special taxes.
Further subjects of taxation.

Chief of police and other officers and agents.	resident persons plying any trade, profession or calling which is liable for taxation for State and county purposes, unless prohibited by the general law of the State. They may appoint a chief of police and such other officers or agents as may be necessary to enforce their ordinances, by-laws and regulations, keep their records and conduct their affairs; may determine the amount of their salaries or compensation, and also the compensation of the mayor and other officers; may impose oaths of office upon them and require bonds from them, payable to the State, to the use of the town, for the faithful discharge of their duties.
Salaries.	
Oath of office and bonds.	
Regulation of markets.	SEC. 9. The board of commissioners may establish and regulate their markets and prescribe at what place within the corporation shall be sold marketable things; whether by weight or measure may be sold grain, meal or flour, if the flour be not packed in barrels; fodder, hay or oats in straw; may erect scales for the purpose of weighing the same, appoint a weigher and fix his fees, and direct by whom they shall be paid.
Streets, bridges and sidewalks.	SEC. 10. The town commissioners shall cause to be kept in repair the streets, bridges and sidewalks of the town, in the manner and to the extent they may deem best; and they shall have power to cause owners of lots to make and keep in good repair, at the expense of the owners of such lots, sidewalks around their said lots, and for this purpose make such rules, regulations and orders as they may deem best. Whenever it shall be deemed necessary by the board of commissioners that a sidewalk or sidewalks shall be constructed or repaired, the commissioners shall, through the mayor, notify the owners of adjoining or abutting lots to construct or repair such sidewalks in such manner and of such material as said commissioners may deem best; and if within sixty days after the service of such notice the said owner or owners of such adjoining or abutting lots shall have failed to construct or repair the said sidewalks as above provided for, then and in that event the commissioners may cause the same to be constructed or repaired and apportion the cost thereof between the town and said property owners in such ratio as said commissioners may deem reasonable and just; and the proportion of such cost of constructing or repairing said sidewalks as may have been apportioned to such lot owners by the said board of commissioners shall be a lien upon the property along or in front of which the said sidewalk may have been constructed or repaired, and the said cost so apportioned on account of benefits received by construction of such sidewalk shall be collectible in the same manner that public taxes are now collected by law. For the purpose of giving notice as provided in this section, service of notice may be made upon an agent, tenant or other person having control of such property, and the same shall be as effective for all purposes as if such notice had been served upon the owner or owners.
Construction and repair of sidewalks.	
Amount payable by owner a lien on property.	
Service of notice.	

SEC. 11. Power is hereby specially conferred upon the board of Fire limits, commissioners to establish by ordinance a fire limit, by metes and bounds, within the boundary of which they may prevent by pains and penalties the erection of any buildings or structures of wood or other inflammable material. They may pass laws and make rules and regulations for abating or preventing public or private nuisances and for preserving the health of the citizens. They shall also have power to buy land for a town cemetery or cemeteries, and make such rules and regulations for the government and control of such cemetery or cemeteries as they may deem best.

SEC. 12. Authority is hereby conferred upon the board of commissioners of the town of Lenoir to condemn to the public use such land as may be by them deemed necessary for the purpose of opening new streets or widening old ones. Whenever the board shall deem it necessary to condemn land, they shall notify, through the mayor, the person or persons owning such land or having control of the same that they will on a day mentioned in the notice proceed to have the condemned land surveyed and staked off and a new street located or an old street widened, as the case may be. The mayor shall within ten days after the survey summon a jury of five disinterested freeholders, not akin to the parties owning the land, and who shall be compelled to serve under a fine of ten dollars, to be recovered before the mayor, to the use of the town, and who shall be residents of the town. The jury so summoned shall, on a day mentioned in the summons, which day shall not be later than five days from the date of the summons, go upon the condemned premises and assess the damages, if any, to the owners of the property, due reference being had to the advantages and increased value of the residue of the premises by reason of the opening of such new street or the widening of any old street. The jury shall, within five days after viewing the premises, make a written report, to be filed with the register of deeds of the county, setting forth the damage, if any, to the owner, and the finding of the jury shall be the measure of damages to be paid by the town, which it shall pay, together with all the other costs of the proceeding, and the register of deeds shall record the same. The jury shall be paid two dollars per day for their services, if they demand the same. Upon the filing of the report of the jury, the title to the condemned property shall vest in the town. Any party aggrieved may appeal from the finding of the jury to the Superior Court of Caldwell County upon the question of damages, but such appeal shall not have the effect of staying or delaying the construction, repairing or widening such street or streets, but upon tendering to the owners the amount of such damage, or upon depositing the same in the office of the Clerk of the Superior Court of Caldwell County, the town may enter upon such lands and construct, repair or widen such street or streets.

Nuisances.

Cemeteries.

Power to condemn land.

Procedure for condemnation of land.

Pay of jurors.

Title to vest in town.
Appeals.

Fines and penalties.

SEC. 13. The commissioners may enforce their ordinances, by-laws, rules and regulations by imposing fines on such as violate them, and compel the performance of the duties they impose upon others by proper penalties.

Duties of mayor.

SEC. 14. The mayor shall preside at the meetings of the board of commissioners, but shall have no vote, except in case of a tie; and in the event of his sickness or absence the board of commissioners may appoint one of their number to exercise his duties *pro tempore*.

Executive officer.

SEC. 15. The mayor shall be the executive officer of the town, and shall enforce the ordinances, by-laws, rules and regulations

Special policemen.

passed by the board of commissioners and shall have power to appoint special policemen to preserve the peace.

Municipal court.

SEC. 16. The mayor is hereby constituted an inferior court, to be called the municipal court, and as such court the mayor shall be a magistrate and conservator of the peace, and within the corporate limits shall have the criminal jurisdiction of a justice of the peace in all matters arising under the laws of the State or the ordinances, rules and regulations of the town. The rules of law

Procedure.

regulating proceedings before a justice of the peace shall be applicable to proceedings before the mayor, and the said mayor shall be entitled to the same fees as a justice of the peace.

Fees.

Further definition of jurisdiction.

SEC. 17. As such court, the mayor shall have authority to hear and determine all cases that may arise upon the ordinances, by-laws, rules or regulations of the town, and to enforce penalties by issuing execution upon any adjudged violations thereof, but any person dissatisfied with the judgment of the mayor may appeal to the Superior Court.

Appeals.

Persons sentenced to work on streets.

SEC. 18. In all cases where judgments may be entered up against any persons for fines or penalties according to the ordinances, by-laws, rules or regulations of the town, and the person against whom the same is so adjudged refuses or is unable to pay such judgment, it may and it shall be lawful for the mayor before whom such judgment is entered to order and require such person so convicted to work on the streets or other public works until at a fair rate of wages such person shall have worked out the full amount of the judgment and cost of prosecution.

Tax lists.

SEC. 19. The mayor or other suitable person shall by order of the board of commissioners take the list of taxes in the town in such manner and at such time as the commissioners shall prescribe. If any person fail to list his taxables within the time prescribed by the commissioners he shall be liable to a double tax.

Penalty for failure to list taxes.

Failure to list and pay tax on dogs.

SEC. 20. If any person residing in the town shall have therein any dog and shall not return the same for taxation, or shall refuse to pay the tax upon the same when required to do so, the person so failing may be fined double the tax, or the dog may be treated as a nuisance and its destruction ordered.

SEC. 21. The mayor shall revise the registration books of the town annually, and shall open the books twenty days before each annual election and register all qualified voters who shall apply. Registration books.

SEC. 22. The chief of police shall, before the mayor or other officer authorized to administer oaths generally, take an oath to observe the laws of the State of North Carolina and the United States and to faithfully perform the duties of his office. As a peace officer he shall have all the powers of a constable in the county; he may make arrests, without warrant, for violation of the laws of the State, of the ordinances, by-laws, rules and regulations of the town, committed in his presence; shall execute all process issued by the mayor, and shall enforce the ordinances, by-laws, rules and regulations prescribed by the commissioners; he shall have all the powers to collect the taxes of the town that are given by law to sheriffs to collect county taxes, or a tax collector may be elected; he may be required to give bond, with sufficient sureties, payable to the State, upon which suit may be brought to the use of the town by the commissioners; he may within the corporate limits serve all civil and criminal process directed to him by any justice's court in Caldwell County or issuing from the Superior Court, and shall be entitled to the same fees therefor as a constable. Chief of police to be sworn.
Powers of chief of police.
Powers as tax collector.
Bond as tax collector.
Service of process.
Fees.

SEC. 23. The commissioners may, in addition to the fees of the chief of police, allow him such monthly compensation for his services as may be just and reasonable. Additional compensation.

SEC. 24. The mayor may at any time discharge the chief of police from office for misconduct or neglect of duty. Removal for cause.

SEC. 25. The commissioners of the town shall have the power to appoint and keep in the pay of the town as many regular policemen as they may deem necessary. Such policemen shall be under the control of the chief of police and subject to his orders, and shall have the same powers of arrest as are by this act granted to the chief of police. Regular policemen.
Powers.

SEC. 26. The chief of police or other officer authorized to collect taxes, fines or penalties shall make a settlement at least once a month of all moneys coming into his hands with the town treasurer or other officer authorized to receive the same, and if he shall fail to make such settlement he shall be guilty of a misdemeanor. Settlement of tax collectors.

SEC. 27. Every person elected or appointed commissioner, mayor, chief of police or assessor of real estate, who, after being duly notified, shall neglect or refuse to qualify and perform the duties of his office or appointment, shall pay twenty-five dollars, one-half to the use of the town and the other half to the use of any person who will sue for the same. Penalty for failure to qualify.

SEC. 28. All municipal officers, mayor, commissioners or tax collector of the town who shall, on demand, fail to turn over to their successors in office the property, books, moneys, seals or other Failure to turn over property a misdemeanor.

- Punishment. effects of the town shall be guilty of a misdemeanor and imprisoned not more than one year and fined not exceeding two hundred dollars, at the discretion of the court.
- Statements to be published. SEC. 29. The commissioners shall annually publish an accurate statement of the taxes levied and collected in the town, together with a statement of the amount expended and for what purposes; and any board of commissioners failing to comply with this section shall forfeit and pay one hundred dollars, one-half to the use of the town and the other half to the use of any person suing for the same.
- Penalty for failure.
- Town tax lists. SEC. 30. The town tax lists shall at all times be under the control of the board of commissioners and shall be subject to corrections by them and shall be open to public inspection.
- Discontinuance of streets and sale of property. SEC. 31. The board of commissioners may discontinue any streets they may deem unnecessary to the town and sell the same, and may sell all other property, real and personal, belonging to the town and not required for the use of the same, and apply the proceeds as they think best, and when any real property is sold the mayor shall make title to the purchaser.
- Title to purchaser.
- Publication of ordinances. SEC. 32. The commissioners shall cause their ordinances to be printed and posted in five public places in the town, but all ordinances, by-laws, rules and regulations shall be in force from the date of their adoption by the board, unless otherwise expressed therein.
- Corporate limits. SEC. 33. The corporate limits of the said town of Lenoir shall be as follows: Beginning at a cedar tree at the old gate and near the Newland and Norwood corner, at the point of a ridge on the northeast side of the Wilkesboro Road, at the bend, one hundred and eighty-seven feet from the center of the bridge over Zach's Fork of Lower Creek, and runs south 24° west three thousand five hundred and fifteen feet to a stone and stake, the old corporation corner, in the bottom; then south 74° west eight hundred and seventy-five feet to a stake on the point of the ridge at the south end of the extension of Mulberry Street; then south $51\frac{1}{2}^{\circ}$ west one thousand three hundred and fifty feet to a stake at the end of the ridge, the southwest end of the Leever Hill; then west one thousand seven hundred and eighty feet to the point of the ridge, the south corner of the Lerince addition; then south 54° west eight hundred and fifty feet to a bunch of sweetgums on the point of the ridge near the edge of the bottom; same course one thousand four hundred and fifty feet to a stake in the graded-school boundary line; then with the graded-school boundary line west one thousand nine hundred and sixty feet to a stake in Houck's and Greer's line; then north $61\frac{1}{2}^{\circ}$ east one hundred feet to H. L. Honck's northeast corner, in Greer's line; then north $10\frac{1}{2}^{\circ}$ west one thousand six hundred feet to a stake in the center of the Morganton Road, at the foot of the hill and at the intersection of the

new graded road with the old road and about four hundred and eighty feet from the bridge over Blair's Fork; then north 17° east four thousand feet to a stone on a ridge. Wakefield's. Beall's and Miller's corner; then north $36\frac{1}{4}^{\circ}$ east five thousand two hundred and eighty feet to a stake in the turnpike road, at the ford of Blair's Fork Creek; then north $59\frac{1}{2}^{\circ}$ east one thousand one hundred and fifty feet to a stake in the graded-school boundary line on the east side of the Caldwell and Northern Railroad; then south 57° east, passing through the north end of the gap in the ridge north of Freedman, in all five thousand four hundred and fifty feet, to a stake north 10° east from the beginning; then south 10° west one thousand eight hundred feet, to the beginning.

SEC. 34. The violation of any ordinance, by-law, rule or regulation of the town of Lenoir shall be a misdemeanor and shall be punished by a fine not to exceed fifty dollars or by imprisonment not exceeding thirty days. Punishment for violation of ordinances.

SEC. 35. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 36. This act shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 38.

AN ACT TO AMEND THE CHARTER OF THE CITY OF BURLINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the city of Burlington may own and maintain its own waterworks, electric light and sewerage systems, and may furnish electric power and lights to the citizens of said city and collect rents therefor, for both day and night service, and furnish water for fire and for other purposes to its citizens. Waterworks, electric power and lights and sewerage.

SEC. 2. That the board of aldermen shall have power to acquire and hold rights of way, water and sewer rights and other property within and without the city limits to any distances necessary for its purposes, and shall have power to condemn and take rights of way, easements, water rights and other property for the purpose of getting, storing and maintaining and furnishing a pure and adequate water supply, and for furnishing lights, sewerage and electric power for the city and its citizens at all times; that the proceedings in said condemnation shall be the same as are provided in chapter two hundred and four. Private Laws of one thousand nine hundred and three, the original charter of said city. Rights of way.
Power to condemn lands.
Procedure for condemnation.

SEC. 3. That for the proper management of said systems a commission is hereby established to be known as the water, light and Water, light and power commission.

Election.	power commission, which said commission shall consist of three members, to be elected by the board of aldermen (not more than
Term.	two of whom shall be of the same political party) for a term of three years each, except at the first election under this section
Vacancies.	the terms shall be for one, two and three years, and in case of any vacancy otherwise than by expiration of term the board shall
Organization.	elect some person to fill out the unexpired term; and the said commission shall organize by electing one of its members as chair-
Proviso: removal for cause.	man, whose term as chairman shall be for one year: <i>Provided</i> , that said board, for just cause, may at any time discharge or suspend any member of said commission for failure to properly discharge the duties of said office.
Powers of commission.	SEC. 4. That the said commission shall have entire supervision and control of the maintenance, improvement and management of said water, sewer and power systems, and shall fix such uniform
Proviso: appeals.	rates for water, light and power as they think best: <i>Provided</i> , that any person may appeal from its decision, as to rates, to the board of aldermen, and the decision of the board shall be final.
Funds of commission.	SEC. 5. That the said commission shall keep its funds in the hands of the city treasurer, but in an account separate from the other city funds; that said funds shall be paid out only on the
Quarterly reports.	order of said commission, and at the end of each quarter the said commission shall report to the board of aldermen its receipts and an itemized schedule of its disbursements and the net gain for the period, and shall recommend to the board such amount as may be safely turned over to the general fund of the city. After hearing said report and recommendations, the board of aldermen shall decide what sum shall be turned over to the general fund.
Officers, agents and employees.	SEC. 6. The said commission shall elect all officers, agents and employees necessary to the management and conduct of said systems, and fix their remuneration, subject to the approval of the board of aldermen, and said aldermen shall decide which of said officers, agents and employees shall give bond, and the amount thereof.
Compensation of commissioners.	SEC. 7. The board of aldermen may, if it sees fit, allow a remuneration to the members of the commission, but such remuneration shall last only until a new board is elected and qualified.
Power to borrow money.	SEC. 8. That the mayor and board of aldermen of the city of Burlington, for the purpose of protecting and completing the water supply of said city, as contracted, may borrow the sum of twenty thousand dollars and pledge as security for said loan the faith and credit of said city. The mayor and aldermen of the city of Burlington are hereby authorized and empowered, without submitting the question to a vote of the qualified voters of said city, to issue coupon bonds for the amount, not exceeding twenty thousand dollars, in denominations of not less than one hundred dollars each, bearing interest from the date of their issue at a rate not
Bond issue authorized.	
Interest.	

exceeding five per cent per annum and payable semiannually. The bonds shall be payable at the expiration of thirty years from Maturity. the date thereof. Said bonds and coupons shall be numbered and Authentication. shall be signed by the Mayor of Burlington and countersigned by the clerk of the board of aldermen, and the official seal of said city shall be attached to each bond. The coupons shall be received Coupons receivable for tax. in payment of all taxes and debts due said city. Said bonds shall not be sold for less than par. The money arising from the sale Specific appropriation. shall be expended by the mayor and board of aldermen of said city only for the purpose of paying off and discharging the indebtedness of said city for the purpose above mentioned.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. That this act shall go into effect and be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1909.

CHAPTER 39.

AN ACT TO AUTHORIZE AND EMPOWER THE SEABOARD AIR LINE RAILWAY OR THE RECEIVERS OPERATING THE SAME TO CONDEMN LAND IN THE CITY OF WILMINGTON FOR TERMINAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Seaboard Air Line Railway or the receivers operating the same, by and under a decree of the Circuit Court of the United States, be and they are hereby authorized and empowered to condemn for the purposes of enlarging the yards and terminal facilities of the Seaboard Air Line Railway in the city of Wilmington so much of the terminus of Brunswick Street, in said city, beginning at a point in the northern line of Brunswick Street, were the same extended, one hundred and seventy-five (175) feet west of the western line of Nutt Street; runs thence south parallel with Nutt Street sixty-six (66) feet to the southern line of Brunswick Street, were the same extended; thence westwardly with said line, were the same extended, to the channel of the Cape Fear River; thence northwardly with the meanders of said channel to the point of its intersection with the northern line of Brunswick Street, were the same extended, westwardly to the said channel; thence with said western line of Brunswick Street to the point of beginning. Condemnation of land for yards and terminals.

SEC. 2. That the proceedings for such condemnation shall be Procedure. such as are provided in chapter sixty-one of the Revisal of one thousand nine hundred and five. Boundaries.

Land to revert.

SEC. 3. That the said Seaboard Air Line Railway or the receivers operating the same shall begin the enlargement and extension of the said terminals within six months from the passage of this act, and upon failure to do so the land condemned hereunder shall revert to the city for public purposes, in the same manner as it was held before, upon the return to said railway of the amount of the money paid by it or them under the decree in such condemnation proceedings.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 40.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL IN TOISNOT TOWNSHIP, WILSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Election to be held.

SECTION 1. That there shall be an election held in the White School District Number One, in Toisnot Township, Wilson County, North Carolina, on Tuesday, the sixth day of April, one thousand nine hundred and nine, upon the question of the establishment of a graded school in the said district and of a special school tax for the support of the said graded school.

Date of election.

Order for election.

Notice.

Appointment of registrar and judges.

Registration.

SEC. 2. That the board of county commissioners shall order the election, giving thirty days' notice thereof in three public places in said school district, and shall appoint a registrar and two judges of election to hold the same and canvass the vote and declare the results, and the registration books shall be kept open by a registrar in said district duly appointed, on Saturday, March sixth, one thousand nine hundred and nine, and every Saturday thereafter until Saturday, April third, one thousand nine hundred and nine, inclusive, and all duly qualified voters resident in said district shall have the opportunity of registering and voting at the said election: *Provided*, that no person shall be allowed to vote in said election who has not registered for said election.

Proviso: registration a prerequisite to voting.

Graded school district if voted for.

SEC. 3. That if a majority of the qualified voters of said district who have registered shall vote a ballot upon which is written or printed the words "For School," then all of the territory now embraced in White School District Number One, in Toisnot Township, Wilson County, North Carolina, shall be and the same is hereby created a graded school district to be known as the Elm

City Graded-school District: *Provided*, that if at the said election a majority of the duly qualified voters do not vote "For School," this act shall be of no effect. Proviso: act not effective.

SEC. 4. That if a majority of the registered voters of the said district shall vote "For School," a *per capita* tax of not less than fifteen cents nor more than ninety cents shall be levied upon every male person resident of the said district between the ages of twenty-one and fifty years, and property tax shall be levied by the county commissioners of Wilson County in the manner prescribed by law for the levying of school taxes upon all property in the said district, upon the request of the board of trustees of the Elm City Graded School: *Provided*, that the said tax levied shall at no time be less than five cents on the one hundred dollars' worth of property and shall not exceed thirty cents on the one hundred dollars' worth of property: *Provided further*, that the Board of County Commissioners of Wilson County shall annually levy such a property tax between five cents on the one hundred dollars' worth of property and thirty cents on the one hundred dollars' worth of property as shall be requested by resolutions of the board of trustees of the Elm City Graded School: *Provided further*, that in event that the board of graded-school trustees of Elm City Graded School shall fail to request the levy of any tax, it shall be the duty of the Board of County Commissioners of Wilson County to levy a tax of fifteen cents on the one hundred dollars' worth of property in said district and forty-five cents on polls: *Provided further*, that the *per capita* tax shall be and remain at all times forty-five cents, to be levied by the Board of Commissioners of Wilson County. Poll tax.
Property tax.
Proviso: tax rate.
Proviso: rate as requested by school trustees.
Proviso: rate if trustees make no request.

SEC. 5. The special tax levied by the county commissioners of Wilson County upon the property in said district, as well as the *per capita* tax herein provided for, shall be collected by the Sheriff of Wilson County and paid to the treasurer of the board of trustees of the Elm City Graded School. Proviso: poll tax rate.
Collection and payment of tax,

SEC. 6. That B. H. Barnes, P. W. Williams, W. H. Dixon, J. L. Bailey, G. R. Winstead, W. H. Pridgen, W. G. Sharp, W. D. Farmer, J. W. Cox and E. R. Brinkley shall be and they are hereby named and constituted a board of graded-school trustees of Elm City Graded School; the first-named three shall serve for a term of six years, the next-named three shall serve for a term of four years, and the last-named four shall serve for a term of two years. Board of graded school trustees named.
Terms of office.

SEC. 7. Whenever the term of any of the said board of trustees shall expire, the successors of such as whose term has expired shall be immediately elected by those remaining whose term has not expired. All vacancies in the said board of graded-school trustees, however occurring, shall be filled by election of the said board of graded-school trustees. Election of successors.
Vacancies.

Trustees incorporated.	SEC. 8. That the board of graded-school trustees hereby created shall be a body politic and corporate by the name and style of the "Board of Trustees of the Elm City Graded School," and by that name shall be capable of receiving gifts and grants, purchasing and holding real estate, selling and mortgaging and transferring the same for school purposes, and prosecuting and defending suit for and against the corporation hereby created. Conveyances to said school trustees shall be made to them and to their successors in office.
Corporate name.	
Corporate powers.	
Conveyances to trustees.	SEC. 9. That said board of trustees shall have entire and exclusive control of the graded-school and public-school property in the said school district, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act: shall employ and fix the compensation of the teachers annually, subject to removal by said board: shall make an accurate census of the school population of the district, as required by the general law of the State, and do all other acts proper to the management of the school interest of said district: <i>Provided</i> , that children resident in said district between the ages of six and twenty-one years shall be admitted into the said school free of tuition charges, and those desiring to be admitted as pay students may be admitted on such terms as the board of trustees may direct.
Powers of trustees.	
Proviso: free tuition.	
Pay students.	SEC. 10. That the said board of trustees shall annually elect one of their number treasurer and custodian of all public school funds; and the public-school money derived from the State for the benefit of said school district and all money collected from said special tax and apportioned from the State and county school fund to said district from year to year as county school tax is hereby appropriated to and set apart for the use and benefit of the said graded school; and the same, together with the money arising from any special tax, gift, grant, apportionment or otherwise, shall be paid to and received by the treasurer of said board of graded-school trustees, and the said treasurer shall report monthly to the board of trustees his receipts and disbursements, with all the vouchers for disbursements. The money so received shall be held by the said treasurer as a fund, to be disbursed only upon the order of the board, signed by its chairman and countersigned by its secretary. The said treasurer shall, in addition to his monthly report to the board, annually report to the said board his receipts and disbursements for the year. The said treasurer shall be required to give bond, to be fixed by the board of trustees, in an amount sufficient to secure all school money that may come into his hands.
Election of school treasurer.	
Moneys appropriated to school.	
Treasurer to report monthly.	SEC. 11. That the said board of trustees of graded school shall apportionment the money raised and received for educational purposes in the said school district in such manner as shall be just to the white and colored race, without discrimination to the prejudice
Disbursements of school funds.	
Annual reports.	
Bond of treasurer.	
Apportionment of funds.	

of either race, due regard being paid to the cost of keeping up and maintaining the school for both races, separate schools to be provided for each race. If the number of either race and the funds therefor is insufficient to maintain a graded school, the funds may be applied to a public school for said race under the control of the said board.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 41.

AN ACT TO REGULATE THE HOLDING OF A SPECIAL ELECTION FOR A SPECIAL SCHOOL TAX IN PEAK CREEK TOWNSHIP, ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas an election was held in Special School-tax District Number Seven, in Peak Creek Township, Ashe County, North Carolina, on October eighth, one thousand nine hundred and eight, for the purpose of voting for a special school tax in said district of thirty cents on the one hundred dollars valuation of property and ninety cents on the poll, under the provisions of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; and whereas there are certain alleged irregularities in the holding of said election; and whereas the commissioners levied only thirty cents on the one hundred dollars valuation of the property and no tax on the poll, under the ruling of Supreme Court in the case of Southern Railway Company against Board of Commissioners of Mecklenburg County: now, therefore, it is hereby enacted that said election be declared null and void, and the Sheriff of Ashe County is hereby directed not to collect said special school tax of thirty cents on the one hundred dollars valuation of property in said district.

SEC. 2. That an election be held in said special school district on the seventeenth day of April, one thousand nine hundred and nine, for the purpose of voting on a special school tax in said district of thirty cents on the one hundred dollars valuation of property in said district and ninety cents on each poll in said district to supplement the public-school fund of said district, which election shall be held at the regular polling place in Peak Creek Township and under the rules and regulations governing the general elections, as near as may be.

Preamble.

Preamble.

Election declared void.

Election to be held.
Date.

Polling place.

Law governing election.

Registrar
appointed.
Registration.

SEC. 3. That F. C. Bare be and is hereby appointed registrar for said district, who shall attend at the voting place on the Monday, Tuesday and Wednesday preceding the day of election, between the hours of ten o'clock A. M. and four P. M., for the purpose of registering said voters in said precinct, and shall remain at his home on Thursday and Friday preceding said election for the purpose of registering said votes, and shall close the registrar's books at five P. M. Friday, April sixteenth, one thousand nine hundred and nine.

Close of registra-
tion.

Judges of election.

SEC. 4. That J. D. Bare, Reed Farrington and F. C. Bare are hereby appointed judges of the election, who shall make their report to the board of commissioners and certify the result of said election; and if a majority of the registered voters of said township vote in favor of said special school tax the commissioners of Ashe County shall levy said tax at their annual meeting for levying the general county tax, and the same shall be collected as other taxes in said township and applied as provided for in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five.

County commis-
sioners to levy
tax.

Notice of election.

SEC. 5. That a notice of this election shall be posted at the court-house door in Jefferson, North Carolina, and in three public places in said district for thirty days prior to holding of same.

Apportionment
of levy.

SEC. 6. That when any land or other real property is partly situated in said district and partly out of said district, the commissioners shall apportion the levy according to the assessed value of same, in proportion to the amount of said property so situated in said district.

Law governing
election and ap-
plication of funds.

SEC. 7. That this election shall be held and fund applied under the provisions of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, except as herein provided, and shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 42.

AN ACT TO AMEND CHAPTER 434 OF THE PRIVATE LAWS OF 1907, WHICH RELATES TO THE PAVING OF STREETS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Paving district.

SECTION 1. That chapter four hundred and thirty-four of the Private Laws of the session of one thousand nine hundred and seven be amended as follows: (a) That the words "Atlantic Coast Line depot," in line nine (9) of section seven (7), be stricken out

and the words "western margin of Robinson Street" be inserted in lieu thereof; (b) that a proviso be added to section nine (9) thereof reading as follows: "*Provided*, that such pavement petitioned for shall be upon streets which are now paved or upon streets leading into a portion of a street then paved, in order that all paving shall be continuous. In case no petition is handed in by property owners, if the funds be available the board of aldermen may extend the pavement on streets already paved or on streets leading into the paved portions of streets already paved, and assess the improvements upon the contiguous property owners, as provided for in this act."

Proviso: paving to be continuous.

Extension of pavement.

Sec. 2. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 43.

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PURCHASE THE ASHEVILLE AUDITORIUM PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the city of Asheville, county of Buncombe and State of North Carolina, be and it is hereby authorized to acquire, by purchase or gift from the Asheville Auditorium Company, all the property of said company, including what is known as the Auditorium building, situated on Haywood Street, in the city of Asheville, at such price and on such terms as may be agreed upon by the said city and the said Asheville Auditorium Company.

Acquisition of auditorium authorized.

Sec. 2. That said purchase or acquisition shall not be made by the said city of Asheville unless authorized by a majority of the voters of the said city at the next public election to be held for the election of mayor and board of aldermen thereof, at which election those qualified voters in said city who favor the purchase or acquisition of the said auditorium herein provided for shall vote ballots having the words "For Purchase of Auditorium" written or printed thereon, and those opposed to said purchase shall vote ballots having written or printed thereon "Against Purchase of Auditorium"; and if at said election a majority of the qualified voters of said city shall cast ballots having the words "For Purchase of Auditorium" written or printed thereon, the mayor and board of aldermen of the said city of Asheville shall be authorized to purchase or acquire the said auditorium property, as hereinbefore provided.

Election.

Ballots.

Effect of election.

Sec. 3. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 44.

AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO LEVY SPECIAL TAXES TO PAY INTEREST ON ITS BONDS.

The General Assembly of North Carolina do enact:

Special tax
authorized.
Rate.

Purpose.

Tax in addition to
other taxes.

SECTION 1. That the board of aldermen of the city of New Bern is hereby authorized to levy annually a special tax, not exceeding the rate of twenty-five cents on a hundred dollars' worth of property and seventy-five cents on the polls, for the purpose of paying interest on the outstanding bonds of the city which have heretofore been legally authorized, to wit, the eighty thousand water and sewerage bonds, fifteen thousand electric-light bonds, thirty thousand dollars authorized in one thousand nine hundred and seven, ten thousand funding bonds, fifty thousand sidewalk bonds and fifty thousand dollars pavement bonds, approved by the election of January fifth, one thousand nine hundred and nine.

SEC. 2. The taxes herein authorized shall be in addition to the taxes heretofore authorized.

SEC. 3. That all laws in conflict with this act are hereby repealed.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 45.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Lands for enlarge-
ment of cemetery.

Power of con-
demnation.

SECTION 1. That chapter one hundred and twenty-seven, Private Laws of one thousand eight hundred and eighty-five, be amended by adding the following to the end of section twenty-seven: "That the board of aldermen of said town of Waynesville, in addition to all rights and privileges under section two thousand nine hundred and sixteen of the Revisal of one thousand nine hundred and five of North Carolina, shall have the right, and authority is hereby given, to purchase any lands adjoining the present cemetery in said town, for the purpose of enlarging the same, on such terms as may be agreed upon between the said board of aldermen and the land owner or owners; but in case such land cannot be purchased on terms satisfactory to the board of aldermen of said town, then and in that event the right is hereby given to the said town of Waynesville to enter upon the lands needed for the enlargement or extension of said cemetery and survey the same, and

proceed to condemn and pay for the same, as provided by chapter sixty-one, entitled 'Railroads' (Revisal of one thousand nine hundred and five of North Carolina), or as otherwise provided by law: *Provided*, that the petition for condemning such land shall set forth the location and the number of acres to be condemned for the addition to said cemetery. When said land shall be acquired by such procedure and paid for, the title to the same shall vest in the town in fee simple for the burial purposes aforesaid, and if deemed necessary the court may, upon application or a suit instituted by said town against the party whose land has been condemned for the purposes aforesaid, compel such party or parties to execute and deliver to the board of aldermen of said town a deed in fee simple for such property." Proviso: petition for condemnation.
Deed for property condemned.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 46.

AN ACT TO AMEND SECTION 3 OF CHAPTER 401 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter four hundred and one of the Private Laws of North Carolina, session one thousand nine hundred and five, be amended by inserting between the words "directed" and "to," in line ten of said section, the words "at the request of any abutting landowner and before the completion of such improvements on said street." Improvement of streets.

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 47.

AN ACT TO EXTEND AND ENLARGE THE CORPORATE LIMITS OF THE TOWN OF WINTERVILLE, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits and boundaries of the town of Winterville, in the county of Pitt, shall be enlarged and extended so as to embrace the following territory, to wit: Begin Boundaries. at a point on the Scotland Neck and Kinston Railroad thirty-

one and one-half chains southwardly from the center of Main Street, where it crosses said railroad and runs south $70\frac{3}{4}^{\circ}$ east eleven and fifteen-one-hundredths chains to the southeast corner of Mrs. Maggie Butts' lot; then north 22° east eleven and fifty-one-hundredths chains to the mouth of a ditch on McG. Bryan's line; then south $65\frac{1}{2}^{\circ}$ east thirteen and eighty-one-hundredths chains to Dr. Cox and A. G. Cox's line; then north $52\frac{1}{2}^{\circ}$ east thirteen and seventy-one-hundredths chains to a crook of a ditch on Blount Street; then north $21\frac{1}{2}^{\circ}$ east twenty-four chains to the center of Main Street, at the stock-law gate; then with a ditch north $16\frac{1}{2}^{\circ}$ east six and sixty-five-one-hundredths chains to Josephus Cox's corner; then with Josephus and J. D. Cox's line north 88° west twenty-one and forty-one-hundredths chains to a post; then north 6° east fifteen chains to Herbert Evans' (colored) corner; then north 67° west two and seventy-five-one-hundredths chains; then north $23\frac{1}{2}^{\circ}$ east seven and seventy-two-one-hundredths chains; then north 51° west three and fifty-one-hundredths chains to the center of the railroad; then with the new road north 73° west eight and twenty-one-hundredths chains to W. L. House's line; then with his line south $33\frac{1}{4}^{\circ}$ west sixteen and fifty-one-hundredths chains to Miry Branch Canal; then down said canal thirteen and ten one-hundredths chains to Chapman Street; then with said street south 1° west twelve and seventy-five-one-hundredths chains to a point opposite a ditch; then with said ditch south $89\frac{1}{2}^{\circ}$ west eight and seventy-five-one-hundredths chains to W. B. Tucker's line, another ditch; then with said ditch the following courses and distances: south $1\frac{1}{2}^{\circ}$ east ten and forty-one-hundredths chains; south 25° west one and eighteen-one-hundredths chains; south $23\frac{1}{4}^{\circ}$ west three and ten-one-hundredths chains to Main Street; then south $23\frac{3}{4}^{\circ}$ west nineteen and fifteen-one-hundredths chains, south 37° west one and fifty-one-hundredths chains, south $11\frac{1}{2}^{\circ}$ west one and fifty-one-hundredths chains, south 19° east one and seventy-five-one-hundredths chains, south 40° east four and thirty-five-one-hundredths chains to Main ditch, which drains the town of Winterville; then up said ditch north 73° east two and eighty-three-one-hundredths chains to a sweetgum, Lovie Johnson's corner; then with her line south 29° east three and forty-two-one-hundredths chains to her corner; then with her line south 70° east eight and twenty-five-one-hundredths chains, center of the railroad; then with the railroad south $20\frac{1}{2}^{\circ}$ west two and eighty-five-one-hundredths chains to the beginning.

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

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

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 48.

AN ACT TO INCORPORATE THE UNION POWER AND
TRANSPORTATION COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. W. Vass, Sherwood Haywood and S. B. Corporators, Shepherd and their associates, successors and assigns be and they are hereby declared a body politic and corporate, under the name Corporate name. and style of the Union Power and Transportation Company, and Corporate powers. by that name shall have succession for a period of sixty years, and sue and be sued, plead and be impleaded, make and use a corporate seal, and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act.

SEC. 2. The objects for which said corporation is established are Objects of corporation. to supply light, heat and power, electrical or otherwise, to individuals and corporations, private or municipal; to construct, maintain and operate railways, flumes, telegraph and telephone lines or other means of transportation or communication; to encourage, promote, operate and maintain manufacturing enterprises, mines, hotels and industries and business of any kind whatsoever, and works of internal improvement or public use and utility, and generally to develop in every way the resources of any and all land acquired by the said corporation or belonging to others.

SEC. 3. In furtherance of the objects and purposes hereinbefore stated, the said corporation shall have the following powers (it being hereby expressly provided, however, that the said powers Examination of powers. Powers under general law. herein specifically enumerated shall not be held to limit or restrict in any manner the general powers conferred by the laws of the State of North Carolina in chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and the laws amendatory thereof, or elsewhere)—that is to say:

(a) To supply to the public, including both individuals and corporations, whether private or municipal, within the State of North Carolina and elsewhere, power in the forms of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms or any other forms for use in driving machinery and for light, heat and all other uses to which the power so supplied can be applied, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power, as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the transmission of power by wires or poles or underground, and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such Rights as power and light company.

connecting and branch lines within the State of North Carolina or elsewhere as the board of directors may locate or authorize to be located for receiving, transmitting and distributing power; and to acquire, own, hold, sell or otherwise dispose of water power and water privileges in the State of North Carolina, and locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing water, steam or by any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations and other buildings, and all other works, structures, machinery and appliances which may be necessary to the operation of said plants: *Provided*, that the lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities, respectively, thereof shall upon application from the company prescribe.

Proviso: liens on public streets and highways.

Rights as electric light and power company.

(b) To carry on and conduct the business of generating, making, transmitting, furnishing and selling electricity for the purposes of lighting, heat and power and transmission of power, and to furnish and sell and to contract for the furnishing and sale to persons, corporations, towns and cities of electricity for illuminating purposes or as motive power for running and propelling motors, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used; to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, steam, gas, compressed air and all other kinds of power, forces, fluids, currents, matter and material used or to be used for the purpose of illumination, heat or power; to carry on any and all business in anywise appertaining to or connected with the manufacturing and generating, distributing and furnishing electricity for light, heat and power purposes, including the transacting and conducting of any and all business in which electricity is now or may be hereafter utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances, machinery used and which may be required or deemed advisable for or in connection with the utilizing of electricity or in anywise appertaining thereto or connected therewith; to purchase, acquire, own, hold, improve, let, lease, operate and maintain water rights and privileges and water powers; to construct, acquire, build and operate, maintain and lease canals, ditches, flumes and pipe lines for the conducting of water; to build, construct, maintain and operate railroads, street railways, motor lines, tramways, turnpikes, flumes and canals, and to carry freight or passengers or freight and pas-

sengers thereon, and to charge, collect and receive tolls or fares for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines and for the transmission of messages thereon as may be deemed reasonable; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways or other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any number or all of its railroads, street railways, motor lines, tramways, turnpikes, flumes, canals, telegraph lines, telephone lines, power transmission lines, conduits and power plants to any other company or companies or organized for the purpose of maintaining and operating such roads, lines or conduits or power plants, and to lease, purchase, maintain and operate any part or all of any other railroad constructed by others, upon such terms and conditions as may be agreed upon by the parties, respectively; to apply to the proper authorities of any incorporated county, city or town in the State of North Carolina or elsewhere in which the railroads, street railways, motor lines, tramways, turnpikes, flumes, canals, power transmission lines, power plants, underground subways, wires, poles and appliances of this corporation may extend or be designed or intended now or hereafter to extend, for a grant of any rights, privileges and franchises for the maintenance and operation thereof; to accept, receive, own, hold, lease, all and singular, the same; to acquire, by contract, purchase, lease or otherwise, and to accept, own and hold any right, privileges or franchises heretofore granted to any person, firm, company or corporation or which may be hereafter so granted by the proper authorities of any such county, city or town; and to do and perform all matters and things necessary, proper or convenient for the accomplishment of the objects hereinbefore mentioned.

Power to lease to other corporations.

Power to purchase or lease other lines.

(c) To acquire, by purchase, condemnation or other proper method, the right to use, employ and divert the water flowing and running in any stream or water course which may be necessary to the exercise of any of the powers of a public or *quasi* public character herein granted to the said corporation; and whenever it shall be necessary to divert the water from any such stream or water course to be used for any of the purposes herein provided, the said corporation shall have the right to have the value of the said water so to be diverted and the land so to be used over which it shall be conducted condemned and the value thereof assessed in the manner hereinafter provided for the condemnation and valuation of land and other property.

Rights in regard to water and water powers.

(d) To purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient, and

Rights as real estate improvement company.

to build dwelling houses, build and operate stores, mills, schools, factories, warehouses, hotels and any and all other buildings and structures deemed advisable and expedient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plot and dedicate to public use, or otherwise, streets, avenues, alleys and parks, and to adorn and beautify its property by building dams for ponds, reservoirs and lakes and by other means.

Mercantile business, mining, manufacturing and farming.

(c) To manufacture, purchase or otherwise acquire, hold, own, sell, assign and transfer, invest, trade, deal in and deal with goods, wares and merchandise and property of every class and description, and to do both mining and manufacturing of any kind, and also to carry on the business of farming, stock raising, lumbering, and cutting and dealing in firewood, quarrying and hotel keeping.

Quarrying and hotel keeping.

Rights as building company.

(f) To erect and construct, make, improve or aid or subscribe toward the construction, making and improvement of mills, factories, storehouses, buildings, roads, docks, piers, wharves, houses for employees and others, and works of all kinds.

Rights as guarantee company.

(g) To guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities issued by or any other contract or obligation of any corporation, whenever proper or necessary for the business of this corporation, in the judgment of its directors.

General rights.

(h) To do all and everything necessary and suitable or proper for the accomplishment of any of the purposes or attainment of any one or more of the objects herein enumerated or which shall at any time appear conducive to or expedient for the protection or benefit of the corporation, either as holder of or interested in any property; and in general to carry on any business, whether manufacturing, mining or otherwise.

Power to deal in stocks and bonds.

(i) To acquire, by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations issued or created by other corporation or corporations; and, while the holder of such stock, to exercise all the rights and privileges of ownership, including the right to vote thereon, to the same extent as a natural person might or could do; to lease, purchase or otherwise acquire, own, hold, maintain, use and dispose of the rights of way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of any other corporation, or to unite and consolidate with any other corporation upon such terms as may be agreed upon, and also to borrow money and for such consideration and upon such terms as the stockholders or board of directors may determine; to issue its notes, bonds and debentures from time to time as it may elect,

Consolidation.

Right to borrow money.

and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises, in whole or in part, as they may deem necessary or expedient.

SEC. 4. It shall be legal for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring or surveying lands required by said company for the location of any of its works or for the conducting of the business or any part of said business hereinbefore authorized in paragraphs (a) and (b) and (c) of section three, and for locating said works, doing no unnecessary damage to private property; and when the location of said works shall have been determined and a survey of the same deposited in the office of the clerk of the Superior Court of the county in which the said land lies, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold and use and excavate and fill any such lands, and to erect all the necessary and suitable structures for the erection, completion, repairing and operating of said works, subject to such compensation as is hereinafter provided: *Provided, however*, that said company shall not enter or break ground upon the premises, except for the purpose of surveying, without the consent of the owner, until such owner's damages are agreed upon between such owner and said company, or ascertained by the method hereinafter provided, and such damage has been paid to such owner; and *Provided further*, that such locating of its works and filing its surveys in the office of the clerk of the Superior Court shall not preclude said company from making from time to time other locations of works and filing surveys of the same, as its business and its development require; and whenever any land for the location of dams or of a canal or canals or for ponding water, or any other lands or rights of way may be required by said company for the purpose of constructing and operating its works or for the conducting of the business herein authorized or any part of said business, and the said company cannot agree with the said owner thereof for the purchase of the same, the same may be condemned and taken and appropriated by said company at a valuation of five commissioners, or a majority of them, appointed by the clerk of the Superior Court of the county in which the land to be condemned lies. In making said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered. The said commissioners shall report their valuation of said land to the said clerk, in writing, within twenty days after receiving notice of their appointment, and shall file their report with said clerk within that time; and if the said owner or owners of the said company do not except to

Entry on lands
for exploration
and survey.

Entry upon lands
for work.

Proviso: limita-
tion of power.

Proviso; further
locations.

Procedure for
condemnation.

the valuation so reported within ten days after the filing of the report the said clerk shall approve and confirm said report, and then, upon payment of such valuation and the costs of the proceedings, the said lands shall vest in and be and become the property of said company for the purpose hereinbefore expressed.

Right of appeal. If either or both of the parties be dissatisfied with such valuation, then either or both parties may within ten days after the filing of said report file exceptions thereto; and upon the determination of the same by the clerk, and upon notice to the other party within three days after such determination, may appeal to the Superior Court of the county in which the land lies, at the next ensuing term thereof, and upon the demand of either party the said valuation shall be determined by a jury trial. If no such demand is made, the judge may hear and determine the matter upon exceptions filed, and either party shall have the right to appeal to the Supreme Court, as in other cases, from the judgment of the Superior Court. When the said valuation has been thus ascertained and determined and paid, the said land shall vest in and be and become the property of the said company for the purposes hereinbefore expressed. In case any land so required shall be claimed by more than one person, then the amount of the valuation shall be deposited with the clerk of the Superior Court of the county in which the land lies, until the true owners of the land and the proper person to receive said money can be ascertained by an action or suit between such claimants: *Provided*, that upon application for the appointment of commissioners under this act it shall be made to appear to the satisfaction of the clerk of the Superior Court of the county in which the land lies that at least ten days' notice had been previously given of the application to the owner or owners of the land so proposed to be condemned, or, if the owner or owners be under disability, then to the guardian, if any, of such owner or owners, as well as to such owner or owners, or, if the owner or owners not under disability, or if the guardian of such owner or owners as are under disability cannot be found within the county, or the owner or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper in the county in which the application is made, or if there be no such newspaper in such county, then in some newspaper published in some county adjoining the county in which the land to be condemned lies, and by notice posted for twenty days at the courthouse door of said county in which said land lies: and *Provided further*, that the application provided for in this section shall be made upon the oaths of the commissioners aforesaid, which may be administered by any clerk of the court, justice of the peace or other person authorized by law to administer oaths: and *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade a burial ground of any individual

Jury trial.

Land to vest in company.

Proviso: notice to owners.

Proviso: application under oath.

Proviso: limit on right of condemnation.

without his or her consent. In case of any appeal to the Superior Court from the report of the commissioners by either the said company or the said owner or owners of the land to be condemned, then the said company shall deposit with the clerk of the Superior Court of the county in which the said land lies the sum named as the valuation of said land by the commissioners and all costs of the proceedings up to the date of the appeal, and thereupon the said land shall vest in the said company for the purpose hereinbefore expressed; and when the valuation of said land shall be finally determined, as prescribed by this act, then the sum so deposited with the clerk, or so much thereof as may be necessary to pay to the land owner or owners such valuation of said land, with such costs as he or they may recover, shall be paid to such land owner or owners, and any surplus shall be returned to said company. In case such deposit is not sufficient to pay off such valuation and costs, the court shall give judgment to said owner or owners for the amount of such deficiency, and such judgment shall be a lien on said lands, having priority over all other liens placed upon said land by said company or its assigns, and over any and all conveyances thereof made by said company.

SEC. 5. That the capital stock of said company shall be one hundred thousand dollars, and may be increased from time to time, with the consent of a majority of the stockholders: *Provided* the consent of the Secretary of State is obtained and fees required by law are paid him upon each and every increase to any additional amount by the issue and sale of shares of common or preferred stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of the majority of the stockholders of said company, shall prescribe; that the par value of each share of stock shall be one hundred dollars; and the directors, with the consent and approval of a majority of the stockholders, may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscription to the capital stock, and may make such subscription payable in such manner and amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed, the subscribers, under the direction of the majority of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election of such other officers as may be necessary for the management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of the State. Every subscriber to or holder of stock of said company shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

Deposit on appeal.

Capital stock.

Proviso: consent of secretary of state and payment of fees.

Shares of stock.

Payment of subscriptions.

Organization.

Liability of stockholders.

Votes of stockholders.

SEC. 6. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name on the books of the company, and shall be allowed to cast his vote either in person or by proxy duly authorized in accordance with the rules and regulations prescribed by the by-laws of the company. The stockholders of the company may enact

By-laws, rules and regulations.

such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient.

Meetings of stockholders and directors.
Principal office.

Meetings of the stockholders and directors may be held at Raleigh, in the county of Wake, where the principal office of the company shall be until the board of directors shall change the location of the principal office to some other town or point; and the said board of directors shall have the power, with the consent and approval of a majority of the stockholders of said company, to change the location of the principal office of said company from time to time.

Board of directors.

SEC. 7. The board of directors shall be elected from the stockholders of said company and shall consist of such number as the stockholders shall prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held

Term.

on such days as the by-laws may direct, and shall continue in office for the term of one year from and after the date of its election and until its successors are elected and qualified; it shall

President.

choose one of its number president, and in case of death, resignation or incapacity of any member of the board of directors during

Vacancies.

his term of office the said board shall choose his successor for the ensuing term.

Copies of by-laws and regulations.

SEC. 8. That a copy of any by-law or regulation of the said company, under its corporate seal, attested by its secretary and by the president, shall be received as *prima facie* evidence for and against the company in any judicial proceedings.

SEC. 9. That this act shall take effect from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 49.

AN ACT TO INCORPORATE THE MERCANTILE BANK, ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That G. M. Scott, J. Q. A. Wood, A. L. DeLon, D. O. Newberry, J. A. Rucker, H. H. Lavenstein, J. A. Byrum, E. S. Chesson, J. M. Weeks, L. Lavenstein, W. J. Woodley, O. F. Gilbert, J. H. White, C. W. Stevens, T. W. Williams, J. W. Martin, W. P.

Wood, C. B. Mason, Louis Selig, J. H. Hall, W. C. Jackson, J. G. Fearing, C. W. Morgan, W. J. Lumsden, M. Owens, A. L. Aydlett, R. H. Commander, H. S. Willey, M. M. Harris, H. E. Banks, N. Burfoot, J. W. Derrickson, Jr., William Mardre, Paul F. White, Clintonia Cartwright, J. B. Flora, R. R. Taylor, Susan F. White, Nina P. Cox, Joshua Skinner, Zack Toms, E. D. Winslow, R. M. Cartwright, A. E. Cook, Harry Johnson, L. C. Blades, Weatherly & Twiddy, J. W. Derrickson, J. B. Ferebee, W. P. Skinner, Mrs. T. G. Skinner, Elizabeth City Iron Works, their associates, successors and assigns are hereby constituted, created and declared a body politic and corporate, under the name of "Mercantile Bank," with its place of business in Elizabeth City, North Carolina, for the period of sixty years, with full power to sue or be sued in any court of the State or United States, to acquire, own and convey property, real, personal and mixed, and to adopt and use a common seal, which may be altered when deemed expedient.

SEC. 2. The capital stock of the corporation shall be thirty thousand dollars (\$30,000), divided into shares of one hundred dollars (\$100) each, which may be increased, from time to time or at any time, by the vote of two-thirds of said stock, to one hundred thousand dollars (\$100,000). The bank may commence business as soon as thirty thousand dollars is subscribed and one-third thereof paid in.

SEC. 3. The principal office and banking house of the corporation shall be located in Elizabeth City, North Carolina, as aforesaid, but the said bank may establish branch offices at any other place in this State, or in any other State in the Union: *Provided, however*, that all branch banks established under this section shall be under the supervision and control of directors and officers of said corporation, and the said corporation shall be liable for all the debts of any such bank so established: *Provided further*, that nothing herein shall be so construed as to prevent the election of local boards of directors and other officers to take immediate supervision and control of any branch bank to be established under the provisions of this section: but such local board and officers shall at all times be amenable to the direction and control of the principal directors and officers of the said corporation hereinbefore referred to.

SEC. 4. The affairs of the bank shall be managed by a board of directors consisting of nine, but may be a greater or less number, not less than five nor more than fifteen, as the stockholders may decide, which board shall be elected at the annual meeting of the stockholders to be held on the second Monday in January, one thousand nine hundred and ten, and hold their offices for one year and until their successors are elected and qualified. Any vacancy upon the board may be filled by the board for the unexpired term.

Corporate name.

Period.

Corporate powers.

Capital stock.

Shares of stock.

Commencement of business.

Location.

Branch offices.

Proviso: supervision and control of branch offices.

Proviso: local directors and officers.

Board of directors.

Election of board.

Term.

Vacancies.

Meetings of directors.	The directors shall hold meetings as often as the by-laws shall require, and five of them shall constitute a quorum for the transaction of all business.
President and vice president.	SEC. 5. The board of directors shall meet as soon after their election as practicable and elect from among themselves a president and a vice president of the bank, who shall hold their office for one year and until their successors are duly elected. The said board shall also elect, not from among themselves, a cashier and such other employees as the board may deem best, to hold office during the pleasure of the board. The cashier shall be required by the directors to give bond, the amount to be fixed by the directors. The other employees of the bank may also be required in the discretion of the directors to give bonds, the amounts whereof are to be fixed by the directors.
Cashier and other employees.	
Bonds of cashier and employees.	
Powers, rights and privileges.	SEC. 6. The said corporation shall have all powers, rights, privileges and immunities granted to any banking institution under the laws of North Carolina; especially may receive and pay out the lawful currency of this State or of any of the States of the United States; deal in exchange, gold and silver coin, bullion, uncurrent paper, bonds, stock and public or other securities, manufactured goods, cotton or other products of the country; may purchase and hold real estate for the transaction of business or such as may be conveyed to secure debts to said bank or for other purposes, and may sell and convey the same, and may also hold such personal property as may be conveyed to secure debt or acquired for other purposes, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money at the legal rate of interest of this State, which interest may be taken in advance at the time of loan in discount. It may receive on deposit moneys on terms to be agreed on between the officers and depositors, not exceeding the rate allowed by law. The bank may also receive on deposit moneys held in trust by administrators, executors, guardians or others; may issue certificates of deposit bearing interest not exceeding the legal rates.
Deposits on terms.	
Deposits of trust funds.	
Further enumeration of powers and rights.	SEC. 7. The said corporation shall also have the right and power to receive and pay out money, to receive deposits of money and other valuables; may discount, buy and sell notes, drafts and all other securities and certificates of debt; may loan money on mortgages of real estate or personal estate or other security, and charge for money loaned at such rate of interest as may be agreed upon, not exceeding the rate allowed by law, which interest it may take and receive at the time of making such loan.
Powers to deal in securities and act as agent.	SEC. 8. The said corporation shall have the power generally to buy and sell, for itself and as agent of other corporations or individuals, bonds, notes, stocks, choses in action and all kinds of securities, real estate (subject to Public Laws of one thousand nine hundred and three, chapter two hundred and seventy-five, section

nine) and personal property of every nature; to conduct a general brokerage and commission business in any or all of its branches; to negotiate loans and endorse or become surety on notes and bonds, and to charge and receive pay therefor; to act as trustee or mortgagee in deeds of trust or mortgages securing notes or bonds or providing indemnity against loss and other similar objects; to act as agent or trustee in writing or placing life insurance, fire insurance, accident insurance and health insurance or any other kind of insurance for corporations, companies or individuals; to collect rents and claims of all kinds and to act as agent or trustee in leasing and managing real estate or personal property for corporations, companies or individuals; to own the stock of other corporations, with the same privilege as individuals; to do a general banking business in all of its branches; to act as administrator, executor, trustee, guardian, assignee, receiver or agent or commissioner, under the same rules as individuals are authorized to act; to do a general trust-company business in all of its branches, conducting a warehouse and storage business in all of its branches, with the right to charge and receive pay therefor and to issue receipts for articles stored; and generally to do and perform any and all things necessary to be done to properly conduct any branch of its business.

Brokerage and commission business.

May act as trustee.

Insurance agents.

Real estate agents.

May act in fiduciary capacities.

Trust company.

Warehouse and storage business.

SEC. 9. The said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title and all things of value which may be left on deposit with said company for safe-keeping, and shall be entitled to charge such commissions or compensation as may be agreed upon; and that said bank is authorized and empowered to accept and exercise any trust of any and every description which may by its consent be committed or transferred to it by any person or persons whomsoever, by any bodies politic or corporate, public or private; and to accept the offices of executor, administrator, collector, guardian or assignee, whenever such appointment is made or conferred by any person or persons or court in the State or the United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals are, in the same capacity.

Deposits for safe-keeping.

Power to accept and execute trusts.

SEC. 10. The corporation is authorized to organize in connection with its general banking business a department for savings, and do a savings-bank business for the convenience of small depositors, and to make regulations in regard thereto; and in that event said bank may receive deposits in the savings department and give certificates therefor, and pay such interest as the directors authorize, not exceeding the legal rate.

Savings bank business.

SEC. 11. That said corporation shall have a right to act as agent, factor or broker for any State, county, township, town or other

Power to act as fiscal agent.

municipality or corporation, company or individual, on such terms as to compensation or commission as may be agreed upon in registering, selling, countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of any State, county, township, town, municipality, corporation, company or individual, any bonds, certificates of stock, notes or any description of property, real or personal, or for increasing or for guaranteeing the payment of such business; and for doing any and all of the matters and things authorized by this charter said corporation may charge such premiums, commissions or rates of compensation as may be agreed upon.

Warehouses and
storage depots.

SEC. 12. That in addition to the powers above conferred, said corporation may lease, build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares and merchandise, cotton and other products, and charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a lien on the property so stored; make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products and merchandise stored, as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery, and to entitle the holder thereof to the property marked and designated therein, in like manner as the original holder would be had not such an assignment been made.

Deposits of
married women,
minors and
apprentices.

SEC. 13. That when married women, minors or apprentices shall deposit money or other things of value in said bank, generally or specially, to their own credit, same may be withdrawn on their check, draft or other order, and they and all other persons shall be bound by such check, draft or order, and the same shall be an absolute release and discharge of said bank from liability for the same.

Conveyance of
real estate.

SEC. 14. That any real estate held by the said corporation may at any time be duly conveyed by a deed, signed by the president and cashier, with its seal affixed to the same. The said corporation may buy any real or personal property sold by any one under deeds of trust or other assurance for debts due it, when such purchase is in the judgment of the directors necessary for its protection.

Enforcement of
payment of sub-
scriptions.

SEC. 15. In the event any subscriber to the stock of this corporation shall fail to pay for his stock, or any part of it, hereafter or heretofore subscribed, the amount so due upon said stock may be recovered by the directors by civil action, or the directors may

sell such stock at public biddings at the banking house of the corporation, after giving thirty days' public notice of such sale and like notice to the holders of such defaulting stock, and the amount realized at such sale shall be applied to the payment of the cost of such sale, the amount remaining due and unpaid for such stock and interest on same, and any balance to the subscriber for said stock. If the amount realized be insufficient to pay the balance then due, then such balance may be recovered by civil action against the subscriber for same.

SEC. 16. Subscriptions already made or which may be made to the stock of the Mercantile Bank of Elizabeth City, the election of directors, officers and employees heretofore had, and other acts done or which may be done before the granting of this charter, for and in the name of said bank, not inconsistent with said charter, are hereby expressly ratified, confirmed and made valid and binding in all respects as if they had been done after the charter was granted. Acts heretofore done, ratified.

SEC. 17. That each stockholder shall be liable to said bank for the amount subscribed by said stockholder, and in addition thereto each stockholder shall be individually liable to depositors or other creditors of said bank for an amount equal to the stock which he owns therein, and no more. Liability of stockholders.

SEC. 18. If for any cause any annual meeting or other meeting of the directors shall not be held as provided herein, or, being held, any duty required to be done at such meeting be not then done, such omitted meeting may be subsequently held and such duties subsequently performed. Omitted meetings.

SEC. 19. No stock held in this corporation shall be transferred except on the books of the corporation, in person or by written power of attorney. Transfer of stock.

SEC. 20. The following shall constitute the officers who for the first year are to manage the affairs of this bank, viz.: G. M. Scott, president; J. Q. A. Wood, vice president; Robert S. Fearing, cashier. Directors: W. J. Woodley, J. Q. A. Wood, C. W. Stevens, J. H. White, J. A. Rucker, A. L. Aydlett, L. C. Blades, O. F. Gilbert and G. M. Scott. Directors.

SEC. 21. The immunities, powers and privileges herein granted shall be forfeited if not used in two years. Forfeit for non-user.

SEC. 22. That no section or clause in this charter shall be held to be in derogation or conflict with any general law now in force relating to banks or other corporations, except section two. Application of general law.

SEC. 23. This act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1909.

CHAPTER 50.

AN ACT FOR THE RELIEF OF CERTAIN PATRONS OF
SHOAL CREEK GRADED SCHOOL, IN JACKSON COUNTY,
WHO LIVE WITHIN THE CORPORATE LIMITS OF THE
TOWN OF WHITTIER, IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Territory annexed
to graded school
district.

SECTION 1. That all that part of the Shoal Creek Graded-school District, in Jackson County, which lies within the corporate limits of the town of Whittier, in Swain County, shall be and the same is hereby annexed to the Whittier Graded-school District, in Swain County, and all property and polls in said annexed territory shall be subject to the same special tax for schools as now is and shall be hereafter levied and collected on property and polls in the said Whittier Graded-school District, and the Treasurer of Jackson County shall pay over to such officer as shall be treasurer of said Whittier Graded-school District the *pro rata* share of those children of school age included in said annexed territory of the apportionment made by the County Board of Education of Jackson County out of the State and county school fund of said county to the Shoal Creek Graded-school District.

Subject to special
tax.

Apportionment of
school fund.

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 force from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 51.

AN ACT TO PAY OFF AND REFUND \$20,000 TOWN HALL,
SEWERAGE AND WATERWORKS BONDS OF THE TOWN
OF HENDERSONVILLE, ISSUED THE FIRST DAY OF
OCTOBER, A. D. 1890, AND MATURING THE FIRST DAY
OF OCTOBER, A. D. 1910.

The General Assembly of North Carolina do enact:

Town commis-
sioners to refund
bonds.

SECTION 1. That the board of commissioners of the town of Hendersonville be and are hereby authorized and empowered to refund the twenty-thousand-dollar town hall, sewerage and waterworks bonds, including interest thereon, which said bonds were issued by said town on the first day of October, A. D. one thousand eight hundred and ninety, and fall due on the first day of October, A. D. one thousand nine hundred and ten, by the issuance and sale of new bonds, in an amount not to exceed twenty-five

Amount of refund-
ing bonds au-
thorized.

thousand dollars, in such denominations, for such time, not to exceed thirty-five years, and upon such conditions as the said board of commissioners may decide; the interest on said refunding bonds to accrue annually or semiannually, and to be at such a rate, not exceeding six per centum, as the said board of commissioners may decide upon; the said refunding bonds to be issued under such rules and regulations as the said commissioners may pass and determine for that purpose.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 12th day of February, A. D. 1909.

CHAPTER 52.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FREMONT GRADED SCHOOLS TO SELL CERTAIN SCHOOL PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of the Fremont Graded Schools be and is hereby authorized and directed to sell at public auction, after thirty days' notice in three public places in the Fremont Graded-school District, the old school building and lands formerly occupied and used for public-school purposes for the colored race in said school district, and make title to same to the purchaser thereof, and place the money arising from the sale thereof to the credit of the Fremont Graded-school District.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 53.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF LAURINBURG, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory in Scotland County within the present boundaries of the town of Laurinburg, and the lands owned by the Dickson Cotton Mill, the Scotland Cotton Mill and the lands adjoining, owned by J. F. McNair, January first, one thousand nine hundred and nine, shall be and is hereby constituted a public-school district for white and colored children, to be known as the Laurinburg Graded-school District.

Laws extended to districts.

SEC. 2. That for all the purposes and benefits of this act, the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the town of Laurinburg shall be and are hereby extended to that portion of said graded-school district lying without the corporate limits of said town, as fully as if the same lay within the said corporate limits; and that in all elections which shall be held under this act that portion of said graded-school district lying without said corporate limits shall be deemed a ward of said town.

Bond issue authorized.

SEC. 3. That the board of graded-school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded-school district, to an amount not exceeding thirty thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half-yearly, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as said board of trustees may determine; *Provided*, that said board of trustees shall issue such bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section four of this act.

Amount and denomination.

Interest.

Maturity.

Proviso: bonds issued as needed.

Application of proceeds.

SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of graded-school trustees in providing, by purchase or otherwise, such sites and school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.

Sales not below par.

Specific appropriation.

Exemption from taxation.

Coupons receivable for town taxes.

No interest after maturity.

SEC. 5. That none of said bonds shall be disposed of, by sale, exchange, hypothecation or otherwise, for less price than their par value, nor shall such bonds or other proceeds be used for any other purpose than that declared in section four of this act.

SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Laurinburg until after they shall have become due and tender of payment shall have been made, and such coupons shall be receivable in payment of all taxes and public dues of said town for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present same for payment at the time or times and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Tax for interest, bonds and expense of schools.

SEC. 7. That for the purpose of providing for the payment of said bonds and interest thereon, and of defraying the expenses of

public graded schools provided for in this act, the board of commissioners of the town of Laurinburg shall, annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, one thousand nine hundred and nine, levy and assess a particular tax on all subjects of taxation within the limits of said graded-school district on which said board of commissioners may now or hereafter be authorized to levy and assess taxes for any purposes whatsoever; said particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees; in no case, however, to exceed thirty-three and one-third cents on the one hundred dollars assessed valuation on real and personal property and not more than one dollar on each taxable poll.

SEC. 8. That said taxes shall be collected by the tax collector of the town of Laurinburg at the time and in the manner that the municipal taxes are collected, and said tax collector shall pay the same over to the treasurer of said board of trustees; and the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded school only upon the warrant of the chairman or secretary of said board of graded-school trustees, and all accounts shall be audited and approved by the board of trustees or a committee thereof appointed for the purpose: *Provided*, that said tax collector and said treasurer shall enter into bond for such amount as the board of trustees may direct; that of the former, conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and that of the latter for the safe-keeping and proper disbursement of the same. The said tax collector shall be allowed not exceeding two per centum on receipts, and the said treasurer not exceeding one per centum on disbursements.

SEC. 9. That the provisions of sections three and seven of this act shall be submitted to a vote of the qualified voters of said graded-school district, at an election to be held on a day to be designated by the board of commissioners of the town of Laurinburg within sixty days after the ratification of this act; that said election shall be held as provided for holding municipal elections in the town of Laurinburg; that thirty days' notice of such election, containing a copy of the provisions of sections three and seven of this act, or a synopsis of the same, shall be published in a newspaper published in the town of Laurinburg; and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section three and the levying and collection of the particular taxes provided for in section seven of this act shall

Collection of tax.
Warrants for payment of school funds.

Audit of accounts.

Proviso: tax collector and treasurer to give bond.

Commissions.

Election to be held.

Law governing election.

Notice of election.

Ballots.

- deposit a ballot containing the written or printed words "For Schools," and those opposing the levy and collecting of the taxes herein provided for shall deposit a written or printed ballot containing the words "Against Schools." And if a majority of the qualified voters shall have cast their ballots "For Schools," it shall be deemed and held that a majority of the qualified voters of said graded-school district are in favor of granting to the afore-said board of graded-school trustees authority to issue bonds and to the board of commissioners of said town authority to levy such particular tax, and said board of trustees and said board of commissioners shall have such authority; but if a majority of such qualified voters shall vote "Against Schools," then said board of trustees and said board of commissioners shall not have such authority: *Provided*, that the results of such an election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Laurinburg, and after thirty days from the date of such enrollment such records shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified; and *Provided further*, that if a majority of such qualified voters shall fail to vote in favor of issuing said bonds and of levying said particular tax, said board of town commissioners shall order another election at any time after the expiration of six months from the date of the former election, when requested to do so by said board of graded-school trustees; and if at such an election a majority of the qualified voters shall vote "For Schools" it shall have the same force and effect as if no election had been previously held.
- SEC. 10. That J. P. McRae, J. F. McNair, G. W. Goodwyn, R. R. Covington, D. K. McRae and T. J. Gill shall be and are hereby constituted a board of trustees for the public schools of said graded-school district; that the first two of said trustees shall hold office until the second Monday in January, one thousand nine hundred and eleven; the next two until the second Monday in January, one thousand nine hundred and twelve; and the last two until the second Monday in January, one thousand nine hundred and thirteen; and their successors, elected as hereinafter provided, shall hold for the term of three years each. The vacancies occurring by reason of the expiration of the terms of office of the trustees, as aforesaid, shall be filled by a majority vote of the other members of such board of graded-school trustees holding over, acting in conjunction with the board of commissioners of the town of Laurinburg, the chairman or temporary chairman of the board of trustees presiding; and for the purpose of filling such vacancies said members of the board of trustees and said board of commissioners shall meet in joint session on the Monday immediately preceding the second Monday in January of each year: *Provided*, that any and all vacancies in said board of trustees occurring by

Effect of election.

Proviso: record of result of election.

Proviso: successive elections.

Trustees named.

Terms of office.

Terms of successors.
Election of successors.

Proviso: vacancies.

reason of death, resignation or otherwise than by expiration of office shall be filled by the other members of said board of trustees:

Provided, the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of this State. Proviso: trustee-ship not an office.

SEC. 11. That the said board of graded-school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of the "Board of Graded-school Trustees of Laurinburg," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; acquire, by gift, purchase or devise, real and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. Trustees incorporated.
Corporate name.
Corporate powers.

SEC. 12. That in case the board of graded-school trustees and the owner of such land as may be selected by said board of graded-school trustees as sites or locations for schools shall be unable to agree for the purchase of such land, or in case the owner of such land shall be an infant, idiot, lunatic, corporation, nonresident or person whose residence is unknown, it shall be lawful for said board of graded-school trustees to acquire a title for the board of graded-school trustees to such land by condemning the same, in the following manner: Power to condemn land.

SEC. 13. The said board of graded-school trustees shall serve a written notice upon the owner of such land, if such owner is a resident of this State, setting forth a description of the land as may have been selected by the said board of graded-school trustees, stating the same has been selected for the site or location of the graded school, stating the time when the said land will be valued, and the names of the commissioners appointed to value the same. In case the owner of such land shall be an infant, idiot or lunatic with general guardian, the said notice shall be served upon such guardian. In case the owner of such land shall be an infant, idiot or lunatic without general guardian, then and in such case the Clerk of the Superior Court of Scotland County shall, upon the application of said board of graded-school trustees, appoint a special guardian to represent said infant, idiot or lunatic. The person so appointed special guardian shall be a person of intelligence, good moral character and freeholder in the county of Scotland, and said notice shall be served upon such special guardian. In case the owner of such lands shall be a nonresident, whose residence is known, then and in such case said notice shall be served by mailing a copy of such notice, addressed to him at such place of residence, and by publication of a copy of such notice for thirty days in some newspaper published in Scotland County. In case the owner of such land is a nonresident and his residence is unknown, such notice shall be served by publishing the same in some newspaper published in Scotland County for thirty days. Notice to owner of land.
Notice when owner under disability.
Notice if land-owner nonresident.

Procedure for
valuing land.

SEC. 14. That for the purpose of ascertaining the value of the land selected by the board of graded-school trustees for Scotland County, the clerk of the Superior Court of said county, on petition of the board of graded-school trustees, shall appoint three persons, residents of Scotland County, who shall be freeholders, persons of intelligence and good moral character, as commissioners to value and appraise said land. Such persons so selected as commissioners to value and appraise said land shall be notified, in writing, of their appointment as commissioners, and such notice shall state the time and place when they shall meet to value and appraise said land, a description of the land to be valued and appraised, and whether the same is to be used as a location or site for the graded school or schools. The said commissioners shall meet at the time and place indicated in the notice served upon them; and after being duly sworn to value and appraise the said land justly and fairly, to the best of their knowledge and belief, they shall first inquire whether the owner of said land to be valued and appraised by them has been notified in the manner stated in this act. If such landowner has not been so notified, they shall adjourn to a future day and cause such notice to be served upon the landowner. If they find the landowner has been notified as prescribed in this act, they shall then view the said land and value and appraise the same at what they believe its actual cash value to be. The owner of such land or the board of graded-school trustees may be present in person, may have an attorney to represent them and may give evidence to said commissioners and have witnesses examined in either behalf, if either desire it; but no evidence shall be heard by said commissioners until after the person to testify has been duly sworn by one of the commissioners to speak the truth. The said commissioners shall have the right and power to adjourn from day to day until they shall have completed the valuation and appraisal of said land. The said commissioners shall make a written report, signed by them, of their proceedings in making such valuation and appraisal of said land, and the amount at which the land is valued and appraised, to the said board of graded-school trustees at its next regular meeting succeeding such valuation and appraisal by said commissioners. The said board of graded-school trustees shall cause a report of the said commissioners to be recorded in their minutes and, if there is no appeal from the same, in the record of deeds kept in the office of the Register of Deeds of Scotland County, and shall cause a certified copy of the entire proceedings, including the report of the said commissioners, to be delivered to the clerk of the Superior Court of said county, to be by him docketed as a record of a special proceeding, and the said clerk of the Superior Court shall thereupon render judgment against said board of graded-school trustees for the amount of said valuation and appraisal and the cost incidental to the same, and

adjudging the condemnation of the land described for the purpose set forth in the notice and report, which judgment he shall docket as other judgments are docketed by him. Either the said board of graded-school trustees or the owner of such land may appeal to the Superior Court from such valuation and appraisal: *Provided*, written notice of such appeal shall be served upon the other party within ten days from the meeting of the said board of graded-school trustees to which said commissioners are required to report, and in case either of said parties appeal from such valuation and appraisal the clerk of the board of graded-school trustees shall deliver a certified copy of all proceedings had in the matter, including the report of the said commissioners, to the clerk of the Superior Court of said county, which the said clerk of the court shall docket upon the civil-issue docket of the Superior Court of said county, and the same shall stand for trial at the next succeeding term of the Superior Court upon an issue to be made up as to what is the actual cash value of the land selected by the board of graded-school trustees for the location or site of the school or schools, as the case may be.

Right of appeal.

Proviso: notice of appeal.

SEC. 15. That after said commissioners shall have made their report of their valuation and appraisal of said land to the said board of graded-school trustees it shall be lawful for said board of graded-school trustees to take possession of the said land for school purposes, and an appeal by either party, as above provided, shall not prevent the said board of graded-school trustees from taking possession of said land and using the same for the purpose desired.

Trustees to take possession of land.

Appeal not to delay proceedings.

SEC. 16. That the cost of the valuation and appraisal of said land shall be paid by the said board of graded-school trustees.

Costs.

SEC. 17. That the title to said land obtained by the board of graded-school trustees by condemning the same under this act shall be complete and in fee simple whenever the value of the same, as ascertained under this act, shall be paid in cash.

Title to land.

SEC. 18. That all public-school property, both real and personal, embraced within the limits of said graded-school district shall become the property of said graded-school district and the title thereto shall be vested in such board of trustees in trust therefor; and said board of trustees may in their discretion sell the same or any part thereof, and apply the proceeds to the use of the public graded school to be established in said graded-school district.

School property transferred to graded school.

Power of sale.

SEC. 19. That the Board of Education of Scotland County shall apportion the school fund of said county and determine the amount of said fund to be used each year for the public graded schools of the Laurinburg Graded-school District, as provided by chapter eighty-nine of the Revisal of one thousand nine hundred and five and amendments thereto.

Apportionment of county school fund.

Trustees to establish schools.

Further enumeration of powers and duties.

Trustees to have exclusive control.

School census.

Annual reports.

SEC. 20. That said board of graded-school trustees shall establish graded public schools for the white and colored children of said graded-school district, shall fix a curriculum of studies, adopt text-books, provide for instruction other than that included in the prescribed course, fix the rate of tuition to be charged therefor, and admit pupils residing without the limits of said graded-school district upon such terms as the said board of trustees may deem just and reasonable.

SEC. 21. That said board of graded-school trustees shall have exclusive control of all public schools in said school district, free from supervision and control of the county board of education and the county superintendent of schools in Scotland County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken from time to time, in accordance with the general school law of the State, an accurate census of the school population of said school district, and shall exercise such other powers as may be necessary for the control and operation of said graded schools.

SEC. 22. That it shall be the duty of said board of graded-school trustees to make to the mayor and board of commissioners of the town of Laurinburg, annually, after the close of each school year, a report of the operation of the public schools of said graded-school district, and a duplicate copy of said report shall be furnished to the County Superintendent of Schools of Scotland County.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 54.

AN ACT TO AMEND CHAPTER 441 OF THE PUBLIC LAWS OF 1903, RELATIVE TO GRADED SCHOOLS IN THE TOWN OF TROY.

The General Assembly of North Carolina do enact:

Amount of bond issue.

SECTION 1. That chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by striking out the word "five," in line four, section three of said chapter, and inserting in lieu thereof the word "fifteen."

SEC. 2. That section four of said chapter four hundred and forty-one of the Public Laws of one thousand nine hundred and three be amended so as to make said section read as follows, to wit: "That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of graded-school trustees in building and equipping such buildings as may be required or within their discretion they may elect to build: *Provided*, the said board of graded-school trustees may sell the old lot and buildings and are empowered to purchase a new location for said school within the corporate limits of Troy." Expenditure of proceeds of bonds.

Proviso: sale of old lot and buildings.

SEC. 3. That an election in the manner provided for in section nine of said chapter is hereby ordered to be held, on a day to be designated by the board of commissioners of the town of Troy, within ninety days after the ratification of this act: *Provided*, the notice of such election shall be advertised in the *Montgomeryian*, a weekly newspaper published in the town of Troy. Election to be held.

Proviso: notice of election.

SEC. 4. That section fourteen of said chapter be and the same is hereby repealed, and the following is hereby inserted in lieu thereof: "That all public-school funds apportioned to said district by the county board of education shall be placed to the credit of the Troy Graded-school District and paid out by the treasurer of said county on warrants signed by the chairman and secretary of the board of graded-school trustees of the town of Troy: *Provided*, that the title to the real estate within said limits formerly vested in the County Board of Education of Montgomery County or public-school committeemen is hereby revested in the Board of Education of Montgomery County: *Provided further*, that any title held in trust by C. C. Wade, S. J. Smitheman, J. R. Blair, W. R. Harris, W. B. Beoman and other trustees of Troy Academy is hereby vested in the board of graded-school trustees: *Provided further*, that this act shall not affect individual interests not held in trust. Apportionment of county school fund.

Proviso: title to real estate.

Proviso: Troy academy property.

Proviso: individual interests.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 55.

AN ACT TO PROVIDE FOR AN ELECTION FOR AN ADDITIONAL TAX IN THE WINDSOR GRADED-SCHOOL DISTRICT, IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Bertie County are hereby authorized to submit, at any time within twelve months from the ratification of this act, to the qualified voters of the Windsor Graded-school District, in Bertie County, at an election Question to be submitted to election.

to be held in the town of Windsor, the question whether an annual tax, not to exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll, in addition to the special tax heretofore voted and levied in said district, shall be levied and collected for the graded schools in said graded-school district.

Ballots.

SEC. 2. That at the election to be held under the provisions of this act those favoring the levying and collecting of such additional tax shall vote a written or printed ballot, without device, with the words "For Schools" upon it, and those opposed to the levying and collecting of such tax shall vote a printed or written ballot, without device, with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election of members of the General Assembly.

Penalty for illegal voting.

Notice of election.

The board of commissioners shall give twenty days' notice of the time of holding said election, by causing the same to be published in a newspaper published in Bertie County and by posting said notice at three public places in said district. The board of county commissioners of said county shall appoint a registrar of the voters of said district, who shall be a qualified voter of said district and

Registrar.

New registration.

Judges of election.

who shall make an entirely new registration of such voters; and the said board of commissioners shall appoint two judges of election, who shall be qualified voters of said district, and they, together with said registrar, shall hold the election herein provided for, which shall be held under the rules and regulations provided by law for the election of members of the General Assembly; and upon the conclusion of the said election they shall canvass and judicially determine the result, and shall certify to the board of county commissioners the number of votes cast for schools and the number of votes cast against schools, together with the number of qualified voters shown by the registration books of said graded-school district.

Law governing election.
Canvass and certificate.

Effect of election.

SEC. 3. That if a majority of the qualified voters of said graded-school district shall vote "For Schools," the said tax shall be levied by the board of county commissioners and collected by the tax collectors in said district, under the same rules and regulations under which other taxes are levied and collected, and the said tax collectors shall be subject to the same liabilities for the collection and disbursement of said taxes as they may be for the collection and disbursement of other school taxes, and they shall receive as compensation for such services two per centum commission on the amount collected: *Provided*, that the special tax so levied and collected under this act shall not exceed, in addition to the special tax now levied and collected in said graded-school district, twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll.

Commission of tax collector.

Proviso: limit of tax.

SEC. 4. That the special taxes levied and collected under this act shall be expended in keeping up graded schools in said school district, under the same rules and regulations as required in the act of the General Assembly creating said school district. Specific appropriation.

SEC. 5. That in the event a majority of the qualified voters of said school district shall at the election held under this act vote "Against Schools" it shall not have the effect to repeal or otherwise affect the levying and collection of the special tax now in force in said school district. Existing law not repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 56.

AN ACT TO ESTABLISH A BOUNDARY LINE IN SCHOOL DISTRICT No. 4, IN ROCK CREEK TOWNSHIP, WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between Special School-tax District Number Four, in Rock Creek Township, Wilkes County, North Carolina, and Special School-tax District Number One, in Edwards' Township, North Carolina, be and the same is hereby changed as follows: Beginning on the west bank of Roaring River, at J. H. Alexander's west line, near Deep Hole Shoal, on said river; thence with said Alexander's line to J. A. Alexander's line; thence with said J. A. Alexander's line back to J. H. Alexander's west line and Lee Dowell's east line; thence with said Dowell's line to N. A. Ward's west line; thence with said Ward's line to Roaring River; thence down said river to J. F. Park's and Shipwash line; thence with said J. F. Park's west line to L. D. Park's line; thence with said L. D. Park's line to A. T. Pardue's line; thence with said A. T. Pardue's line to J. G. Pardue's line; thence with said J. G. Pardue's east line to the Yadkin River; thence down said river to the Special District line, Number One, Edwards' Township, including all property in said boundary; also one-hundred-acre tract of L. D. Park's, which is not included in said boundary. Line set out.

SEC. 2. That all the property included in the foregoing boundary be and the same is hereby made subject to the same special school- Property subject to school-tax levy.

tax levy as is levied on other property in said Special School-tax District Number One, in Edwards' Township, Wilkes County, North Carolina.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 57.

AN ACT TO AMEND CHAPTER 200 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred of the Private Laws enacted by the General Assembly of North Carolina, session of one thousand nine hundred and five, be and the same is hereby amended by adding at the end of said section the following words: "*Provided further*, that the remains of no person shall be exhumed or removed from said burying ground on Main Street if written objection thereto shall be filed with the board of town commissioners by relatives of the person so buried."

Proviso: remains
not removed if
objection is filed.

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 force from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 58.

AN ACT TO AMEND THE CHARTER OF CLAREMONT COLLEGE, AT HICKORY, NORTH CAROLINA.

Preamble.

Whereas, on the twenty-eighth day of July, one thousand eight hundred and eighty, J. F. Murrill, J. G. Hall, A. A. Shuford and others obtained a charter from the Superior Court of Catawba County incorporating an institution for the promotion of religion, morality and learning therein, named Claremont Female College, and have maintained a school and acquired valuable real and personal property at Hickory, North Carolina, held by them as trustees under said name; and whereas, said trustees, in the promotion of the objects of said charter, desire to place the said school and its property under the control of the Classis of North Carolina, Reformed Church in the United States, and have reached a satisfac-

Preamble.

tory agreement with said classis to that end, and desire to obtain from the General Assembly of North Carolina ratification of its said charter, with certain amendments thereto: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the name of Claremont Female College, at Hickory, North Carolina, shall be and the same is hereby changed to "Claremont College."

SEC. 2. That articles three and seven of the original charter of Claremont Female College, obtained in one thousand eight hundred and eighty, be and the same are hereby stricken out and the following inserted in lieu thereof: "That the trustees of Claremont College shall be fifteen (15) in number, the present board being Rev. J. L. Murphy, Rev. J. C. Leonard, A. A. Shuford, Dr. J. C. Clapp, C. C. Bost, L. A. Carpenter, F. A. Clinard, H. D. Warlick, E. L. Shuford, C. M. Shuford, G. H. Geitner, W. H. McNairey, J. E. Wilfong, J. W. Robinson and N. M. Seagle, and they and their successors in office shall constitute the board of trustees of Claremont College; that said trustees above named shall continue in office until the regular annual meeting for the year one thousand nine hundred and nine of the Classis of North Carolina, Reformed Church in the United States, at which time said classis shall elect three members of said board to serve for one year, three to serve for two years and three to serve for three years, and annually thereafter three members for a term of three years; and the board of trustees of said college shall themselves elect six of their own successors in office, beginning with their next annual meeting, in such way that the term of office of two members so elected by them shall expire annually: *Provided*, that in the event said Classis of North Carolina, Reformed Church in the United States, should fail for two years to maintain a female college, as provided by the charter of Claremont College, or should fail to carry out the conditions of maintenance and preservation of property assumed by said classis, then such failure shall vacate the offices of the nine trustees elected by said classis, and they are hereby declared so vacated, and Corinth Reformed Church, at Hickory, North Carolina, shall have full power and authority and it shall be the duty of the congregation of said church, in meeting assembled for that purpose, to elect nine members of the board of trustees of Claremont College to take the places of those whose offices are vacated by this act, and thereafter said trustees shall be elected annually by said church, as hereinabove provided for by said classis; and they, with the other members of said board, shall take possession and control of all real and personal property belonging to Claremont College; and either the pastor, the consistory or any three members of said church may by proper notice call a meeting of the

Number of
trustees.
Trustees named.

Term of office.

Election of suc-
cessors.

Proviso: vacation
of office of trustees
appointed by
classis.

Election to fill
vacancies.

congregation of said Corinth Reformed Church, and those present at said meeting shall have the power to elect the nine trustees under this act."

Original charter confirmed.

SEC. 3. That said original charter of said college is in all respects, wherein the same is not inconsistent herewith, recognized, ratified and confirmed.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 59.

AN ACT TO AMEND THE CHARTER OF THE CAROLINA COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of the act of the General Assembly of North Carolina ratified the twenty-first day of February, one thousand nine hundred and seven, entitled "An act to incorporate the Carolina College," be amended by inserting at the last line of said section the following words: "That the said trustees and their successors shall be confirmed by the Annual Conference of the Methodist Episcopal Church, South."

Trustees confirmed by conference.

SEC. 2. That section seven be stricken out, except the words "that five trustees shall be a quorum to transact business."

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 60.

AN ACT TO INCORPORATE ELIZABETH LODGE No. 217, OF THE INDEPENDENT ORDER OF ODD FELLOWS.

The General Assembly of North Carolina do enact:

SECTION 1. That P. H. Williams, W. H. Weatherly, C. E. Kramer, J. H. LeRoy, M. C. Crowson, E. F. Spencer, G. J. Spence, W. H. Zoeller, H. S. Willey, C. F. Smith, N. Burfoot, H. T. Greenleaf, Jr., T. A. Commander, J. B. Culpepper, A. F. Toxey, E. L. Sawyer, R. W. Turner and others, officers, representatives and members of Elizabeth Lodge, Number Two Hundred and Seventeen, of the Independent Order of Odd Fellows of the Grand Lodge of North Carolina, and their successors, be and they are hereby

Corporators.

declared to be a body politic and corporate, by the name, style and Corporate name.
 title aforesaid, and by that name they and their successors shall Corporate powers.
 and may at all times hereafter be capable in law to hold, receive,
 buy, lease and retain to them and their successors property, both
 real and personal, and also devises or bequests of any persons, per-
 son or corporations capable of making the same, and the same at
 their pleasure to convey, transfer, set over, assign, lease or make
 such other disposition of same in such manner as they may think
 proper.

SEC. 2. That the said corporation and their successors, by the Further corporate
 name, style and title aforesaid, shall be forever hereafter capable powers.
 in law to sue and be sued, to plead and be impleaded, answer and
 be answered unto, defend and be defended in any and all courts of
 justice and before any and all judges, officers or persons what-
 soever in all and singular actions or matters or demands what-
 soever.

SEC. 3. That it shall be lawful for the said corporation to have Common seal.
 a common seal for their use, and the same at their will and pleas-
 ure to change, alter and make new, from time to time, as they may
 think best; that they may make such by-laws for their own gov-
 ernment as to them may seem best, not inconsistent with the laws
 of this State or of the United States, and shall in general have
 and exercise all such rights, privileges and immunities as by law
 are incident or necessary to corporations and what may be neces-
 sary to the corporation herein constituted.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 61.

AN ACT TO INCORPORATE THE CITIZENS SAVINGS AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That R. H. Battle, S. C. Vann, I. M. Procter, A. B. Corporators.
 Andrews and Joseph G. Brown and their associates and successors
 are hereby created a body politic and corporate, under the name Corporate name.
 and style of the Citizens Savings and Trust Company, and by Corporate powers.
 such name or any amendment or alteration thereof, as hereinafter
 provided, shall have all franchises, rights and privileges incident
 to a corporation.

SEC. 2. That the corporators above named or any five of them Books of sub-
 may open books of subscription at such times and places and for scription.
 such period or periods as shall be determined; and after one Meeting for
 hundred and fifty shares of one hundred dollars each shall have organization.
 been subscribed, upon ten days' notice issued by said corporators or

Trustees or directors.	any five of them, the subscribers may meet and organize by the election of a board of not less than five trustees (or directors), who shall manage the affairs of the corporation for one year or until their successors are elected, and who shall elect a president and all other necessary officers, employees and agents.
President and other officers.	
Capital stock.	SEC. 3. That the capital stock of said corporation shall not be less than fifteen thousand dollars, but the same may be increased from time to time to an amount not to exceed one million dollars, provided required additional fees shall be paid with each and every increase, to be divided into shares of the par value of one hundred dollars each; and the corporation shall have authority to transact business whenever one hundred and fifty shares shall have been subscribed and the full par value thereof paid.
Shares of stock.	
Business to begin.	
Transfer of stock.	SEC. 4. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy. At all stockholders' meetings each share of the stock shall be entitled to one vote, either in person or by proxy.
Stock vote.	
Principal office.	SEC. 5. That the principal office and place of business of said corporation shall be in the city of Raleigh, State of North Carolina, but branch offices or agencies may be at any time established at such place or places in said State as a majority (in stock) of the stockholders may designate. The officers of the corporation shall consist of a board of not less than five trustees (or directors), a president and such other officers and employees as the board of trustees (or directors) shall from time to time deem necessary to properly conduct the business of the corporation. The board of trustees (or directors) shall be elected annually by the stockholders. The trustees (or directors) so elected shall choose the officers aforesaid, and may at their discretion require any or all of said officers and such other employees as they may think advisable to give bond, with approved security, for the faithful performance of their respective duties.
Branch offices.	
Officers and employees.	
Election of trustees or directors.	
Election of other officers and employees.	
Officers to give bond.	
Enumeration of corporate powers.	SEC. 6. That the corporation hereby created shall have power to make contracts, to have and use a common seal, to sue and be sued in the courts as fully as natural persons, to buy, to hold, possess, improve, hypothecate and convey real, personal and mixed property; to make by-laws and regulations for the management of the business and property of the corporation, and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do; and that the said corporation shall have full power and authority at any time to change, alter or amend its corporate name by the vote of a majority (in shares) of its stockholders at any general or special meeting; and upon any change of name, copy of resolutions to that effect to be filed in the office of the Secretary of State.
Change of name.	
General banking business.	SEC. 7. That the said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any persons, company,

partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise on any lands, hereditaments or personal property or interest therein, of any description, situate anywhere; to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crops or produce whatever, and what is known as cash credits, or any stock, bullion, merchandise or other personal property, and the same to sell, or in anywise dispose of, and to charge any rate of interest on any such loans, not exceeding the rate allowed by law, and to collect such interest in advance.

SEC. 8. That the said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debentures or other securities of any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may

Power to purchase stocks and securities.

negotiate or place in behalf of any corporation, company, partnership or person any shares, stock, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by said company or individuals, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of such purchase or subscription, and that the said corporation may also receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and on such terms as the board of trustees (or directors) may agree to, as an investment or otherwise.

Power to sell property.

Deposits for investment.

SEC. 9. That the said corporation shall be vested with all the powers and privileges usually incident to or that may by the laws of said State of North Carolina be hereafter conferred upon banking institutions and savings banks, with the right to receive deposits, the limit to be fixed by its board of trustees (or directors), and to pay interest thereon at fixed rates, or by way of dividends, out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors; and the board of trustees (or directors) are hereby fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings-bank feature of this corporation.

Bank and savings bank powers.

Rules and regulations.

SEC. 10. That the said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman the said corporation may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman on his or her re-

Deposits of minors and married women.

ceipt or acquittance or his or her check drawn against such deposit shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon or any part thereof.

Powers as surety company.

SEC. 11. That the said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice, as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the corporation to do so.

Powers as agent, factor or trustee.

SEC. 12. That the said corporation shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms, as to agency and commission, as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of any State, county, town, municipality, corporation, company or person, any bond, certificate of stock or any description of property, real or personal, or for guaranteeing the payment of any such bond, certificate of stock, etc., and generally for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on, in and for any of the matters and things authorized by this charter.

Powers as trust company.

SEC. 13. That the said corporation shall have power to receive money in trust, to become executor or administrator of any estate, and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons, and it shall also have power to accept any grant or transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of the State of North Carolina, and to execute the same on such terms as may be established and agreed upon by the board of trustees (or directors); and in all cases, when application shall be made to any court of said State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor, or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Citizens Savings and Trust Company, its successor or assign, as such receiver, trustee, administrator, assignee, commissioner or guardian, and the account of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person; and upon such settlement and adjustment all proper, legal and customary charges, costs and expenses shall be allowed to said corporation for its services, care and management in the premises, and the said corporation, as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper

May act in fiduciary capacities.

Appointment.

Proviso: oaths.

tribunal under the laws of said State: *Provided*, that any oath

required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officers of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

SEC. 14. That the said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of said State of North Carolina, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate, and that it shall have power and authority to receive for safe-keeping on deposit all money, bonds, securities, stocks, diamonds, jewelry, gold and silver plate and other valuables, and to charge and collect a reasonable compensation for the same, which charge shall be a lien upon such deposit until paid, and generally to do and carry on in all of its branches the business of a safety-deposit and trust company; and that said corporation shall also have power to issue bills or notes to circulate as currency in such denominations as the board of trustees (or directors) may authorize, and under such regulations as may be hereafter authorized and provided by the laws of the said State of North Carolina and the United States.

Power to act as trustee or assignee.
Deposits pendente lite.

Deposits for safe-keeping.

To issue notes as currency.

SEC. 15. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of cotton goods, wares, merchandise and other products, and may charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; may make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; may make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law; and that the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments, and pass by indorsement and delivery, and entitle the holder thereof to the property marked and designated therein, in like manner as the original holder would be had not such an assignment been made: *Provided*, that in the absence of any stipulation in the receipt or any contract between the said corporation and any depositor of property in said warehouse or warehouses the said corporation shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

Powers as warehouse company.

Proviso: liability of company.

SEC. 16. The stockholders in this corporation shall be held individually responsible, equally and ratably, and not one for another.

Liability of stockholders.

for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such stock.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 62.

AN ACT TO INCORPORATE THE TOWN OF BUIE, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Town
incorporated.
Name and style.
Town limits.

SECTION 1. That the inhabitants of the town of Buie, in the county of Robeson, shall be incorporated under the name and style of the town of Buie; that the said town shall be one mile square, beginning at a point one-half mile north from the center of the track of the Atlantic Coast Line Railway, west of the station building of said railway, and from said beginning running east one-half mile, then south one mile, thence west one mile, then north one mile, then one-half mile east to the beginning.

Corporate powers
and privileges.

SEC. 2. That the said town of Buie shall be vested with all the privileges, immunities, franchises, property and all rights appertaining to towns incorporated under the laws of North Carolina, and in and by its corporate name may sue and be sued, plead and be impleaded, acquire and hold property, both real and personal, for the use of said town, as the board of commissioners may deem necessary and expedient.

Officers named.

SEC. 3. That Rowland Townsend shall be mayor, and I. P. Ray, Alfred Britt, A. C. McLeod, S. B. Williams and J. M. Townsend be commissioners of said town of Buie, and J. F. Jordan be constable of said town, and that the said mayor, commissioners and constable shall hold their offices till the next general election, and the same are hereby declared officers of the said town of Buie, with the powers and duties of officers of said town, until their successors are duly elected and qualified.

Officers and
elections.

SEC. 4. That the officers of said town shall consist of a mayor and five commissioners, to be elected by the qualified voters of said town on the first Monday in May in each and every year.

Place of election.

SEC. 5. That the election of mayor and commissioners shall be held at some place within the corporate limits of said town to be selected by the mayor and commissioners, and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes unless he be an elector of the State

Qualifications of
voters.

of North Carolina and shall have resided ninety days preceding the day of election within the corporate limits of said town, and no person shall be eligible to any office in said town unless he be a qualified voter therein. Eligibility to office.

SEC. 6. That the mayor and commissioners who shall be elected shall, within three days after having been notified by the town clerk, appear before some justice of the peace of said county or before some notary public and take the oath prescribed for public officers that they will faithfully and impartially discharge the duties imposed upon them by law. Officers-elect to qualify.

SEC. 7. That the said commissioners appointed by this act, and their successors who may be elected at the general election on the first Monday in May, shall, after their qualification, select some one as town clerk and treasurer, who shall hold his office till his successor shall be duly elected and qualified. Said town clerk and treasurer shall give bond in the sum of five hundred dollars, with sureties, to be approved by the commissioners of said town, payable to the State of North Carolina, conditioned upon the faithfully accounting for all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. Election of clerk and treasurer. Term. Clerk and treasurer to give bond.

SEC. 8. That the commissioners shall, at their first meeting after their qualification, select some one to act as constable of said town, who shall hold his office till his successor is elected and qualified. Before entering upon the duties of his office he shall enter into bond in the sum of five hundred dollars, with sureties, to be approved by the commissioners, payable to the State of North Carolina, conditioned upon his faithfully executing and returning to the proper authority all processes that may come into his hands as constable of said town, and upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands as constable of said town, and upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and for the faithful performance of the duties imposed upon him by this charter or by the commissioners of the town. Election of constable. Term. Constable to give bond.

SEC. 9. That the mayor shall be entitled to the same fees as a justice of the peace in like cases, and an additional salary, to be allowed by the commissioners if they see fit. Fees and salary of mayor.

SEC. 10. That the commissioners appointed by this act, and their successors, shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations as may be needed for the good government of the town, not inconsistent with this charter or the general laws of the State. Powers of commissioners.

SEC. 11. That the commissioners appointed by this act, and their successors in office, shall have power to lay out or open any new street or streets within said town limits, and they shall have power at any time to widen, enlarge, change, extend or discon- Powers in connection with streets.

time any street or streets within the corporate limits of said town by making a reasonable compensation to the owner or owners of property damaged thereby.

Guardhouse.

Pay for feeding prisoners.

Proviso: limit of confinement.

SEC. 12. That the commissioners may build a guardhouse in which to secure or confine offenders against town ordinances, and for feeding such persons the town constable shall be allowed such compensation as is allowed the keeper of the common jail in Robeson County: *Provided*, that no prisoner or offender shall be confined in said guardhouse more than twenty-four hours without having his case heard and determined before the mayor.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed, and that this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 63.

AN ACT TO PROVIDE FOR AN ELECTION IN SCHOOL DISTRICT No. 1, COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Election to be ordered.

Date.

Question to be voted on.

Ballots.

Effect of election.

SECTION 1. That upon the request and approval of the County Board of Education of Columbus County, the Board of Commissioners of Columbus County shall call an election to be held in School District Number One, Lee's Township, for the white race, at a date to be named by them, prior to the first day of June, one thousand nine hundred and nine, and under such rules and regulations as they may prescribe, in accordance with the provisions for holding special-tax elections prescribed in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, being the public-school law of North Carolina, upon the question of whether or not the special school tax of ninety cents on the poll and thirty cents on each one hundred dollars' worth of property shall continue to be levied in said school district. At said election those who favor said special school tax shall vote a written or printed ballot, "For Special School Tax"; those who oppose said special tax shall vote a written or printed ballot, "Against Special School Tax." If a majority of the votes cast at said election shall be "For Special School Tax," the board of county commissioners shall continue to levy the tax, as heretofore; if a majority of the votes cast at said election shall be "Against Special School tax," the levy of said special school tax shall be discontinued.

SEC. 2. That all laws in conflict with this act are hereby repealed, in so far as they relate to this school district.

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

Ratified this the 12th day of February, A. D. 1909.

CHAPTER 64.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LOWELL, NORTH CAROLINA, INCORPORATED BY AN ACT OF THE LEGISLATURE, SESSION OF 1889, CHAPTER 166 OF THE ACTS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of the charter of the town of Lowell be amended to read as follows: "That the town of Lowell, in the Corporation, county of Gaston, be and is hereby incorporated, under the name Corporate name, and style of Lowell, and shall be subject to all the provisions of chapter seventy-three of the Revisal, in reference to incorporated towns, not inconsistent with provisions of this act."

SEC. 2. That section two of said charter be made to read as follows: "That the corporate limits of said town shall extend in the Corporate limits, following directions: Beginning at the Southern freight and passenger depot and running north one (1) mile to a given line; running west from the Southern freight and passenger depot one (1) mile to a given line; south from the Southern freight and passenger depot one (1) mile to a given line; east from the Southern freight and passenger depot to the precinct limits of McAdenville voting precinct."

SEC. 3. That section three of the charter of said town be and remain as it now stands, except that the word "one," before the word "year," in the next to the last line thereof, be stricken out and the word "two" substituted in lieu thereof.

SEC. 4. That section four of the charter of said town be and Town elections, remain as it now stands, except that the word "annually," in the third line thereof, be stricken out and the words "every two years" be substituted in lieu thereof.

SEC. 5. That section five of the charter of the town of Lowell, North Carolina, be amended as follows: "All qualified voters who Electors, have resided in the town of Lowell for four months preceding an election in any precinct or ward of the town shall have the right to vote for mayor or other town officer within the town of Lowell."

SEC. 6. That section six of the charter of the town of Lowell, North Carolina, be amended as follows: "That the commissioners Powers of commissioners, of said town shall have power to pass by-laws, ordinances, rules and regulations necessary for the good government of said town, not inconsistent with the laws of the State; that the commissioners Tax rate, of said town shall have power to levy and collect a tax not exceeding one dollar (\$1) on the poll and not exceeding thirty-three and one-third ($33\frac{1}{3}$) cents on the one hundred dollars valuation of all property, real, personal and mixed, within the corporate limits of said town; that the commissioners of said town shall License or privilege tax, have power to tax all other property subject to State taxation.

Further subjects
of license tax.

Proviso: broker-
age business.

Violation of
ordinances a mis-
demeanor.
Punishment.

Proviso: fines
worked out on
streets.

License for sale of
liquor not to be
granted.

Proviso: license
to drug stores.

In addition to the power of taxation already given, the commissioners of said town shall be and are hereby empowered to levy and collect annually a special license or privilege tax on all trades and all professions, on all merchants, jewelers, grocers, druggists or other dealers who buy and sell goods, wares and merchandise, of whatsoever name or description, not especially taxed elsewhere in this act, in such manner as they may by ordinances and regulations prescribe, not inconsistent with any law of the State of North Carolina in relation to the same. Further, the commissioners of said town shall have power to levy and collect a license tax on all photograph galleries, hotels, eating houses, restaurants, beef markets, livery stables, pool rooms, billiard rooms, bowling alleys, shooting galleries, moving-picture shows and manufactories being conducted or engaged in, within the corporate limits of the town of Lowell, for one day or for one year: *Provided further*, that the commissioners of said town shall have no power to grant any license to any person, firm or corporation to engage in a stock-brokerage business or in any business wherein futures are bought and sold."

SEC. 7. That section seven of the charter of the town of Lowell, North Carolina, be amended as follows: "That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment for the violation thereof, upon conviction, shall not exceed a fine of fifty dollars (\$50) or imprisonment for thirty (30) days: *Provided further*, that whenever by the provision of any ordinance a fine is imposed for the violation of the same, the mayor shall have power, if such fine is not paid, to require the offender to work on the public streets of said town or to do other work for the town to the value of said fine or penalty imposed and adjudged to be paid, and such offender shall be committed to the custody of the police, who shall execute the sentence, under the discretion of the commissioners or mayor, by putting the offender to work under such safeguard as may be necessary."

SEC. 8. That section eight of the charter of the town of Lowell, North Carolina, be stricken out and the following substituted in lieu thereof: "That the commissioners shall have no power to grant license to any person or persons, firm or corporation to sell, either by wholesale or retail, any spirituous, vinous or malt liquors or any intoxicating drink: *Provided*, that the commissioners of said town shall have power to grant license to any drug store to sell, on the prescription of a physician, whiskey, wine, beer or brandy or any other spirituous, vinous or malt liquor. Such license shall be granted only when the druggist shall have paid an annual tax, to be agreed upon, levied and collected by the commissioners; and upon failure to pay such tax and to obtain such license, upon conviction, the offender shall be fined fifty dollars (\$50) for each offense, and each sale without license shall

constitute an illegal sale: *Provided further*, that nothing in this act shall be construed to be inconsistent with or in contravention of any law of the State governing the sale of whiskey by drug stores upon the prescription of physicians."

Proviso: general law to govern.

SEC. 9. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the said town whenever by them deemed necessary, and shall have power at any time to widen eighty (80) feet, enlarge, extend or discontinue or change any street or streets within the corporate limits of said town, and shall have full power and authority to condemn or appropriate any land or lands for the purposes above named, upon making a reasonable compensation to the owner thereof; but in case the owner of the land and the commissioners cannot agree as to what is reasonable compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a citizen and a freeholder of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor in his stead shall elect one for him; and in case the two chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damage done and the benefit accruing to the owner by the change; and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the commissioners of said town the right to use the land for the purposes specified, and all damage agreed upon by the commissioners or awarded by the arbitrator shall be paid as other town liabilities: *Provided*, that either party may appeal to the Superior Court, as provided by law.

Powers as to streets.

Power to condemn land.

Arbitration for settlement of damages.

Proviso: right of appeal.

SEC. 10. That the board of commissioners may take such measures as they may deem necessary to prevent the spread and introduction of all contagious and infectious diseases.

Quarantine powers.

SEC. 11. That the board of commissioners shall have full power and it shall be their duty to establish and keep in a suitable and safe condition all sidewalks and streets in the said town.

Sidewalks and streets.

SEC. 12. That the board of commissioners of said town shall have full power and authority to declare to be a nuisance any house or building in said town which endangers the property or health of the citizens of said town by reason of being unsafe or unwholesome or dangerous, and shall have power to require the same to be put in a safe or wholesome condition, as the case may be; and if the owner or owners of such property shall fail to place said property in a safe or wholesome condition, the board of commissioners of said town may order the constable or marshal to remove the same or to make such needed repairs as the public good may require, which shall be a charge upon the property, and may be recovered by suit in the name of the board of commissioners of the town of Lowell against the owner of said property.

Buildings declared nuisance.

- Fees of mayor. SEC. 13. That the mayor of the town of Lowell shall be entitled by law to the same fees as a justice of the peace in like cases.
- Tax collector. SEC. 14. That the board of commissioners shall have power to require the town constable or marshal to act as tax collector: *Provided*, that he file with the board of commissioners a bond, to be approved by them, not to exceed double the amount of the taxes which may come into his hands.
- Proviso: bond as tax collector.
- Officers not to contract with town. SEC. 15. That no mayor or alderman or other officer of the town of Lowell shall, directly or indirectly, become a contractor for work to be done by the town, and any person herein offending shall be guilty of a misdemeanor.
- Misdemeanor.
- Ordinances concerning nonpayment of privilege taxes. SEC. 16. That for the purpose of enforcing the payment of such special or privilege taxes as the said board of commissioners may lawfully levy, they shall have power to make and enforce ordinances making it a misdemeanor to fail to comply with the regulations of the town with regard to the manner and time of paying the said special or privilege tax.
- Speed regulations. SEC. 17. That the board of commissioners may prevent and prohibit, by penalties, the riding and driving of horses or automobiles or motorcycles at a dangerous rate of speed, and shall have power to regulate the driving of same by fixing a lawful rate of speed for same.
- Application of general law. SEC. 18. That the general laws, as contained in chapter seventy-three of the Revisal, not inconsistent with this act, shall be part of the laws of said town of Lowell.
- SEC. 19. That this act shall be in force from and after its ratification, and all acts and parts of acts in conflict with this act are hereby repealed.
- Ratified this the 13th day of February, A. D. 1909.

CHAPTER 65.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HIGHLANDS, MACON COUNTY.

The General Assembly of North Carolina do enact:

- Town elections. SECTION 1. That an act of the General Assembly of North Carolina entitled "An act to amend the charter of the town of Highlands, Macon County," ratified the twenty-sixth of February, one thousand nine hundred and one, be and is hereby amended as follows: That the word "annual," in the third section of said act, being the second word in the third line of said section, be stricken out and the word "biennial" be inserted in lieu thereof.

SEC. 2. That all of section nine of said act after the word "that," between the word "taxation" and the word "the," in line seven of said section, be and the same is hereby repealed and the following inserted in lieu thereof: "That the commissioners of said town shall have the power to appropriate taxes for all municipal purposes, including advertising of the town, repairing and constructing roads and sidewalks and other like municipal purposes and uses."

Appropriation of taxes.

SEC. 3. That at the end of section twenty of said act, after the word "Highlands," the following be inserted: "That all citizens resident in said town, over eighteen and under forty-five years of age, shall be liable to four days' work each upon the streets and sidewalks in each year. In lieu of such labor they may pay three dollars, which shall be expended in improving said streets and sidewalks: *Provided*, that the commissioners may excuse any person from road duty on account of poverty and infirmity."

Road duty.

Commutation.

Proviso: exemption.

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

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 66.

AN ACT TO ESTABLISH THE FRANKLIN GRADED-SCHOOL DISTRICT, TO PROVIDE FOR THE LEVY AND COLLECTION OF SPECIAL TAXES THEREIN, AND TO AUTHORIZE SAID DISTRICT TO ISSUE BONDS AND PROVIDE FOR THE PAYMENT OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That a public-school district is hereby created, including the town of Franklin and adjacent territory, in Macon County, to be known as the Franklin Graded-school District, and bounded as follows, viz.: Beginning at a white oak on the north bank of Sugarfork River, corner of the John Rogers heirs' land; runs north with the line of the said Rogers heirs' land and with B. M. Angel's and G. W. Downs' east lines to the top of McCoy Mountain; then with the top of said mountain to a stake in the road, on top of the ridge between Ingram and Wash. Cabe; then with the top of said mountain between the J. M. Lyle home place and the John Ingram lands to the junction of the McCracken and J. W. Quisenberry lands; then with the south boundary line of the Quisenberry land to the Dillsboro Road; then with the north line of the J. M. Lyle home lands to Charlotte Calloway's line; running thence so as to include all the lands of E. W. Johnson and J. P. Angel, to the north corner of J. P. Angel's land, on the

District created.

Boundaries.

Tennessee River; thence down the river to the corner of the J. W. Gribble Elias land, on the bank of said river; thence west with the said J. W. Gribble Elias' tract to R. S. Hall's line; thence with the north boundary line of said Hall's land to J. E. Calloway's line; thence with said Calloway's north line to E. Hurst's line; thence running, so as to include the farms of E. Hurst and J. E. Hurst, to the Mashburn-Crews corner and Sol. Jacobs' corner, at Mashburn-Crews property; thence with the north line of the Crews property to its northwest corner; thence with its west boundary line to the Jones heirs' line; then with their north and west lines to Z. Baird's line; thence west with said Baird's north and west lines to Lee Crawford's line; thence with the west boundary line of Lee Crawford's land to F. T. Smith's line; thence with Smith's west boundary line to the Murphy Road; thence east with said road to Mrs. Alice Robinson's corner; thence south with west boundary line of Mrs. Robinson's land to the Addington line; thence with the west boundary line of the Addington land to the C. J. Harris roller-mill property; then running so as to include the Harris roller-mill property to the bridge across Cartoogechaye Creek; thence with the south bank of said creek to W. C. Allman's corner; thence with said Allman's west boundary line to the Posy Jones property; thence with the west boundary line of said Jones' land to the Cartoogechaye Road; thence in an easterly direction with said road to its intersection with the Franklin-Clayton Road; thence up the Franklin-Clayton Road to the W. C. Smart line; thence east with his north boundary line to the gap of the mountain; thence east to the west boundary line of the George Angel place; thence with the south line of said Angel place to the Tennessee River and corner of Angel and M. N. Donaldson; thence down the river to the south corner of E. P. Dowdle's land, on the bank of the river; thence with south line of said Dowdle's land to Lee Snyder's land; thence with south and east line of said Snyder to G. N. Penland's line; thence with said G. N. Penland's and Polly Angel's lines to the road leading to the bridge across Sugarfork River; thence down said road to the negro church and school property; thence along the west side of said property to the bridge across Sugarfork River; thence up the river to the beginning.

Trustees named.

Terms of office.

Election of successors.

SEC. 2. That J. A. Porter, H. H. Jarrett, S. H. Lyle, G. H. Dalrymple, R. L. Bryson and Augustus Leach are hereby constituted a board of trustees for the public schools of said district, and shall serve for the respective periods herein indicated and until their successors are elected; the two first named, till the general election in November, one thousand nine hundred and fourteen; the two next named, till the general election in November, one thousand nine hundred and twelve; and the two last named, till the general election in November, one thousand nine hundred and ten. Two trustees shall be elected at the said general election in one

thousand nine hundred and ten, who shall succeed the two whose terms of office expire at that time, and at each succeeding biennial election two trustees shall be elected to succeed those whose terms of office expire at such election, and the term of office of each trustee so elected shall be six years and until his successor is elected. All vacancies caused by the death, resignation or removal from the district of any trustee shall be filled by the remaining members of the board, and the person so elected to fill a vacancy shall hold office till the next general election, when the vacancy shall be filled by a vote of the people: *Provided*, that the office or position of trustee shall not be considered an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina.

Terms of successors.

Vacancies.

Proviso: trustees not officers.

SEC. 3. That the said board of trustees and their successors shall be and are hereby constituted a body corporate, by the name and style of the "Board of Graded-school Trustees of Franklin." It shall have a corporate seal, which it may make, break or change at pleasure, and by its corporate name may sue and be sued, contract and be contracted with; acquire, by gift, purchase or devise, real and personal property; hold, exchange or sell the same, and exercise such other powers, rights and privileges as appertain to corporations under the general law. All conveyances, contracts to convey, mortgages or leases of land by said corporation shall be signed in its corporate name, by its chairman, sealed with its corporate seal and attested by its secretary. All instruments requiring registration shall be duly acknowledged and proven, as provided for the acknowledgment and proof of instruments executed by corporations under section one thousand and five of the Revisal of one thousand nine hundred and five.

Trustees incorporated.
Corporate name.
Corporate powers.

SEC. 4. The said board of trustees shall, annually, at such time as it may appoint, elect a chairman, a secretary and a treasurer of said board, and shall fill all vacancies that may arise in either of said positions between the times of the two regular annual elections. The chairman and secretary shall be members of said board, and the treasurer may be a member of said board, or some other person or corporation.

Organization.

SEC. 5. It shall be the duty of said board of trustees to establish and maintain in said district a system of public schools for the children resident therein between the ages of six and twenty-one years. The said trustees shall have exclusive control of such schools, and shall prescribe rules and regulations for their conduct and control, shall employ and fix the compensation of, and may dismiss the officers and teachers therein, and shall exercise all powers that may be needful for the proper and successful operation thereof. The board of trustees may admit to said schools pupils from outside the district on such condition and terms as it may fix; may also elect a superintendent and fix his powers and duties; shall cause

Duties and powers of trustees.

Pupils outside of district.

School census.

Reports.	to be taken from time to time an accurate census of the school population of the district, and shall make such reports of the operation of said schools as may be required by law or by the State Superintendent of Public Instruction, and shall make reports
Title to school property.	to the Board of Education of Macon County. The title to all public-school property within the bounds of said district shall vest in the Board of Graded-school Trustees of Franklin, and said board shall be the successor of the County Board of Education of Macon County or school committees, for the purpose of holding and disposing of said school property. No tuition fee shall ever be charged for the attendance upon said schools of any person within school age resident within said district.
Duties of treasurer.	SEC. 6. The treasurer of said board of trustees, who shall be elected as provided for in section four of this act, shall have charge of all moneys belonging to said graded school or schools, and shall make such reports and settlements as may be required of him by law and by the order of said board of trustees. All funds coming into his hands for graded schools shall be expended under the direction of said board of trustees, and warrants for the same, signed by the chairman and countersigned by the secretary of said board, shall be the only valid vouchers in any settlement required of him. The compensation of said treasurer shall be fixed by the board of trustees, and a bond shall be required of him in an amount sufficient to secure all school money which may come into his hands at any time. The said bond shall be filed and recorded in the office of the Register of Deeds of Macon County as other official bonds are, and in the event of breach of the conditions of said bonds an action may be prosecuted by the board of trustees.
Expenditure of funds.	
Vouchers.	
Compensation.	
Bond.	
Apportionment from state and county school fund.	SEC. 7. All moneys which shall be from time to time apportioned to the public schools in the district herein established from the school funds of the State and the county of Macon or from any special funds, and all the moneys or things of value to which the said schools may become entitled by reason of any special tax, gift, grant, devise or apportionment, or otherwise, from whatever source, shall be paid over to the treasurer of the board of trustees, whose receipt for such moneys or other things of value shall constitute a sufficient voucher of such payment. The sheriff, tax collector or other officer whose duty it may be to collect the taxes of Macon County shall collect all special taxes that may be levied for school purposes in the territory described in section one of this act, as other public taxes are collected, and turn the same over to the treasurer of the corporation herein chartered, taking his receipt for the same: <i>Provided</i> , the compensation of said sheriff, tax collector or other officer for collecting and turning over said special taxes levied under any provision or provisions of this act shall not exceed two and one-half per centum of the said special taxes so collected and turned over by him.
Collection and payment of special taxes.	
Proviso: commission of collector.	

SEC. 8. That upon the written petition of the Board of Graded-school Trustees of Franklin, signed by a majority of the members of said board and addressed to the Board of County Commissioners of Macon County, it shall be the duty of the said Board of County Commissioners of Macon County to order an election, at which said election there shall be submitted to the qualified voters of the district described in section one of this act the question whether there shall be levied on all taxable property and polls in said district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll for the better maintenance and support of the graded school or schools of said district and to meet any obligations of said district not otherwise provided for. The said Board of County Commissioners of Macon County shall appoint a registrar and two judges for said election, and there shall be a new registration for said district, and no person failing to register under said new registration shall be counted a qualified voter at said election, and all persons residing within said district who are otherwise qualified to vote within the bounds of said district at any general election under the Constitution and laws of this State shall be entitled to register for said election. The registrar and judges of said election shall count the votes cast and certify to the board of county commissioners the number of votes cast for special tax and the number of votes cast against special tax, and the said board of county commissioners shall canvass the returns and declare the result of said election, and the result thereof shall be spread upon the minutes of said board. The said election shall be held in accordance with the laws and regulations provided for the election of members of the General Assembly, except as herein otherwise provided. Said election shall be held at any date recommended by the Board of Graded-school Trustees of Franklin, after first giving thirty days' notice at the courthouse door of Macon County and after having had the said notice published once a week for four consecutive weeks in some newspaper published or circulated in the county of Macon. At such election those who are in favor of the levy and collection of said special tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed by law for the levy and collection of other taxes, and shall be turned over by the officer collecting the same to the treasurer of the Board of Graded-school Trustees of Franklin.

SEC. 9. That upon the written petition of the board of Graded-school Trustees of Franklin, signed by a majority of the members of said board and addressed to the Board of County Commission-

Petition for election.

County commissioners to order election.

Question to be submitted.

Election officers.

New registration.

Count and certificate of votes.

Canvass and declaration of result.

Law governing election.

Date.

Notice of election.

Tickets.

Effect of election.

Petition for election on bond issue.

County commissioners to order election.
Question submitted.

Date of election.
Election officers.

Law governing election.

Tickets.

Successive elections.

ers of Macon County, it shall be the duty of the said board of county commissioners to order an election, at which said election there shall be submitted to the qualified voters of the district herein created the question whether the Board of Graded-school Trustees of Franklin shall be authorized to issue not more than twelve thousand dollars in bonds, the proceeds of said bonds to be used in the purchase of suitable school sites and in the purchase or erection of school buildings and keeping the same properly furnished, equipped and repaired, and whether there shall be levied and collected a special annual tax on all the taxable property and polls in said district, said tax not to exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the poll, for the purpose of paying the principal and interest of said bonds. The said election shall be held at any date recommended by the Board of Graded-school Trustees of Franklin, and it shall be the duty of the said board of county commissioners to appoint a registrar and two judges for said election and to order a new registration therefor. If the said election be held at the same time as the election provided for in section eight of this act, then there shall be only one registrar and two judges for both elections and only one new registration, and all persons registering under said new registration and otherwise qualified to vote at any general election within the bounds of said district under the Constitution and laws of this State shall be qualified to vote at both elections provided for by this act. The said election shall be held under the rules and regulations and after giving the notice provided in section eight of this act, and the result thereof shall be determined, certified, declared and recorded in the manner provided in said section. Those favoring the issue of said bonds and the levying and collection of a special tax, as herein specified, to provide for the payment of the principal and interest of said bonds shall vote a ticket on which shall be printed or written the words "For School Bonds," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against School Bonds." If the election provided for in this section and that provided for in section eight of this act are held at the same time, the two propositions voted on shall be so voted on in separate boxes. The election provided for in this section and that provided for in section eight of this act may be held together or at different times, and if held at different times a registrar and two judges shall be appointed and a new registration ordered at each separate election. Should the proposition voted on at any election fail to be approved, either as to the levy and collection of a special tax, as provided for in section eight of this act, or as to the issue of bonds and the levy and collection of a tax to pay the principal and interest thereof, as provided for in this section, the power of the Board of Graded-school Trustees of Franklin to petition and the

duty of the Board of Commissioners of Macon County to submit one or both of said questions to the qualified voters of the district herein created, in accordance with said petition, shall not be exhausted, but one or both of said questions may be submitted to the said voters at other and subsequent elections to be held as hereinabove provided for, at any time within five years from and after the ratification of this act: *Provided*, the expense of holding any election under the provisions of this act shall be paid out of the general school fund of the district herein created.

Proviso; expense
of elections.

SEC. 10. If the majority of the qualified voters of said district shall vote in favor of the issue of bonds, then it shall be the duty of the Board of Graded-school Trustees of Franklin to issue said bonds of said graded-school district, not to exceed the said amount of twelve thousand dollars, of such denominations as they may deem advisable, bearing interest from date, at a rate not to exceed six per cent per annum, with interest coupons attached, payable annually or semiannually, as said board may determine, at such time or times and at such place or places as said board may designate; said bonds to be of such form and tenor and transferable in such way and the principal thereof redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of trustees may determine. Said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of the board of trustees and countersigned by the secretary thereof, and have the corporate seal of the Board of Graded-school Trustees of Franklin attached thereto; and the coupons thereto attached shall bear on their face the number of the respective bonds to which they belong, and the coupons on each bond shall be numbered consecutively, beginning with one, so as to show the number of each coupon attached to each bond, and shall be signed by the chairman and secretary of the said board of trustees. A record shall be kept of said bonds, showing the number and denominations thereof, to whom sold, the dates of issuing thereof, and when the same shall mature, the rate of interest, the amount received from the sale of the same, and such other data in relation to the same as the said board of trustees may direct to be kept. Said bonds, when issued, and the interest accumulating thereon, shall be fully binding upon the said graded-school district and the taxable property and polls included therein, and shall show upon their face that they are issued for public-school purposes; and the tax herein provided for, to pay the principal and interest of said bonds, shall continue to be levied and collected till the said principal and interest are fully paid or discharged.

Bonds to be
issued.

Amount.

Denominations.

Interest.

Maturity.

Authentication.

Record of bonds.

SEC. 11. That the Board of Graded-school Trustees of Franklin are hereby authorized to sell the said bonds, but the same shall not be sold for less than their face value, and the proceeds of the

Sale of bonds.

Specific appropriation.

same shall be used for the purchase of suitable school sites and in the purchase or erection of school buildings and keeping the same properly furnished, equipped and repaired, and for no other purpose; and if the holders of any of said bonds or coupons shall fail to present the same for payment at the time or times and place or places therein mentioned, they shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Special tax for interest and sinking fund.

SEC. 12. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, or for purchasing and canceling the same before due, it shall be the duty of the Board of County Commissioners of Macon County, at the time fixed for the levy of other taxes, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds and the interest thereon are unpaid, a sufficient special tax upon all taxable property and polls in said district, which taxes, so collected, shall be turned over to the treasurer of the said board of trustees, and shall at all times be kept separate and distinct and used only for the purpose above set out: *Provided*, that so much of the tax levied each year, as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above-described amount, from time to time, it shall be the duty of the treasurer of the said board of trustees, under such regulations as the said board may from time to time prescribe, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said board of trustees may prescribe: *Provided further*, that the rate of taxation under this section shall not exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the poll: *Provided further*, that if the taxes levied and collected under this section, with the amounts accumulated from previous levies and investments, should at any time be insufficient to pay the interest on said bonds and the principal of such said bonds as are due, the said board of trustees shall cause to be applied to the payment of the same such amounts as may be necessary out of the tax levied and collected by virtue of section eight of this act.

Specific appropriation.

Proviso: use of surplus.

Proviso: rate of taxation.

Proviso: appropriation to supply deficit.

Tax formerly voted rescinded.

SEC. 13. That from and after the holding of an election by virtue of section eight of this act, resulting favorably to the levy and collection of the tax therein mentioned, chapter four hundred and sixty-one (461) of the Private Laws of one thousand nine hundred and seven shall be repealed, and the tax provided for in said act and subsequently authorized by vote of the people of the district therein mentioned shall no longer be levied and collected in addition to the tax provided for in this act, it being intended

that after the tax provided for in section eight of this act shall have been approved by vote of the majority of the qualified voters of the district herein created the said tax shall supersede and take the place of the tax levied by virtue of the provisions of chapter four hundred and sixty-one (461) of said Private Laws of one thousand nine hundred and seven, in so far as it affects the taxable property and polls of the district therein referred to; but until the tax provided for in section eight of this act shall have been approved by a vote of the majority of the qualified voters of the district herein described, the said chapter four hundred and sixty-one of the Private Laws of one thousand nine hundred and seven shall remain in force, and the tax therein provided for shall continue to be levied, collected and appropriated according to the true purpose and intent of said act and through the channels therein provided.

SEC. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 67.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF SALEM, AS CONTAINED IN CHAPTER 40 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1891.

The General Assembly of North Carolina do enact:

SECTION 1. At the end of section thirty-three of said chapter forty add the following: "That the policemen of said town shall have power and authority to execute all criminal processes and make arrests within one mile outside of the limits of the police jurisdiction of said town, to the same extent and in like manner as they now are authorized to do within the limits of said police jurisdiction." Powers of policemen.

SEC. 2. At the end of section fifty-eight of said chapter add the following: "That whenever any street of the town shall have been graded, guttered and curbed, in whole or in part, including the sidewalks, it shall be incumbent upon the owner or owners of the land abutting on said street, or part thereof so improved, to improve, pave and repave, whenever in the opinion of said board of commissioners it may be necessary, one-fifth of the street adjoining their respective property, with such material and in such manner as the board of commissioners of said town shall direct; and the board of commissioners shall have the power to require said improvements to be made, and to levy against the abutting property Landowners to contribute to street improvement.

Powers of commissioners.

Proviso: work done by town at charge of owner.

Charges a lien on property.

Proviso: proportion to be paid by town.

Railway and street railway companies.

Proviso: charges payable by town in installments.

Public schools.

Nonresident pupils.

Races separated.

a sufficient assessment to pay for the same, upon a petition being presented to them, signed by one-half of the owners of the property abutting on said street or on the part of said street to be improved, requesting said improving, paving or repaving to be done: *Provided, however*, that the board of commissioners, in order to secure uniformity in the work, may, after giving ten days' notice to the owner that said improvement is to be made, have all the work provided for herein done by the town forces or by contract, and charge said proportions of the actual cost of such work to the owner or owners of the abutting property, and the said charges shall be a lien on said property and collected as in said charter provided for unpaid taxes: *Provided, also*, that the said town shall, out of its general fund, pay for the remainder of said expenses and cost, and for all street intersections so improved, except that portion of such street and intersections occupied or used by street railway or other railroad company, which shall be required to improve, pave or repave that portion of the street occupied by its track and twelve inches on each side thereof, and the said commissioners are hereby given the power to levy upon such company an assessment sufficient to pay for such work or, after ten days' notice, do such work or contract for the same, and shall have a lien upon said company's property, and enforce the same in like manner as hereinabove provided in the case of owners of abutting property; and *Provided, also*, that said board of commissioners may in its discretion divide any charge or assessment against any owner of land or street or other railway company for the paving or improving of such streets in such manner that the same may be paid in three or more equal annual installments, from and after the commencement of such work, with interest thereon at six per cent per annum from the date of the completion of the work."

Sec. 3. That section seventy-two of said chapter be and the same is hereby stricken out and the following is adopted in lieu thereof, to wit: "That the board of commissioners shall have power to provide for the establishment, maintenance and support of a system of public schools, and to this end may buy, improve and sell and exchange lands, buildings and other property, and may annually appropriate a certain part of the taxes of the city to pay for said property or improve the same and to maintain and support said public-school system. Said schools, when established, shall be devoted to the education of the young by the high-school or the graded system, and shall be open to all *bona fide* residents of the town of Salem between the ages of six and twenty-one years; but persons living beyond the limits of the corporation may attend the schools from their homes, or as boarders, on the payment of tuition fees, and under such regulations and rules as may be prescribed by the public-school commissioners. That white and colored schools, when established, shall be conducted in distinct

and separate buildings and departments; that said public schools shall be managed by a board of five citizens and taxpayers of the town, two thereof being members of the board of commissioners, to be annually elected by the board of commissioners; and in case of any vacancy occurring during the term of office of any commissioner, the board of commissioners shall appoint some one to fill out the unexpired term; that said public-school commissioners, when elected, shall be a body corporate and politic, under the name of the Public-school Commissioners of Salem, and shall elect one of their number chairman, and take in charge the various public schools which may be established in the town. The public-school commissioners shall have the power to proportion and distribute the school fund, to select teachers and dismiss them for cause, to fix their salaries, to aid them in the establishment of grades and enforcement of discipline, to abate nuisances at the schools, to regulate the admission of pupils from without the corporate limits of the town and to fix the rate of tuition, to visit the schools regularly for inspection, and to do all other acts pertaining to their office for the good and success of the school; and said public-school commissioners shall have the power, in the establishment of one or more graded or high schools, to provide for the attendance of boys and girls at the same school or at separate schools, and may have the power to make arrangements with other established schools for admission of students to be taught the branches that are usually taught in such graded and high schools; that said public-school commissioners shall serve without compensation, but are authorized to purchase the necessary books, stationery and fuel and to pay the secretary a sum not exceeding thirty dollars per annum. The term of office of said commissioners shall be as follows: Those selected from the board of commissioners shall serve during the term for which they have been elected commissioners of the town, and those not from the board of commissioners of the town shall be elected, one each year, for a term of three years each and until their successors shall be elected and qualified. That such public-school system, as may be established under this act, may be combined or consolidated with the public-school system of any other district, town or city in Forsyth County, under such terms as the said districts, towns or cities may agree upon as mutually advantageous, which consolidation can be effected and carried out by the school authorities of the districts, towns or cities wishing such combination; that for the purpose of establishing, equipping and maintaining a system of public graded and high schools for the town of Salem, the commissioners of said town are hereby authorized and empowered to create a public debt for said town and issue bonds therefor, after such issue shall have been duly approved by a majority of the voters at an election held for that purpose and in accordance with the charter of Salem and the law governing elections for such purposes."

Management of schools.

School commissioners incorporated.
Corporate name.
Organization.

Powers.

Further powers.

Commissioners to serve without pay.

Pay of secretary.
Term of office.

Consolidation of schools or districts.

Power to create debt and issue bonds.

Power to create debt.	SEC. 4. That section eighty-nine of said chapter be and the same is hereby amended, as follows: After the word "sewage," in line three of said section, insert the words "public schools."
Sinking fund.	SEC. 5. That the board of commissioners shall have the power to provide a sinking fund for the payment of the principal of all outstanding bonds or other special indebtedness of the town of Salem now or hereafter existing, and for that purpose may annually levy and collect a special tax, which, together with other levies, shall never exceed the amount of one dollar and fifty cents on the one hundred dollars valuation, as now provided in the charter of said town. This fund, so levied and collected, shall constitute a sinking fund, and the board of town commissioners shall have authority to create a commission, known as the sinking-fund commission, to hold, invest, pay out and control the same. That the board of commissioners of Salem shall, upon the creation of such sinking-fund commission, elect three persons, to be known and designated as sinking-fund commissioners of Salem, provided that a corporation may be one of said commissioners, one for a term of two years, one for a term of four years and one for a term of six years, and shall annually thereafter elect one member for a term of six years. In case of a vacancy the Board of Commissioners of Salem shall elect some suitable person to fill the unexpired term. That at the first meeting of the commission after their election and acceptance of the office said person or corporation, by an officer, shall qualify by taking the oath before the mayor to faithfully and honestly discharge the duties of said commissioner; that said sinking-fund commissioners shall have entire charge and control of the fund annually collected from taxes as hereinbefore set forth, and shall hold, control, invest and use the same as in their judgment may be to the good of the town, and shall have power to use said fund to purchase outstanding bonds of the town; that the Board of Commissioners of Salem may require said sinking-fund commissioners to give bonds in such amounts as they may deem necessary, and may, annually or oftener, call on said commissioners for a report and accounting of all their acts in reference to said sinking fund; and in the event of a failure to report and account, or any improper investment or use of said fund, the Board of Commissioners of Salem shall have the right and power to remove said commissioners or any one of them, and to take such other action, at law or otherwise, in the name of the commissioners of the town of Salem, as they may deem necessary to protect the best interest of the town.
Special tax.	
Limit of rate.	
Sinking fund commission.	
Election of sinking fund commissioners.	
Term.	
Vacancies.	
Commissioners to qualify.	
Powers of commission.	
Bonds of commissioners.	
Reports and accounting.	
Removal for cause.	

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 68.

AN ACT TO INCORPORATE PEE DEE VALLEY RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. C. Leak, J. P. Leak, William Entwistle, Corporators, H. S. Ledbetter and H. C. Wall and all persons who may be now or shall hereafter become stockholders of the Pee Dee Valley Railway Company, and their successors, shall be and continue to be a body politic and corporate, under the name of "Pee Dee Valley Railway Company." The said Pee Dee Valley Railway Company, by and in that name, shall have power to have succession for a period of ninety-nine years, and a common seal, which it may alter, renew or amend at its pleasure; to sue and be sued in any court of law or equity; to contract and be contracted with; to purchase, lease and otherwise acquire, hold and enjoy such real and personal estate as the purposes of the corporation shall require; to mortgage, pledge, lease, convey by way of deed of trust, and otherwise encumber, sell and convey all or any part of its real or personal estate, together with the franchises of such corporation, in whole or in part; to borrow money, to make and issue its bonds, notes and other evidences of indebtedness, payable to bearer, or otherwise, and with or without interest coupons attached, for any debts or obligations incurred by it or for any purposes of the corporation, and to secure the same by mortgages or deeds of trust on all or any part of its works, property or franchises; to appoint such officers and agents as the business of the company shall in its opinion require, and to fix their compensation; to make ordinances, by-laws and regulations, not inconsistent with the Constitutions or laws of the United States or of this State, fixing and altering the number of its directors, the division of same, if desired, into classes, their authority and powers, and the duration of the terms of its officers and directors, for the certification and transfer of its stock, for the calling and holding of meetings of its members, and generally for the government of all under its authority; for the management of its estates and the due and orderly regulation and conduct of its affairs; to purchase, hold, assign, transfer, mortgage, pledge or otherwise dispose of, guarantee and become surety in respect to shares of the capital stock of, and bonds, securities or evidence of indebtedness created by any other corporation or corporations of this or any other State, and while owner of any such stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon; to wind up and dissolve itself or to be wound up and dissolved in the manner provided by law; to change the name of said company by a vote of a majority of the stockholders at a regular or special

Principal office.	meeting; to exercise all other powers granted to railroad corporations by the general laws of the State of North Carolina, and all powers conferred upon corporations by existing laws of the State of North Carolina, so far as not in conflict with this act and by all acts hereafter passed amendatory thereof or supplemental thereto. The principal office or place of business of said company in the State of North Carolina shall be in the town of Rockingham, in the county of Richmond, but the directors of the said company may change the location of the said office to any other place designated by said directors, and the said directors shall have power to establish the offices in this or any other State that they may deem necessary and convenient for their corporate purposes: <i>Provided</i> , they shall keep and maintain at least one office or place of business in the State of North Carolina.
Proviso: one office to be maintained in state. Power to build, maintain and operate railroad.	SEC. 2. That said company shall have the power to build, construct, equip, acquire, maintain and operate a railroad, of any gauge, with one or more tracks, operated by steam, electricity, or both, or any other motive power, from a point on the line between the State of North Carolina and the State of Virginia to a point on the line between the State of North Carolina and the State of South Carolina.
Termini.	SEC. 3. The said company, when authorized by resolutions of its board of directors, may construct, purchase or otherwise acquire, maintain and operate any number of branches, of any length, to its main line in this State, and may make an extension or extensions beyond either of its <i>termini</i> in this State into another State or States; and, further, that said board of directors, in its discretion, may construct, purchase or otherwise acquire, maintain and operate branches to the city of Wilmington, North Carolina, to the town of Southport, North Carolina, and to the city of Charlotte, North Carolina, or any of them; and in constructing and operating said branch road or roads or extensions said company shall have all the rights, powers and privileges granted to it with respect to the main line. That said company shall have power to connect its said road with any other road it may construct and operate under the authority of the State of Virginia from its northern terminus, or under the authority of the State of South Carolina from its southern terminus, or with any road or roads built or owned by any other company or companies at the same points or either of them.
Branch lines.	
Extensions.	
Special branch lines.	
Connections.	
Branches built before main line.	SEC. 4. Said company may in its discretion build any portion or all of its branches or branch lines or extensions before completing its main line, and may construct a part of its main line, as specified in section two hereof, without completing said entire main line, and may build said lines by such routes as it deems most advantageous and expedient; that it may, under such purchase, lease, agreement or running arrangement as it may or can
Power to construct part of main line.	

make with any other railroad company, operate any road link between different portions of its own line, or permit any other railroad company, upon such terms as may be agreed upon, to operate any part of its own line; that it shall have the right to cross navigable streams and canals on its route, and that said company is hereby authorized and empowered to construct, maintain and use bridges for the transportation of its cars across any river or rivers or canals in the line of its said railroads: *Provided*, that said bridges shall be so constructed as not to interfere with rafts on said rivers or canals which may be crossed by said railroads, and that said company shall provide drawbridges at such points on said rivers or canals where it shall be necessary for the convenience of boats navigating said rivers or canals.

Powers in connection with other lines.

Navigable streams and canals.
Bridges.

Proviso: construction of bridges.

SEC. 5. The company shall have the right and power, when necessary or convenient, to construct their said road across any public road or street at such point or points as may be determined or along the side of any public road: *Provided*, that the company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have power to construct dams, culverts, trestles and bridges over and across streams, valleys or depressions. It shall likewise have the right to cross at grade or over or under any other railroad constructed or that may hereafter be constructed at any point on its road, and to intersect, join or unite its line of railway with any other such railroad upon the ground of such other company or companies at any point on its route, and to build turnouts, sidings, switches and sidetracks and any other conveniences in furtherance of its object of construction, and run parallel with any other railroad upon the grounds of such other company or companies: *Provided* such grounds be not necessary for the exercise of the franchise and the discharge of the duties of such other company. And said company may lay down and use tracks through any town or city along its proposed line and make connection with the depots of any railway or steamboat companies within said towns or said cities or said State, under such rules, regulations and conditions as may be prescribed by the board of aldermen of said cities or commissioners of said towns and laws of said State; and may, in making any intersection or connection with any other railroad or railroads, have all the rights, powers and privileges conferred upon railroads by the laws of this State.

Public roads and streets.

Proviso.

Crossing other railroads.

Proviso.

Tracks through towns or cities.
Connection with depots.

SEC. 6. The said company shall have the right to lease, build, construct, charter or purchase or own barges, steamboats or other vessels propelled by any motive power whatsoever, for either river or ocean navigation, or both, and may separately or in connection with the said railroad operate one or more steamboat line or lines of other vessels; and may, in operating said boats of any kind, become common carriers; and may further own, con-

Barges, steamboats and other vessels.

Ferries and ferry-boats.

struct and operate in connection with said railroad or any of its branches, or independent thereof, ferries and ferryboats; and may connect with ocean steamers or vessels or river steamers or vessels, barges or boats.

Terminal facilities.

SEC. 7. The said company is hereby authorized and empowered to erect and construct, at or near the town of Southport, in the county of Brunswick, or the city of Wilmington, in the county of New Hanover, or both, or at any other place or places, as decided by its board of directors, wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal chutes suitable for the accommodation of steamships, vessels and boats, and for the convenient loading, unloading, shipping, receiving and storing of all kinds of

Powers as warehousemen, wharfingers and lightermen.

merchandise and personal property for safe-keeping, and may conduct the business usually transacted by warehousemen, wharfingers and lightermen, and may charge and collect compensation for the storage, dockage, wharfage and lighterage and for all labor incident thereto, including the expenses of weighing, insuring, keeping and delivering such merchandise or personal property, at such rates and on such terms as may be agreed upon between it and its customers; and for any advances made by it on merchandise or property stored or deposited with it for shipment, and for all its charges and expenses incident thereto, the said company shall have a preferred lien on said merchandise and property, which shall be paid before the said company shall be required to deliver the same. That the said Pee Dee Valley Railway Company may from time to time acquire or guarantee the bonds and stocks, or either, of any inland, coast or ocean transportation company or companies, and it may develop or aid in the development of its business by acquiring or guaranteeing the stocks and bonds, or either, of hotel, lighterage, wharf, elevating and such other enterprises convenient in connection therewith or as a part thereof.

Charges a lien on property.

Powers of guarantee company.

Telegraph and telephone lines.

SEC. 8. That said company is hereby authorized to construct and operate at its option one or more telegraph or telephone lines along its lines of railroad and from any other points to its lines of railroad, and to charge and collect such remuneration for messages, dispatches or tolls as the board of directors may determine; and the said company may connect said telegraph or telephone lines with the lines of any other company in this or adjoining States, and may lease or sell same: *Provided*, said company shall be subject to all the provisions of law governing telegraph and telephone companies.

Proviso: general law.

Powers as canal company.

SEC. 9. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any and all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs, and to cut canals in the Green Swamp and other swamps in the counties of Columbus and Brunswick or in any other counties in the State of North Carolina as may be useful or necessary in the conduct of the business of said

company; and it is hereby vested with all the rights and privileges secured to canal companies by the laws of North Carolina. And in case said corporation is unable to agree with the owner for the purchase of any real estate required for the purpose of constructing any canal, it shall have the right to acquire title to the same in the same manner and by the same special proceedings prescribed in chapter sixty-one (61) of said Revisal and any amendments thereto.

Condemnation of land.

SEC. 10. Said company shall have the exclusive right to carry and transport freight and passengers over and along its lines of railroad at such rates as said company shall prescribe, subject to such laws regulating the same as the General Assembly or tribunals constituted thereby may from time to time establish.

Right to carry freight and passengers.

SEC. 11. Whenever from any cause this company is unable to agree with the owners of the land over or near which it is proposed to extend its road for the purchase of such land for its depots, roadbeds, station grounds, yards, shops, gravel pits, quarries, terminals or other purposes of the company, the said company may file a petition before the clerk of the Superior Court of the county wherein the land lies, specifying the object for which the land is desired, with a description and plat thereof. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the clerk, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the hearing of the same, by the said clerk, in the manner provided by law; and in the event that any of the persons interested in said land are unknown or nonresidents of this State, such notice may be served by advertisement, stating briefly the object of the application and giving a description of the land to be taken, published in a paper, if there be one published in the county in which the land to be taken is situate, once in each week for four successive weeks next previous to the presentation of the petition, and if there be no paper published in the said county, then in some paper published in the city of Raleigh, or such notice may be given in any other way provided for the giving of notices relative to the condemnation of land by chapter sixty-one (61) of the Revisal of one thousand nine hundred and five (1905) of North Carolina. The clerk of the Superior Court shall thereupon appoint three disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time to be fixed in the order of appointment, not more than ten days after the appointment, unless a later day be fixed by consent, to assess the damages to the land proposed to be taken. In assessing the damages the appraisers shall take into consideration the actual value of the land, together with the damage to the residue of the tract beyond the benefit and special advantages to be derived in respect to such residue from the work to be constructed. The assessment shall be of the fee-simple value of the

Procedure for condemnation of land.

	property proposed to be taken by the company. The appraisers or a majority of them shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of the damages assessed to the clerk or to the parties interested, and shall have the force and effect of a deed conveying such property to the company in fee simple. Either party may appeal to the Superior Court in term from the approval or disapproval of the action of the clerk, provided such appeal be prayed within ten days from the approval or disapproval of the clerk, and on such appeal may present such evidence as they may desire, and have a hearing <i>de novo</i> before the court, but the burden of proof shall be upon the party objecting to the ruling of the appraisers. In the event that the true owner of any property taken as above mentioned is not notified as above provided, then such owner may, within two years, but not afterwards, petition the Superior Court of the county in which the land lies for assessment of the value thereof, as aforesaid, but no action of ejectment shall be brought by him nor the possession or occupation of this company in any way disturbed unless it shall within the time to be fixed by the said court fail to pay such damages as may be assessed for the value thereof: <i>Provided, however</i> , that in case the true owner be at the time of such condemnation and occupation under any legal disability, he may file a petition for the assessment of such damages within two years from the removal of such disability: <i>Provided</i> , that no powers herein enumerated shall be construed to grant any condemnation powers in excess of the general law governing condemnation, and that nothing herein contained shall be construed to exempt this company from any and all of the lawful orders, rules and regulations of the Corporation Commission.
Right of appeal.	
Burden of proof.	
Rights of true owner if not notified.	
Proviso; owner under disability.	
Proviso; application of general law.	
Limit to right of condemnation.	SEC. 12. The right of said company to condemn and take land under this act shall be limited to a space not exceeding one hundred (100) feet on each side of its road, measuring from the middle line of the same, except in cases of deep cuts or high embankments, when said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road; and except, also, that for depots, warehouses, station grounds, shops, yards, gravel pits, quarries, terminals and other purposes necessary for the construction and operation of said road the said company may condemn any quantity of land that in the opinion of its board of directors may be necessary. Said company may cut down any trees that may be in danger of falling on the track or of obstructing the right of way, and may take as much land as may be necessary for the purpose of obtaining material for any embankment or embankments. That said company is hereby empowered to purchase and hold such lands,
Protection of right of way.	
Land for material.	
Power to acquire and deal in lands.	

timber and personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the company in any manner not inconsistent with law and this charter: *Provided*, that said company shall have power to hold at the same time for terminals, stations, depots, warehouses, etc., any number of acres of land; that it shall be lawful for the said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any and all times upon all lands or waters for the purpose of exploring, surveying, leveling or laying out the route of said railroad and of locating the same and to make a plat thereof, and to do and erect all necessary works, buildings and appendages thereon, doing no unnecessary damage to private property.

Proviso: extent of power.

Entry on lands for exploring and survey.

SEC. 13. The capital stock of said company shall be one hundred and twenty-five thousand dollars (\$125,000), and the same may be increased from time to time by paying to the Secretary of State the fees required by law, as the demands of the said company as determined by a majority of the stockholders shall require. The board of directors shall have the right to divide said capital stock into preferred and common stock, and said stock shall be issued upon such terms and conditions and in such manner, form and designation as shall be prescribed by the board of directors. The stock of said company shall be in shares of one hundred dollars (\$100) each, for which, when fully paid for, certificates shall be issued, which shall be nonassessable, and each share, whether preferred or common, shall entitle the holder to one vote, and the stockholders shall not be individually liable for the debts of the corporation, excepting the stock be not fully paid for, in which event the holder thereof shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by said subscribers or holders, and no more. Said corporators, who shall themselves be subscribers, or a majority of them, acting in person or by proxy, after the sum of twenty-five thousand dollars (\$25,000) shall have been subscribed and one thousand dollars (\$1,000) paid in, shall call a meeting, in such manner and at such time and place as they may deem proper, of the subscribers to the said capital stock, for the purpose of completing the organization of the company; and at such meeting the said subscribers to the capital stock, in such manner as they shall determine, shall elect a board of directors, consisting of not less than five members, who shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties, and who shall immediately after their election meet and elect such officers as may be necessary for the control and management of the business and affairs of said company, said officers to be members of the board

Capital stock.

Increase of stock.

Preferred and common stock.

Shares of stock.

Stock votes.

Liability of stockholders.

Meeting to be called for organization.

Election of directors.

Term of office.

Election of officers.

By-laws.	of directors; and thereafter they shall have and exercise all the powers and functions of a corporation under this charter and the laws of the State of North Carolina. The board of directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.
Annual meeting of stockholders.	SEC. 14. The annual meeting of the stockholders shall be held on such day as is or may be prescribed by the by-laws, or, if none be so prescribed, on such day as the stockholders may in general meeting from time to time appoint, or, in the absence of such appointment by the stockholders, on such day as the board of directors may designate, and at such place within or without this State
Notice of meeting.	as shall be fixed from time to time by the board of directors. Notice of the annual meeting of the stockholders shall be published
Called meetings.	in a newspaper for two successive weeks. A general meeting of the stockholders may be held at any time upon the call of the board of directors or of the stockholders holding together one-tenth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place at which the last annual meeting was held. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting. Such general meetings may be held at any place that it may be lawful to hold annual meetings.
Payment of subscriptions.	SEC. 15. That subscription to the capital stock may be made and paid in money, lands, stocks, bonds or other valuable securities, material or services or other things of value necessary to the uses of the corporation, in such manner and on such terms as may be agreed upon by the president and directors of said company; and the stock issued by the directors of said corporation in payment of any subscription or purchase of real estate or personal property necessary for the purposes of the said corporation, or for work, labor or services performed or material furnished to or for such corporation shall be full-paid stock, and when so issued shall not be liable for any further call; neither shall the holder thereof be liable for any further payments; and in the absence of actual fraud, the judgment of the directors as to the value of the property, work, labor or services performed or material furnished, for which the capital stock of the company may be issued, shall be conclusive. In all statements and reports of the corporation required to be filed by the laws of the State of North Carolina this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.
Number of directors.	SEC. 16. The board of directors of said corporation shall consist of as many members, not less than five, as the stockholders may
Vacancies.	by proper corporate action determine, and said board of directors shall have power to fill any vacancies that may occur in it during

the period for which it has been elected. The officers of the company shall be annually elected by the directors from among their number, in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer, at the option of the board of directors, may be one and the same person. The board of directors may appoint from among its members an executive committee, which shall exercise all the powers of the board when the board is not in session. The board of directors and the executive committee may meet within or without the State.

Election of officers.

Term.

Secretary and treasurer.

Executive committee.

Meetings of directors and executive committee.

Power to sell or lease property and franchise.

SEC. 17. The said company shall have the power to sell, lease or otherwise dispose of all or any portion of its properties and franchises, in or out of this State, to any other railroad corporation organized under the laws of this State or another State or States, of this State, and another or other States, or under the laws of the United States; and any railroad corporation organized under the laws of this State or another State or States, or of this State and another or other States, or under the laws of the United States, is hereby authorized and empowered to purchase or take a lease of or otherwise to acquire all or any part of the properties, franchises, privileges and immunities of said company: *Provided*, that any corporation so purchasing, acquiring or taking a lease which is not incorporated under the laws of this State shall, by virtue of such purchase, acquisition or lease, become vested with all the powers and subject to all the obligations of said company as to the properties, franchises, privileges and immunities so purchased, acquired or leased, including the power of eminent domain as to lands needed to enable such purchaser or lessor to fully construct any portion of its road authorized hereby not constructed or completed at the date of such purchase, acquisition or lease: *Provided, however*, that any corporation which is not a corporation of this State so purchasing, acquiring or taking a lease shall, by virtue of such purchase, acquisition or lease, become a corporation of this State as to all properties and franchises so purchased, acquired or leased, and shall be subject to the laws and to the jurisdiction of the courts of North Carolina as fully as if incorporated under the laws of this State, and as to all causes of action and legal proceedings affecting and growing out of the properties, privileges, franchises and immunities so purchased, acquired or leased, and all other properties held or acquired by virtue of the powers herein conferred, and the operation and management of such properties.

Proviso: rights of purchaser.

Proviso: purchase by foreign corporation.

SEC. 18. Said company shall have power to purchase, lease or otherwise acquire, maintain and operate all or any part of the railroad works and property, in or out of this State, together with the franchises, rights and privileges, in whole or in part, of any railroad corporation organized under the laws of this State or

Power to purchase other railroads.

another State or States, or this State and another or other States, or under the laws of the United States; and such railroad companies owning franchises in this State as may desire to sell, lease or otherwise convey their franchises and property to the corporation herein created are hereby granted such right, power and privilege. Said company may extend any line of railroad, or any branch thereof that may at any time be owned or operated by it, into or through any other State or into or through any reservation or other property owned by the United States, with the assent of such State or of the United States, as the case may be, and such extension may pass out of this State into any other State, or into any such reservation or property and back again into this State as often as may be necessary.

Extension beyond state.

Power of merger and consolidation.

SEC. 19. Said company shall have the power to merge with or consolidate into a single corporation, under such name as shall be agreed upon, with any other corporations formed or to be formed, for the purpose of constructing, maintaining or operating a railroad under the laws of this or any other State or States, or this State and another or other States, or of the United States, the existing or proposed or future line of road of which corporation or corporations connects or shall, when completed, connect with the proposed or future lines of the Pee Dee Valley Railway Company by direct connection, or by bridge, ferry or otherwise, or over any other line or lines constructed or to be constructed, and which said consolidated corporation shall thereby become a domestic corporation of this State and be subject to its laws and to the jurisdiction of its courts, and may be either one of said merged or consolidated corporations or a new corporation to be formed by means of such merger or consolidation, so that by virtue of the authority hereby given and the proceedings had pursuant thereto such corporations shall be consolidated or merged, so that the properties, rights, franchises and privileges by law vested in all corporations so merging or consolidating shall be transferred to and vested in the corporation into which such consolidation or merger shall be made or resulting therefrom. Such consolidation or merger shall be made in the following manner and under the conditions, provisions, restrictions and with the powers following—that is to say:

Consolidated corporation domesticated.

Procedure for merger.

Joint agreement.

(a) The board of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement, under the corporate seals of their respective corporations, for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation (if it be proposed to form a new one) or of the consolidated corporation, or the corporation into which said corporations are merged, as the case may be; the number, names and places of residence of the directors and principal officers of such new or consolidated corporation (who shall

hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation); the number of shares of the capital stock, with the par value of each share, of such new or consolidated corporations, and, if the capital stock is to be divided into classes, the classes thereof, with the terms on which issued; the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such new or consolidated corporation, and, in the case of the creation of a new corporation, how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed, together with all such other provisions and details as to the boards of directors entering into said agreement shall seem necessary or convenient to perfect the merger or consolidation of said corporation.

(b) The agreement shall be submitted to the stockholders of each of said merging or consolidating corporations separately, at meetings thereof to be called for the purpose of taking the same into consideration, of the time, place and general object of which meetings due notice shall be given by publication at least six times a week for two successive weeks in a newspaper published in or near the place where the principal offices in this State of the corporations are located, or in the city of Raleigh; and if any of said corporations have no office in this State, as to such corporation in the city of Raleigh, and by mailing a copy of such notice, at least ten days prior to such meetings, to the last-known post-office address of each of the stockholders of record; and at said meetings the said agreement shall be considered, and a vote by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of approving said agreement of consolidation or merger, then the fact shall be certified by the president or one of the vice presidents of the corporation, under the corporate seal, attested by the secretary, and said certificates, duly acknowledged by the presidents or vice presidents signing the same, and by the secretaries of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be filed and recorded in the office of the Secretary of State, and when such certificates shall be filed for recordation in the said office the said merger or consolidation shall be complete, and the merged or consolidated corporation may proceed to carry out the details of said merger and consolidation according to the terms of the agreement, and to transact and carry on the business for which it was formed.

(c) Upon the perfecting, as aforesaid, of the said merger or consolidation, the several corporations, parties thereto, shall be deemed and taken as one corporation, upon the terms and condi-

Agreement submitted to stockholders.

Certificates filed with secretary of state.

Effect of consolidation.

tions and subject to the restrictions set forth in said agreement; and all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all property, real and personal, and all debts due on whatever account, as well of stock subscriptions as other things in actions, belonging to each of such corporations, shall be taken and deemed as transferred to and vested in such new or consolidated corporation without further act or deed; and all property, all rights of way and all and every other interest shall be as effectually the property of the new consolidated corporation as they were of the former corporation parties to the said agreement; and the title to real estate, either by deed or otherwise, under the laws of this State vested in either corporation, shall not be deemed to revert or be in any way impaired by reason of this act: *Provided, however,* that the rights of creditors and all liens upon the property of either of said corporations shall be preserved unimpaired, and the respective corporations shall be deemed to continue in existence to preserve the same; and all debts, liabilities and duties of either of said companies shall henceforth attach to said new or consolidated corporation and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Proviso: rights of creditors.

Principal office.

(d) Such new or consolidated corporation shall, as soon as convenient after such merger or consolidation, establish a principal office in this State, giving public notice thereof in some newspaper published in the city of Raleigh and filing a memorandum thereof in the office of the Secretary of State.

Suits against new corporation.

(e) Suits may be brought and maintained against such new or consolidated corporation in any of the courts of this State, in the same manner as against any other corporation formed under this act. Any action or proceeding pending by or against either of the corporations consolidated may be prosecuted to judgment as if such consolidation had not taken place, or the new or consolidated corporation may be substituted in its place.

Pending actions.

Rights, privileges and franchises of new corporation.

(f) In all cases of merger or consolidation of two or more corporations under and by virtue of the provisions of this act the said new consolidated corporation shall, in addition to the rights, privileges and franchises referred to in clause (c) of this section, have all the powers and be subject to all the restrictions imposed upon corporations of the same class formed under the laws of this State, except so far as is inconsistent with this act; and said new or consolidated corporation shall be empowered to do and perform any and all things necessary to carry out and perform the agreement of merger or consolidation in the way of issuing bonds, other evidence of debt, and securing the payment thereof by mortgage or deed of trust on all its works, property and franchises, or any part thereof, of issuing stock, or otherwise. Such new or

consolidated corporation shall thereafter have the power to issue bonds, enter into obligations, secure such bonds or obligations by mortgage or deed of trust, or otherwise, increase and issue stock, and to again consolidate or merge with another corporation in the same manner and to the same extent as the first corporation recognized by this act shall or may have power to do.

SEC. 20. That said company may subscribe to or purchase the whole or any part of the capital stock, bonds, credits or any other securities of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold shares in the same, and any other corporation may subscribe to or purchase the whole or any part of the capital stock, bonds, credits or any other security of this company. It may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal and in all other goods, wares and merchandise of any and all kinds. It may build, equip and operate ice plants, cotton presses, cotton-seed oil mills, sawmills, planing mills, stone mills, shingle mills, mills for the manufacture and production of both dressed and undressed lumber, wood pulp, sash, doors, blinds and all other kinds of building material, including brick, and may own and operate all kinds of machinery and equipment necessary and suitable for the manufacture of the articles hereinbefore set out, and all other building materials, and for the manufacture of wagons, buggies and other kinds of vehicles; dry kilns, quarries, mines, furnaces, hotels, boarding houses, restaurants, livery stables. It may establish and operate mineral springs and other summer and winter resorts, parks and other places for pleasure and amusement. It shall have the power, right and authority to erect, construct, equip, maintain and operate tramroads, and shall have the right to sell and deal in such products of mills as may by its operations be produced. It may purchase, open up and operate farms and vineyards, and may use real estate owned by it for collateral and other purposes.

Subscriptions to other corporations.

Subscriptions by other corporations.

Further powers and rights.

SEC. 21. That said company shall have power to lease, purchase or otherwise acquire lands or mineral or surface rights therein or thereon, and to work the same for the extraction of coal, iron, petroleum, natural gas, gypsum and other minerals and products, and to market such mineral, coal, iron and other products, and erect other works for the manufacture or production of iron and steel, and generally to carry on the business of producers of and dealers in ore, coal, charcoal, iron, petroleum, gas, gypsum and other productions incident to such a business, and for all such purposes to acquire and from time to time to dispose of or sell such lands, and for the purchase of lands and other property, and for services rendered may issue any part of the capital stock in payment thereof.

Power to purchase lands and mineral rights.

Powers as light
company.

Street railways.

Proviso.

SEC. 22. The said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy and sell in all towns and cities which any of its lines of railroad may touch, or any towns and cities within the distance of one hundred (100) miles on each side of its right of way or within a radius of fifty miles of the cities touched, electricity, electric current, gas or other suitable and proper materials or fluids for public and private use, for its own use and for distribution and sale to all persons, firms and corporations, upon such terms as may be agreed upon by the contracting parties; and may construct, equip, operate and maintain a line or lines of street railway, with one or more tracks, in said cities and towns in the territory above designated, with such cars, trolley wires, cable posts, sidetracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary: *Provided*, that in the laying of its tracks, the location of its wires and poles and the laying of its pipes it first have and obtain the consent of the governing bodies of said towns and cities, and that it conform its buildings and works to the reasonable rules and regulations which may be prescribed by said governing bodies; that it may acquire, by lien, purchase, subscription to or purchase of the capital stock, or otherwise, the works, tracks, property, poles, lines, wires, power houses, branch roads, privileges and all other property of other corporations doing a street railway or an electric lighting or power business or a gas business in any of the cities over which it may pass and within the territory above set out, and may sell, lease, use, maintain and extend the same; and power is hereby conferred upon such companies chartered under the laws of this State to transfer, by sale or lease, all their works, tracks, property, franchises, rights, privileges or immunities to the company hereby incorporated, and to unite and consolidate with it upon such terms as may be agreed upon.

Dams.

Rights as power
company.

Rights as water
company.

SEC. 23. That said company is hereby given power and authority to construct dams across any water way for the purpose of generating electricity, gas or other forces, and shall have power to transmit the same, either above or under the ground, by wires, cables, tubes, pipes, conduits and all other ways and means now used or which may be devised for transmission of power, light and heat; to transmit and distribute the same directly to consumers or users within the territory aforesaid, or to a distributing point therein, and from such distributing point to consumers as aforesaid; to make, buy, deal in, furnish, supply and sell electricity, gas and any and all other kind of power, force, fluids, currents, matters and materials now used or which may be discovered for the purpose of illumination, heat and power; to carry on any and all business in anywise connected with the manufacture and generating, distributing and furnishing of electricity, gas and other fluids, forces or currents; to purchase, acquire, hold, improve, lease, operate and maintain water powers, water rights and

privileges; to supply water to persons, corporations, towns and citizens for domestic or public purposes, for use as power and manufacturing purposes, and to charge and collect such rents and rates therefor as may be deemed advisable or expedient; to lay out and plat any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms, and to lay out, plat and dedicate to public use or otherwise thereto avenues, alleys and parks.

Rights as improvement company.

SEC. 24. That in order to carry into effect the powers herein granted, said company may survey such rights for its line or lines of street railway and for its ways and lines for transmission and distribution of power, light and heat, as may be deemed practicable; and in the event any lands of individuals or corporations, or any easement, privilege or right of way therein, shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings and all its wires, cables, depots, conduits, ways and lines for the purpose of transmission and distribution of power, light and heat, if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same, or to any easement or privilege or right of way therein, in the manner and by the special proceedings prescribed in chapter thirty-two of the Revisal of one thousand nine hundred and five, regulating electric companies.

Rights in surveying for lines.

Power of condemnation.

SEC. 25. That any county, township, city or town along or near the line of railroad herein authorized to be built and constructed may subscribe to the capital stock of said company in the following manner: Upon presentation, in writing, signed by not less than fifty voters of the county, township, city or town, to the board of county commissioners of said county or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, the board of commissioners of said county or proper authorities of said city or town shall, within thirty (30) days, order an election to be held in such county, township, city or town, and to submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of said subscription shall vote a ballot on which is written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such

Subscriptions by municipalities.

Procedure for subscription.

Ballots.

Law governing election.

Notice of election.

Returns.	election shall be held, after thirty (30) days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county
New registration.	or proper authorities of said city or town. That the said county commissioners or municipal authorities, as the case may be, are hereby authorized and required to order a new registration of the qualified voters of said county, township, city or town for said election.
Effect of election.	SEC. 26. If a majority of the qualified voters vote for subscription, then the proper authorities of said county or township or
Bonds to be issued.	the proper authorities of said city or town shall immediately make such subscriptions and shall issue coupon bonds to the amount of said subscriptions, in order to pay the same, and the bonds shall upon their face indicate on account of what county, township,
Denominations.	city or town they are issued. They shall be in denominations of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), and shall run for such period of years and bear such rate of interest as the petition and order of said election shall indicate; they shall be executed in the form re-
Payment of subscription.	quired by law, and the proper authorities of such county or township or the proper authorities of such city or town may either sell said bonds and pay for its subscription to the capital stock of the said company, in cash, or deliver said bonds for like amounts of capital stock in full payment therefor, at the election of the board of directors of said company.
Special taxes.	SEC. 27. The county commissioners in any county voting for subscription or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes, in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said
Levy and collection of tax.	county, township, city or town, and shall also levy a sufficient tax to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they were
Investment of sinking fund.	levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds or in which there is a township issuing such bonds or by the proper authorities of the city or town issuing said bonds: <i>Provided</i> , that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value
Proviso: investments in bonds.	

thereof. In the event that the properties, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other company, the board of commissioners of any county making such subscription or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

SEC. 28. For the purposes of this act, all the townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of the company, as provided by this act, shall be and are hereby declared to be, respectively, bodies politic and corporate and vested with full power to subscribe as provided in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which any such township is located are declared to be corporate agents of said townships so incorporated and situated within the limits of the said counties, respectively, for the purpose of issuing the bonds of said township or townships and to provide for the levy and collection of taxes on property and polls to pay the principal and interest of such bonds, and to provide for the sinking fund hereinabove mentioned.

SEC. 29. It shall be lawful for the said Pee Dee Valley Railway Company chartered by this act to issue from time to time coupon bonds, in such denominations and running for such a time and bearing interest at such a rate and payable at such a time and place as the board of directors may direct, to be issued and sold or hypothecated at such prices and on such terms as may be determined by the board of directors of said company; and to secure the payment of the same the company is authorized to execute a mortgage or mortgages, to such person or corporation as the company may select, on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road be divided and built in sections, which the said company is authorized to do, such mortgage or mortgages may be placed upon such separate sections and in such manner as the company may direct.

SEC. 30. That the stockholders of said company, whether public, private or municipal, shall not be personally liable for the debts of said company.

SEC. 31. That said corporation shall have the power and authority to do all and anything necessary, suitable or proper for

Townships and counties declared corporate.

Corporate agents.

Company to issue bonds.

Liability of stockholders.

Further powers.

the accomplishment of all or any of the purposes or attainment of any or all of the objects and powers herein enumerated, or which shall at any time appear to the stockholders conducive, expedient or proper for the protection or benefit of the said corporation.

SEC. 32. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 33. This act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 69.

AN ACT TO CREATE AND ESTABLISH A FREE-SCHOOL DISTRICT AT THE COUNTY LINE BETWEEN THE COUNTIES OF MONTGOMERY AND RICHMOND, TO BE COMPOSED OF A PORTION OF THE COUNTY OF MONTGOMERY AND A PORTION OF THE COUNTY OF RICHMOND.

The General Assembly of North Carolina do enact:

Free-school district established.

Boundaries.

SECTION 1. That a free-school district is hereby created and established at the line between Montgomery County and Richmond County, to be composed of a part of Montgomery County and a part of Richmond County, to be known as the "Montgomery-Richmond Free-school District." The limits or boundaries of said Montgomery-Richmond Free-school District shall be as follows, to wit: Beginning at a large white oak on or near the county line, at W. T. McKay's, and runs with the old road northwest to the ford of Cheek's Creek, at the south end of Cave Hill; thence north with the various courses of Cheek's Creek to the ford near D. J. Poole's; thence a direct line eastwardly to Baxter Green's land; thence with the northern boundaries of Green's, Green estate, J. C. Poole, T. R. Poole and R. T. Poole's land to Nell's Branch; thence down the various courses of Nell's Branch to the County Line Road; thence west with the County Line Road to the old school-house place at the cross of the County Line Road with Capel's Mill Road; thence south with said road and beyond it to a stake on top of the hill between Tom Munn's and Aaron Johnson's; thence west with the southern boundaries of the lands of Aaron Johnson, James McIntyre, Jr., and James McIntyre's to Buffalo Creek; thence a direct course westwardly, so as to leave C. J. McKay in said boundaries, to the beginning.

Location of schoolhouse.

Cost of building.

SEC. 2. That the schoolhouse for said district shall be located on the county line between the counties of Montgomery and Richmond, at or near Mollie Spring, and the cost of building the same shall be paid one-half by Montgomery County and one-half by

Richmond County, under the provisions of the general school law, and the sum to be expended in the erection of said building shall be fixed by the board of education of Montgomery and Richmond counties, and the schoolhouse so erected shall be the joint property of the two counties.

SEC. 3. That said free-school district shall be governed by the same laws, rules and regulations as other free-school districts of the State. Application of general law.

SEC. 4. That Baxter Green, C. J. McKay and M. T. Poole are hereby appointed and constituted a committee for said free-school district. School committee.

SEC. 5. That it shall be the duty of the board of education of the two counties, at their first meeting for the purpose of appointing school committees, after the committees herein named shall have held their office for a term of two years from July first, one thousand nine hundred and nine, to appoint their successors; that for the first term two of the three committees shall be from Richmond County and the next term two from Montgomery County, and thus alternate during the existence of the district, each county board naming the committeemen it is entitled to name from the district, without regard to county line: *Provided*, that there must be at least one committeeman residing in that portion of territory lying in Montgomery County and one in Richmond County all the time. It shall be the duty of the committeemen residing in the respective counties, at the time provided by law, to make a census of the number of children in said district, making separate returns for each of said counties. Election of successors. Proviso: location of committeemen.

SEC. 6. That the Treasurer of Richmond County is hereby appointed and constituted the treasurer of said school district. Treasurer.

SEC. 7. That it shall be the duty of the Board of Education of Montgomery County to apportion one-half the amount of money to this said district that is apportioned for the schools of equal grade in Rocky Spring Township, and it shall be the duty of the Board of Education of Richmond County to appropriate one-half the amount of money to this district that is apportioned for schools in Steele's Township; that the Treasurer of Montgomery County, immediately after each apportionment of school fund, shall forward the same to the Treasurer of Richmond County, who shall receipt for same and place to the credit of Montgomery-Richmond Free-school District: *Provided*, the Treasurer of Richmond County shall receive no compensation for receiving and disbursing the part of the fund paid by Montgomery County. Apportionment of school funds. Proviso: no allowance to treasurer of Richmond county.

SEC. 8. That the teacher employed to teach school at any time in said district shall have a certificate from the proper authorities of either Montgomery or Richmond county, as the committee of said district may elect, but nothing herein contained shall compel any such teacher to stand an examination in more than one county to teach the same term of school. Certificate of teacher.

SEC. 9. That all laws in conflict with this act are repealed.

SEC. 10. That this act shall not be in force until endorsed and ratified by a favorable majority vote of the School Board of Montgomery County and a similar vote on part of the School Board of Richmond County.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A. D. 1909.

CHAPTER 70.

AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CITY OF NEW BERN," RATIFIED MARCH 6, 1899.

The General Assembly of North Carolina do enact:

Question to be submitted to voters of city.

SECTION 1. That the mayor and board of aldermen of the city of New Bern are hereby authorized and required to submit to the qualified voters of said city at the next regular election of aldermen the question whether an additional annual tax shall be levied therein for the support of the graded schools in said city which were authorized or established under the act entitled "An act to establish graded schools in the city of New Bern," ratified the sixth day of March, one thousand eight hundred and ninety-nine, being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine.

Laws governing election.

SEC. 2. That the question of such additional annual tax levy shall be submitted and the election thereon held and conducted under the same rules, regulations and penalties and with the same form of ballot as is provided in the above-recited act of March the sixth, one thousand eight hundred and ninety-nine.

Effect of election.

SEC. 3. That in case a majority of the qualified voters at such election shall vote for schools, or the ballot containing the words "For Schools," a tax shall be levied and collected and the proceeds paid over, applied, used and disbursed according to the provisions and requirements of the above-recited act of March the sixth, one thousand eight hundred and ninety-nine, for the levy, collection, application, payment, use and disbursement of the special tax in the said act authorized.

Rate of tax.

SEC. 4. That the special tax hereby authorized shall not exceed the sum of seven and one-half ($7\frac{1}{2}$) cents on property of the value of one hundred dollars, and twenty-two and one-half ($22\frac{1}{2}$) cents on the poll, so that the whole special tax authorized under

this act and the before-recited act of one thousand eight hundred and ninety-nine shall not exceed twenty (20) cents on property valued at one hundred dollars, and sixty cents on the poll.

SEC. 5. A new registration of the voters shall be had at such New registration, next regular election in said city.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 71.

AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO RELEASE THE SIDEWALK-IMPROVEMENT ASSESSMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of New Bern are hereby authorized to release, forgive and discharge to the property owners in the city of New Bern the assessment made against the said property for the betterment thereto by reason of the sidewalks paved in the year one thousand nine hundred and eight.

Release of assessment for 1908 authorized.

SEC. 2. That the board of aldermen of the city of New Bern are hereby authorized and empowered to pay off all obligations and debts incurred in paving the sidewalks and curbing the same.

Debts and obligations to be paid.

SEC. 3. That the board of aldermen of the city of New Bern are hereby authorized, empowered and required to refund all such money and assessments as shall have heretofore been paid on account of the sidewalk-betterment assessment to the persons making the same.

Assessments heretofore paid refunded.

SEC. 4. That all laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 72.

AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF WINSTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Winston shall be, and continue as they have heretofore been, a body politic and corporate, and in the name of the city of Winston shall have perpetual succession, may use a common seal, shall have the right to sue

Body politic and corporate.

Corporate name.

Corporate powers.

Property rights
and liabilities
under former
charter.

and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of the government of the said city, its welfare and improvement, and under the name and style aforesaid are hereby invested with all the property and rights of every kind that now belong to the present corporation of the city of Winston, and shall also be liable for all debts, claims, obligations and duties which now exist against the corporation of the said city of Winston.

Corporation
boundaries.

SEC. 2. That the corporation boundary lines of the city of Winston shall be as follows, to wit: Beginning at the northeast corner of the town of Salem and running thence the following courses: north 81° east eighty poles; thence north 1° east three hundred and forty-five poles to the northeast corner of the former limits of Winston; thence north 5° and $15'$ west four thousand two hundred and ninety and one-tenth feet to a stone near the corner of J. E. Ziglar's garden; thence north 80° and $15'$ west six hundred and forty-one and four-tenths feet to the center line of the siding of the Norfolk and Western Railway Company; thence north 49° and $51'$ west two thousand nine hundred and seventy-four feet to the southeast corner of the enclosure around the old Piedmont Park; thence with the line of said enclosure south 89° and $44'$ west one thousand and seventeen and eight-tenths feet to the southwest corner of said enclosure; thence proceed to the line of Depot Street south 1° and $19'$ west to a stone four hundred feet short of the point where the said line would cut the center of Peter's Creek; thence in a southwestwardly direction to a stone north of the old steam pump house in the line of the face extended and fifty-three and six-tenths feet from the northeast corner; thence due west to the east side of Brookstown Road; thence following the east side of Brookstown Road to the center of Peter's Creek; thence in a southwestwardly direction down Peter's Creek to the north side of Shallowford Road; thence in an easterly direction along the north side of Shallowford Road to the point at which the road forks (the north fork running to Winston and the south fork to Salem); thence in a southeasterly direction to the northwest corner of the town of Salem; thence north 80° east along the boundary line between Winston and Salem to the place of beginning.

Present town
government con-
tinued.

SEC. 3. That the present Mayor of Winston shall hold office until his successor is elected and qualified, and the present members of the board of aldermen shall be and constitute the board of aldermen of the city of Winston until the expiration of their term of office, and as such shall have the same power and authority now conferred upon them by law and such additional authority as may be conferred upon the board of aldermen of the city of Winston by this act.

Bonds and other
indebtedness
declared valid.

SEC. 4. That all bonds or other indebtedness, however evidenced, of the town of Winston or the city of Winston, and all bonds the

issue of which has been heretofore authorized by a vote of the citizens of the city of Winston and which may hereafter be issued, are hereby declared to be the valid indebtedness of the city of Winston, notwithstanding any irregularity or invalidity in the act of the General Assembly authorizing the same or in the issuing thereof or the purpose or use of the fund arising therefrom, and said indebtedness shall be paid as provided by the contracts in existence in regard thereto.

SEC. 5. That the city of Winston is hereby divided into three wards, to be known and designated as First Ward, Second Ward and Third Ward. That the boundaries of First Ward shall consist of all that territory of the city of Winston lying south and southwest of lines running as follows: Beginning at a point on the east boundary line of the city of Winston, where it intersects with Fourth Street, and runs thence westwardly along the center line of Fourth Street to where said Fourth Street intersects with Brookstown Avenue; thence in a northwestwardly course with Brookstown Avenue to the Boulevard; thence a continuation of this line across the Boulevard to Peter's Creek. That the Second Ward shall consist of all that territory of the city of Winston not included in First Ward and lying south and west of the following lines: Beginning at a point on the eastern boundary line of the city of Winston, where the same would be intersected by the center line of Seventh Street, extended eastwardly; thence from this point on the eastern boundary line, as aforesaid, westwardly along the center line of Seventh Street to where said Seventh Street crosses the branch back of the factory of Ogburn, Hill & Co., known as Slick Hill Branch; thence northwestwardly with the courses of said branch to Peter's Creek; thence across said creek north to the boundary line of the city of Winston. That the Third Ward shall include all that portion of the territory of the city of Winston not embraced in the territory of the First and Second wards.

SEC. 6. That on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, and on the first Tuesday after the first Monday in May, biennially, thereafter, there shall be elected a mayor, who shall be a resident of the city of Winston. That all persons voting for mayor shall cast their ballots in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be duly declared elected. That the compensation of said officer shall be fixed by the board of aldermen, not to exceed one thousand five hundred dollars per annum.

SEC. 7. There shall on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, and on the first Tuesday after the first Monday in May, biennially, thereafter, be elected six aldermen for said city, who shall hold their offices until

- their successors are qualified, of whom two shall be elected from the First Ward, two from the Second Ward and two from the Third Ward. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards, respectively: *Provided*, that no alderman thus elected shall be eligible to hold an office of trust or profit to which he may be elected by the board of aldermen.
- Aldermen residents of wards.** **Proviso: ineligible for election by aldermen.**
- Selection of registrars.** SEC. 8. The board of aldermen of the city of Winston shall select at their regular meeting in March, one thousand nine hundred and nine, and biennially thereafter, a registrar of voters for each of the three wards of the city of Winston, and shall cause publication thereof to be made at the courthouse door, and notice to be served by the chief of police of said city on all persons selected, and shall give ten days' public notice of a registration of voters in and for said wards, specifying time and place of registration and names of registrars.
- Notice of registration.**
- Registration books.** **Registration.** SEC. 9. Said registrars shall be furnished by said board of aldermen with registration books, and said registrars shall open their books at such places in the city of Winston as may be designated by said aldermen, on the second Tuesday in April next preceding the election, and to register therein the names of all persons applying for registration and entitled to register or vote in the ward or precinct for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of the colored voters, and designating on the registration books opposite the name of each person registering the place of his residence in his ward, and if any applicant for registration shall not disclose the place of his residence in his ward his willful failure so to do shall be *prima facie* evidence that he is not entitled to register in such ward. Any person offering to register shall be required to take an oath that he has been a *bona fide* resident of North Carolina for two years, of the city of Winston and of the ward in which he proposes to register for four months next preceding that date, and that he has not been convicted of any crime which by the laws of North Carolina disqualifies him from voting. In said oath he shall specify the place of his residence in such ward. If any person shall willfully swear falsely in such affidavit he shall be deemed guilty of a felony, and upon conviction thereof he be punished as for larceny: *Provided*, that after the first registration shall have been made, as provided for herein, a new registration shall not be biennially held unless the board of aldermen shall at their regular meeting in December determine that the same is necessary, and by due advertisement give notice of the same and the place where the books of registration shall be opened, but a revision of the registration books shall be made, beginning on Saturday next preceding each election to be held for said city, in accordance with the provisions of the general law.
- Oath of persons offering to register.**
- Willful false swearing a felony.** **Punishment.** **Proviso: new registration.**

SEC. 10. The registration books shall be kept open for ten days only, exclusive of Sunday, and after the same are closed no person shall be allowed to register; but the registrars shall, on application, before said books are closed, register all persons not then qualified to vote in his ward who will have become so qualified on or before the day of election. Immediately after the books are closed they shall be deposited in the office of the mayor, and under his charge all citizens of Winston desiring so to do may inspect them.

Registration books kept open.

Books deposited with mayor.

SEC. 11. Whenever any person shall offer to register in said city the registrar may examine him, on oath, touching his qualifications to register, and may hear evidence thereof; and upon such examination it shall be unlawful for any person to interfere or suggest answers to the person being examined, and any person so offending, upon conviction before the recorder shall be fined ten dollars. If the registrar shall decide that any applicant for registration is entitled to register he shall record his name, as herein prescribed, and shall issue to him a certificate of registration, printed or written, and which shall contain a statement of the name, age and color of the applicant, and also the number of his ward and the place of his residence in the city. Any person not known to the registrar to be qualified to be a voter offering to vote at an election in said city, upon challenge may be required to produce his certificate and prove his identity, and upon his failure to do so his vote shall not be received. In case it shall be made to appear that the certificate of any duly registered voter has been lost or destroyed he shall be permitted to vote. The board of aldermen shall furnish the registrar with blank forms of such certificates.

Examination of persons offering to register.

Certificate of registration.

Proof of identity.

SEC. 12. Any person offering to register in said city shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I am or will be twenty-one years of age; that I have been or will have been an actual *bona fide* resident of North Carolina for two years and an actual *bona fide* resident of ward, in Winston, for four months on Tuesday after the first Monday in May next, and that I have not been convicted of any crime under which the laws of North Carolina disqualify me to vote; so help me, God."

Form of oath.

SEC. 13. The board of aldermen of the city of Winston shall, at their meeting in March, one thousand nine hundred and nine, and biennially thereafter, appoint two judges of election, who shall be of different political parties, for each of the several wards in Winston, to open the polls and superintend the same for the municipal election to be held on Tuesday after the first Monday in May next succeeding, and the polls shall be opened at such place in the wards, respectively, as said board shall designate.

Judges of election.

Polling places.

Electors.	SEC. 14. All electors who have been <i>bona fide</i> residents of North Carolina for two years, of the city of Winston and of the ward in which they offer to register for four months next preceding the election shall be entitled to vote hereunder. A resident of said city shall be construed to be a permanent citizen thereof, and not a temporary resident. The polls shall be opened on the day of election from seven o'clock in the morning until sunset the same day. No person whose name has not been duly registered shall be allowed to vote, and any elector may challenge the name of any person appearing on the registration books. The provisions of the general election laws relating to challenges, contained in section four thousand three hundred and thirty-nine and four thousand three hundred and forty of the Revisal of one thousand nine hundred and five, shall apply to the elections provided for in this act. Ballots shall be on white paper and without device. The mayor, together with the two aldermen, shall be voted for on one ballot in each ward, respectively.
Opening and close of polls.	
Challenges.	
Ballots.	
Ballots to be preserved.	SEC. 15. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list, which shall be signed by the judges of the election, and the registration books, delivered to the Mayor of Winston for preservation.
Return and canvass of votes.	SEC. 16. The returns of the votes cast at such election shall be made and the same canvassed in accordance with the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five.
Questions decided by judges.	SEC. 17. Whenever under the provisions of this act any question is to be decided by the judges of election, and said judges cannot decide same by reason of a tie vote, the registrar shall give the casting vote.
Supervision of chief of police.	SEC. 18. That all elections held by virtue of this act shall be under the supervision of the chief of police of the city of Winston, who shall attend the polls and, by his regular force of police and such additional number whom the mayor may appoint as special deputies, preserve order.
Aldermen elect to qualify.	SEC. 19. That on the Monday next succeeding the day of election the aldermen elected thereat shall qualify by taking the oath now provided by law for commissioners of towns; shall succeed to and have all the rights, powers and duties now provided by law for such board, as well as those conferred on them by the provisions of this act, and shall hold office until their successors are elected and qualified.
Quorum.	SEC. 20. That the aldermen shall form a board, and a majority of them shall be competent to perform the duties prescribed for the aldermen, unless otherwise provided. Within ten days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often at least as once every calendar month. Special meetings of
Stated days of meeting.	
Special meetings.	

the aldermen may be held on the call of the mayor, or a majority of the aldermen when the meeting is called by the mayor, and those not joining in the call when made by a majority of the board shall be notified.

SEC. 21. That the board of aldermen shall have power to enact all ordinances, by-laws, rules and regulations for the government of the city of Winston as the board may deem necessary and as may be allowed by law and the provisions of this act and not inconsistent with the Constitution and laws of the State; and to provide for the execution of such ordinances, rules and regulations, the said board of aldermen shall have the right and authority to delegate to or confer upon committees of the board powers to act on behalf of the city in any or all matters of government or management thereof, and may in like manner confer and delegate such powers and authority to persons not members of the board of aldermen and whom the said board of aldermen may employ in the service of the city, and have power and authority to fix the compensation of such persons and of all officers and employees, within the amounts limited by the specific terms of this charter.

Ordinances, by-laws, rules and regulations.

Delegation of authority.

Compensation of officers and employees.

SEC. 22. Said board of aldermen shall, on the next Monday after their election in May, one thousand nine hundred and nine, and biennially thereafter, elect a recorder, a secretary and a treasurer, and at the regular meeting in September, one thousand nine hundred and nine, and biennially thereafter, elect a tax collector, all of which shall hold office for two years or until their successors are elected and qualified: *Provided*, that each of said officers shall be a citizen of Winston and not a member of the board of aldermen: *Provided further*, that either of the said officers may at any time be removed from his respective office by a vote of two-thirds of the entire board of aldermen, by a resolution adopted at any regular or special meeting thereof. That the board of aldermen shall elect some suitable person, not of their own number, to fill the unexpired term of any vacancy in either of the said offices.

Election of recorder, secretary and treasurer.

Election of tax collector.
Terms of office.

Proviso: qualifications for officers.

Proviso: removal of officers.

Vacancies.

SEC. 23. The mayor, before entering on the duties of his office, shall take the oath now prescribed by law for mayors, before the Clerk of the Superior Court of Forsyth County. He shall have supervision over all of the city's affairs, shall acquaint himself with the necessities of the city, inspect the streets and other public places and public premises; supervise and keep up with its finances, its general income and disbursements, including bond issues, and to make report to the board of aldermen of the general and financial condition of the city, and to recommend in his report such matters as he may think to the interest and advantage of the city; keep his office in some convenient place designated by the board of aldermen, keep the seal of the city and preside at all meetings of the board of aldermen, except as otherwise provided.

Mayor to take oath.

Duties of mayor.

and when there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote, and shall vote in no other case. In addition to the above, the mayor shall have all other duties, powers, privileges and rights as may be now or hereafter prescribed.

Duties of
secretary.

SEC. 24. The secretary shall keep minutes of the proceedings of the board of aldermen, and preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the aldermen and this charter.

Treasurer to take
oath and give
bond.

SEC. 25. The treasurer, before entering on his duties, shall take an oath to the faithful discharge of his duty; shall give bond in such sum and with such conditions as the board of aldermen shall prescribe; he shall make out annually a transcript of the receipts and disbursements on account of the city, for the general inspection of the citizens, and cause the same to be posted before the door of the mayor's office at the end of the fiscal year, or printed in some newspaper published in the city of Winston. It shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a true and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

Transcript of
receipts and dis-
bursements to be
published.

Further duties of
treasurer.

Orders on treas-
urer.

SEC. 26. That all orders drawn on the treasurer shall be signed by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Powers and duties
of tax collector.

SEC. 27. The tax collector shall be vested with the same power, authority and duties in the collection, enforcement, keeping and return of taxes that now or hereafter may be given sheriffs of counties, and subject to the same fines and penalties for the failure and neglect of duty. The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the

Committee of
audit.

Accounts ap-
proved and re-
corded.

minutes of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error.

SEC. 28. That for any breach of his official bond by the secretary, suits on bonds, treasurer, chief of police, tax collector or any other officer who may be required to give an official bond, such officer and his sureties shall be liable in an action on the same, in the name of the city or any person aggrieved by such breach, and the same may be put in suit, without assignment, from time to time until the whole penalty be recovered.

SEC. 29. That the board of aldermen shall have power to ap- Appointment of
point a police force, to consist of a chief of police and such num- police force.
ber of policemen as the good government of the city may require,
who shall hold their office for such term as may be fixed by the
board, and may prescribe badges and uniforms for the members
of the police force. In times of emergency the mayor may appoint Temporary addi-
temporary additional policemen for such time as shall appear nec- tional policemen.
essary, not exceeding one week, who shall take the same oath and
be subject to the same control as regular policemen. The members Policemen to give
of the police force shall give bonds, in such sum as the board of bonds.
aldermen may prescribe, for the faithful discharge of the duties
imposed by law and the ordinances of the town, and to faithfully
account for all moneys that may come into their hands from
fines, penalties, etc. The chief of police shall have the supervi- Duties of chief of
sion and control of the police force; may suspend any policeman police.
for five days; shall report to the mayor any dereliction of duty on
the part of any member of the police force; shall see that the
laws and ordinances of the city are enforced, and do such other
things as may be required of him by the board. The chief of po- Power of chief of
lice and each policeman shall have the power and authority vested police and police-
in sheriffs and constables for the preservation of the peace of the men.
city, by suppressing disturbances and apprehending offenders.
They shall execute all processes directed to them by the recorder
or other authorized officer, and in execution thereof shall have the
same powers as sheriffs and constables. They shall take an oath Policemen to be
before the mayor for the faithful performance of the duties re- sworn.
quired by law and the ordinances. They shall have power to take Power to take
bail for appearance of defendants or other persons charged with bail.
violations of city ordinances or other offenses, in the manner and
to the extent that such power is vested in sheriffs; and in case
any person or persons shall forfeit such bail the recorder may
issue a *scire facias* and enter judgment final against the default-
ing person and his sureties. They shall have the power to re-
arrest upon the same warrant a defendant or party who has been
convicted and turned loose upon the statement that he will pay
fine and costs, upon failure to pay same, or in case of an escape.

Suspension of chief of police or policemen.

SEC. 30. The mayor may at any time, upon charges preferred or upon finding said chief or any member of said police force guilty of misconduct, have the power to suspend such members from service until the board of aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such members, and the pay of such member so suspended shall cease from the time of suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal.

Cause for dismissal.

Commitment of persons arrested.

SEC. 31. That the sheriff or jailer of the county of Forsyth is hereby required, without a *mittimus*, to receive in the jail of the county as his prisoner any person taken up in the night by the police force, and to keep such person safely until morning, when the offender shall be brought before the recorder and be lawfully dealt with, and for such services the jailer shall be entitled to such fees as he is in other like cases, or such prisoner may be confined in the city prison.

Fees of jailer.

Powers of aldermen in relation to election and direction of other officers.

SEC. 32. The board of aldermen may, at their organization meeting, or as soon thereafter as necessary, appoint a city attorney, city engineer, weighmaster, inspector of meats and provisions, fire inspectors, building inspectors; prescribe their terms of office, powers and duties, regulate the fees of weighmasters and inspectors; require a bond for the faithful discharge of duty of each or any of them; remove and discharge the same at will; and may also employ detectives, offer rewards for the capture and conviction of criminals, and use any funds belonging to the city to employ and compensate them for services performed in either of the respective duties.

Detectives and rewards.

Taxing power.

SEC. 33. That in order to raise a fund for the necessary expenses of the government of the city the aldermen shall annually levy and collect the following taxes, namely: On all real and personal property within the corporate limits, including money in hand, solvent credits, and upon all other subjects taxed by the General Assembly, *ad valorem*, a tax not exceeding one dollar on every hundred dollars valuation of property, to meet all the ordinary and current liabilities of the city, which shall not be construed to include taxes for or interest upon any bonded indebtedness; on all taxable polls, a tax not exceeding two dollars on the poll of any resident of the city on the first day of June of each year or who may have been so resident within sixty days next preceding that day as a *bona fide* citizen, and said tax so levied shall constitute a lien on all property of the person owing said tax, and the city shall have all rights and powers for the collection of same as is now provided by law governing the levy and collection of taxes by the board of county commissioners. That the board of aldermen of the city of Winston, in addition to the powers of taxation already granted in this charter, shall be and are hereby empowered to levy and collect, annually or semi-

Property tax.

Polls.

Rights and powers for collection of taxes.

annually, a privilege or license tax on all trades, professions, agencies, businesses, exhibitions, manufactures, hotels, restaurants, eating houses, owners of dogs, or any or all other subjects authorized by the General Assembly to be licensed, within the limits of the city of Winston, the amount of which tax, when fixed, shall be collected by the collector of taxes; and if it be not paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy same: *Provided*, that no privilege or license shall be granted to any person, firm or corporation to conduct a trading-stamp business or advertising scheme of like character.

Privilege or license taxes.

Collection of license taxes.

Proviso: trading stamp business forbidden.

SEC. 34. That the treasurer, on or before the third Monday in May of each and every year, may make advertisement in some newspaper notifying all persons who own or have control of taxable property in the city on the first of June to return to him, on or before the last day of June, a list of their taxable property in said city. Said lists shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned to the treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all county bonds and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: so help me, God." And from the returns so made, the treasurer shall, within thirty days after the expiration of the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists made out by law for the collection of State taxes; and the said treasurer is authorized and empowered, in making up the tax roll of the city of Winston, to use the tax assessment of the county of Forsyth applicable to the city of Winston, and may copy same in making up said tax roll, as far as same is necessary, which assessments may be revised, corrected or amended by the board of aldermen.

Notice for listing taxes.

List to be sworn to.

Form of oath.

Treasurer to make out tax lists.

County assessment.

SEC. 35. That the treasurer shall, within thirty days from the return of the tax list, make out, to the best of his knowledge and belief, by comparing his book with the returns made to the Register of Deeds of Forsyth County of assessments made by the county assessors, and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in the said city who shall have failed to return a list in the manner and within the time aforesaid: and any such person who has so failed shall for

Treasurer to make out list of delinquents.

Double tax for failure to list.

Revision of list.	such failure pay double the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have the power given the board of county commissioners to revise the tax list, and shall, as near as may be made, make the tax list correspond with the tax list of the county of Forsyth applicable to the city of Winston on all subjects embraced in both lists; and the board of aldermen shall have the power to appoint one list taker for each ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years, or oftener if necessary, the real estate so listed for taxation.
List-takers from wards.	
Assessment of real estate.	
Aldermen to levy tax.	SEC. 36. That as soon as the treasurer shall have furnished the assessment rolls, as provided, and the same shall have been issued by the board, the board of aldermen shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the collector for collection, who shall collect the same on or before the first day of April next ensuing, and shall pay the moneys as they are collected to the treasurer. After the first day of April in each year there shall be added five per centum additional tax on the taxes remaining unpaid in the hands of the collector, which shall be collected and accounted for as other taxes. The city tax collector shall by virtue of his office be vested with all power and authority within the city of Winston as is now vested in sheriffs.
Collection of tax.	
Penalty for failure to pay tax.	
Powers of city tax collector.	
Collection by distress.	SEC. 37. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection the collector shall proceed forthwith to collect the same by distress and public sale, after advertisement for the space of ten days in some newspaper published in the city of Winston if the property to be sold be personalty, and of thirty days if the property be realty.
Procedure for sale of real estate.	SEC. 38. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of April, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.
Tax collector to report proceedings.	SEC. 39. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the board, and if there be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the city treasury, subject to the demand of the owner.

SEC. 40. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Power of redemption.

SEC. 41. That if the estate sold as aforesaid shall not be redeemed within the time specified, the city shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or any other conveyance of land sold for taxes due the city, that the taxes were due, or that any other matter required to be done before the sale was done, shall be *prima facie* evidence of the correctness thereof.

Conveyance of property not redeemed.

SEC. 42. That the real estate of the infants or persons *non compos mentis* shall not be sold for taxes, except by a decree or judgment of the Superior Court, and when the same shall be owned by such infant in connection with other persons free of such disability the sale shall be made as provided by the Revisal of one thousand nine hundred and five.

Sale of property of infants and persons non compos mentis.

SEC. 43. That all moneys arising from taxes, donation or other sources shall be paid to the treasurer and appropriated therefrom under orders of the board of aldermen, and all appropriations in excess of two hundred and fifty dollars shall be authorized by a majority vote of said board of aldermen, at at least two regular monthly meetings; and whenever a motion is made at any meeting of the board of aldermen by any member thereof to bind the city by any contract whatsoever, or to grant any franchise or license, or to adopt or repeal any ordinance, in any such case such motion shall not be acted upon by the said board before the next regular meeting thereof, except by unanimous consent of those present.

Moneys to be paid to treasurer. Appropriations, Appropriations and motions to lie over for consideration.

SEC. 44. The board of aldermen shall have the power to enact ordinances, in such form as they may deem advisable, as follows:

Power to enact ordinances.

For the protection of the waterworks and water supply of the city of Winston; to grant to any person, firm or corporation, a franchise and right to own, control and operate, for a term of years or otherwise, street railways, telephone, telegraph, lighting or heating systems or any other business engaged in public service; to fix tolls of street railways; to contract as to compensation for such franchises, and to control, regulate and tax the same; to prevent vagrancy, and any person not engaged in any lawful occupation and who spends his time in gambling or loafing about the streets, without visible means of support, shall be considered a vagrant; to regulate and conduct all elections, to prevent interference with the officers thereof, and to preserve order thereat; to prescribe rules and regulations for the government and duties of police officers; to prohibit all trades, occupations or acts which

Protection of works and water supply. Grants of franchises.

To prevent vagrancy; vagrants defined.

Concerning elections.

Police officers. Nuisances.

Buildings.	are nuisances; to define and condemn nuisances and provide for the abatement or removal of same; to regulate and control the character of buildings which shall be constructed or permitted to be and remain in any part of the city of Winston, with the right to declare the same a nuisance or unsafe, and cause its demolition or removal; to provide for the leveling, filling-in and drainage of all ponds, sunken lots or other places in which water stands and stagnates, and to recover from the owner or occupant the expenses of removing the same, which expenses shall be a lien upon the lots so improved, and enforced as liens for taxes; to prevent dogs, hogs, cattle and other live stock from roaming at large in the city, and to regulate the keeping of hogpens within the city limits; to define and establish fire limits and prevent the location of wooden or other buildings within said fire limits and in any part of the city where they may increase the danger of fire; to regulate and describe what character of buildings shall be constructed within the said limits, and provide for the conditions under which buildings may be erected; to establish, regulate and control the markets or market buildings, to fix the location of any market building, prescribe the time and manner and place within the city wherein marketable articles, such as meats, perishable vegetables, fish, game, etc., and all other kinds of perishable food or diet shall be bought or sold: <i>Provided</i> , that nothing therein shall apply to the purchase or sale of meats, grains or flour packed in barrels or boxes, or fodder or hay or oats in the straw; to appoint keepers of the markets and prescribe their duties and fix their compensation; to regulate the license of itinerant merchants or peddlers and of those doing a temporary business; to establish, regulate and control cemeteries, to provide for the manner in which bodies may be interred therein or removed therefrom, and for beautifying, ornamenting and keeping the same in condition; to provide suitable grounds for the enlargement, extension or establishment of new cemeteries, providing separate cemeteries for white and black; to control and regulate the time and manner of burying the dead, the burial of any person within the corporate limits of the said city not within said cemeteries, and provide for the punishment of persons violating the rules and regulations concerning the cemetery; to provide for the establishment, organization, equipment and government of fire companies, fire commissioners and fire-alarm system, and to adopt rules for the conduct, regulations and terms of office thereof; to regulate the erection, placing and maintenance of all telephone, telegraph and other electric wires and to prohibit the same from being strung overhead in a public street, and to compel the owners and operators of telephone, telegraph or electric wires to put same underground; to prohibit or control the firing of firearms, fire-crackers, torpedoes or other explosive materials, and to govern
Drainage.	
Live stock running at large.	
Hogpens.	
Fire limits.	
Markets and market buildings.	
Proviso.	
Peddlers.	
Control of cemeteries.	
Fire companies and fire-alarm system.	
Electric wires.	
Firearms and explosives.	

the sale thereof; to control and regulate the speed of all horses or other animals, automobiles, buggies, carriages, wagons or other vehicles on the streets; to regulate the speed of railroad engines and trains or street cars within the corporate limits, or the stopping of engines or cars in the streets or crossings of the city; to specify the manner in which all stovepipes and flues and electric wires shall be put in buildings, and to control and regulate the arrangement and operation thereof; to control and regulate the manner in which powder and other explosives and inflammable substances may be kept and sold, the manner in which commercial fertilizers are stored; to provide for the sanitary condition and keeping of all lots, cellars, houses, water-closets, privies, lavatories, stables, styres and other places of like character, to provide for the examination and sanitation thereof, and for that purpose ordinances may be passed authorizing sanitary officers or policemen to enter the premises suspected of being in bad or unsanitary condition and have the same cleaned at the expense of the owner, or abating such places as nuisances, and recover of the occupant or owner the expense thereof; to regulate the due observance of Sunday; to prevent the entrance into the city or the spreading thereof of any contagious or infectious disease, and for that purpose may stop, detain and examine every person coming from places believed to be infected with such disease; to establish and maintain quarantines against communities and territories where it is suspected prevails any infectious or contagious disease; to establish and regulate hospitals within the city or within three miles thereof, and may cause any person in the city suspected to be infected with such disease, and whose stay in the city may endanger public health, to be removed to the hospital or other place that the mayor may select; to prevent from coming into the city any secondhand clothing, bedding or furniture; to remove from the city or destroy any furniture or other articles which may be suspected to be tainted or infected with contagious or infectious disease or in such condition as may generate and propagate disease; to abate all nuisances which may be injurious to public health; may vaccinate or otherwise subject to medical treatment all persons having smallpox or other contagious or infectious disease; to recover, by proper action against those who may cause the same, all costs and expenses of removing and treating people having or suspected of having contagious or infectious diseases; shall have power, by force, to remove all persons from the city or to carry them to hospitals or other places selected by the mayor or board of aldermen and detain them therein; to prohibit the carrying-on of any disorderly house or house of ill fame or gambling house or house where games of chance are being carried on or where liquors are illegally sold; to provide for the inspection and examination thereof, and for that purpose may enter upon

Speed of animals and vehicles.

Speed and stopping of engines, trains and street cars.

Stovepipes, flues and electric wires.

Explosive and inflammable substances, Commercial fertilizers, Sanitary affairs.

Quarantine.

Hospitals.

Secondhand clothing, bedding and furniture.

Nuisances.

Vaccination.

Costs of removal and treatment of infected persons.

Power to remove.

Disorderly houses, gaming houses and places where liquor is sold.

Cellars under sidewalks.	said premises and make arrest of any person or persons violating the ordinances of the city in reference thereto: to prohibit the construction of cellars under sidewalks or the making of entrances into sidewalks, and to make rules and fix specifications for the construction of all cellars under said sidewalks or entrances into said sidewalks.
General welfare.	On behalf of the general welfare of the city of Winston, and for the good order and government thereof, the board of aldermen may, in addition to the foregoing powers, pass or ordain any resolution or ordinance, and enforce the same by proper punishment or penalty, which it may consider wise or proper, not inconsistent with the Constitution and laws of the State.
Violation of ordinance a misdemeanor. Punishment.	SEC. 45. That any person or persons violating any ordinance of the city of Winston shall be deemed guilty of a misdemeanor, and, unless the punishment thereof is otherwise specifically prescribed, shall upon conviction be fined fifty dollars or imprisoned thirty days; that the recorder shall have the right to lessen the fine or the term of imprisonment imposed for the violation of any ordinance of the city of Winston.
Purposes for which debt may be incurred.	SEC. 46. That for the purpose of improving streets and sidewalks, purchasing, establishing, equipping, extending or maintaining waterworks, sewerage, gas plant, electric light or power plant, public schools, or for any public improvement, or to fund or pay any bonded debt now existing, on or before the date when same shall fall due, the board of aldermen is hereby authorized and empowered to create a public debt and issue bonds therefor, under the following provisions: That an ordinance specifying the purpose of the debt, the amount thereof, the time when same shall fall due, and such other provisions as the board may adopt, shall be passed by a three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to the vote of the people, with such regulations and rules governing such voting as the board of aldermen may prescribe, and the said debt shall become a valid obligation, and bonds may be issued in accordance with the ordinance if the same is approved by the vote of a majority of the qualified registered voters having
Procedure for creating debt.	voted in favor thereof; that the board may order a new registration whenever such question is submitted to the voters. The creation of such public debt shall be under the following limitations, to wit: The whole interest-bearing debt shall never at any one time exceed a sum to pay the entire interest on which and to provide a sinking fund to pay the principal shall require a tax of more than one dollar on the one hundred dollars of the assessed property value and of the amount represented by the limit of taxation on the polls of the city. All bonds and interest-bearing obligations of the city shall bear interest at a rate not greater than five (5) per cent per annum and be payable annually
New registration.	
Limit of debt to be incurred.	
Limit of interest rate.	

or semiannually, and shall not be sold or otherwise disposed of for less than their par value; that the coupons on said bonds shall be receivable in payment of city taxes.

Coupons receivable for city taxes.

SEC. 47. That the board of aldermen shall provide a sinking fund for the payment of the principal of all outstanding bonds or other special indebtedness of the city of Winston now or hereafter existing, and to that end shall annually levy and collect taxes, the amount of which shall not be less than twenty-five (25) per cent of the amount annually collected for the payment of the coupons or interest upon outstanding bonds. This fund so levied and collected shall constitute a sinking fund and shall be held and controlled by a commission known as the sinking-fund commission. That the board of aldermen shall, at its first regular meeting in May, one thousand nine hundred and nine, elect three persons sinking-fund commissioners: *Provided*, that a corporation may be one of said commissioners, one for a term of two years, one for a term of four years and one for a term of six years, and shall biennially thereafter elect one member for a term of six years. In case of a vacancy the board of aldermen shall elect some suitable person to fill the unexpired term. That at the first meeting of the board after their election and acceptance of the office, said person or corporation, by an officer, shall qualify by taking an oath before the mayor to faithfully and honestly discharge the duties of said commissioner; that said sinking-fund commissioners shall have entire charge and control of the fund annually collected from taxes, as heretofore set forth, and shall hold, control, invest and use the same as in their judgment may be to the good of the city, and shall have power to use said fund to purchase outstanding bonds of the city; that the board of aldermen may, annually or oftener, call on said commissioners for an accounting of all their acts in reference to said fund; and in the event of failure to account, or any improper investment or use of said fund, the board of aldermen shall have the right and power to take such action, by suit in the name of the city, or otherwise, as they may deem to be the interest of the city.

Tax for sinking fund.

Rate.

Sinking fund commission.

Proviso: corporation may be commissioner.
Terms of office.

Vacancies.

Commissioners to qualify.

Powers of commission.

Annual accounting.

SEC. 48. That for the purpose of paying off, taking up and canceling the coupons and bonds issued by said city as the same shall become due, and to provide a sinking fund, it shall be the duty of said board of aldermen and they are hereby empowered to levy and collect sufficient special tax each and every year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct: *Provided, nevertheless*, that the rate of taxation shall not at any time exceed the rate indicated in section forty-six of this charter, and a poll tax not exceeding two dollars, with which to pay special taxes, as is provided for in this charter.

Special tax for coupons and bonds.

Proviso: limit of rate.

Bonds heretofore
voted validated.

SEC. 49. That the bonded indebtedness heretofore voted by the qualified voters of Winston is hereby expressly ratified and confirmed, and the bonds representing said indebtedness, whether now issued or hereafter to be issued, are hereby declared to be valid indebtedness of said city, whether issued for promoting public improvements, railroads or other purposes.

Public schools.

SEC. 50. The board of aldermen shall provide for the establish-

Appropriation.

Schools open to
residents.

ment, continuance, maintenance and support of a system of public schools, and for this purpose shall annually appropriate a certain part of the taxes of the city. Said schools shall be devoted

Nonresident
pupils.

to the education of the young, by high-school or the graded system, and shall be open to all *bona fide* residents of the city of Winston between the ages of six and twenty-one years, but persons living beyond the limits of the corporation may attend the schools from their homes or as boarders on the payment of tuition fees, and under such regulations and rules as may be prescribed

Races kept
separate.

by the public-school commissioners; that white and colored schools shall be conducted in distinct and separate buildings and departments; that said public schools shall be managed by a board of five citizens and taxpayers of the city, two thereof being members

School board.

of the board of aldermen, to be annually elected by the board,

Vacancies.

of aldermen, and in case of any vacancy occurring during the term of office of any commissioner the board of aldermen shall appoint some one to fill out the unexpired term. That said board of commissioners elected shall be a body corporate and politic,

Board incorporated.

under the name of the "Public-school Commissioners of Winston,"

Corporate name.

and shall elect one of their number chairman and take in charge the various public schools of the city. The commissioners afore-

Election of
chairman.
Powers of com-
missioners.

said shall have the power to proportion and distribute the school fund, to select teachers and to dismiss them for cause, to fix their salaries, to aid them in the establishment of grades and the enforcement of discipline, to abate nuisances at the schools, to regulate the admission of pupils from without the corporate limits

To serve without
compensation.

and fix the rate of tuition, to visit the schools regularly for inspection, and do all other acts pertaining to their office, for the good and success of the school. Said commissioners shall serve without compensation, but are authorized to purchase the necessary books, stationery and fuel and pay its secretary a sum not exceeding thirty dollars (\$30) per annum. The term of office of said commissioners shall be as follows: Those selected from the board of aldermen shall serve during their term for which they have been elected aldermen, and those not from the number of aldermen shall be elected, one each year, for a term of three years each, and those now in office shall continue until the expiration of their respective terms, when their successors shall be elected.

Pay of secretary.

Term of office of
commissioners.

SEC. 51. The city treasurer shall be treasurer of the school com-

City treasurer,
treasurer of school
commissioners.

missioners, and to him shall be paid all moneys, public and private.

for the schools, and he shall pay out only upon the order of the School orders.
 chairman of the school commissioners, countersigned by the secretary and specifying the object. He shall annually give a bond Bond of treasurer.
 for his fidelity as treasurer, in such sum as the board of aldermen shall fix; shall keep a separate statement of school money, and Annual reports.
 shall annually make a report to the school commissioners, with a duplicate to the aldermen, stating receipts and their sources, and disbursements and their objects; and said accounts shall be Accounts passed on and published.
 passed on by the school commissioners and published in one of the city papers.

SEC. 52. That the city of Winston shall have entire and exclusive ownership and control over the streets, sidewalks, drain- Control of streets, sidewalks, drain-
 ways, culverts, sewer and drainage systems within its corporate limits or of those which may be established outside the corporate limits in connection with either of the above-named systems; and ways, culverts, sewer and drain-
 for the purposes of construction, maintenance, repair and operation thereof the city, through any of its officers, shall have the age systems.
 right to enter upon any and all private premises, with or without the consent of the owner. The said board of aldermen shall have Connection with
 the power to compel all owners of property abutting on streets sewer and water
 wherein are laid a sewer or water system to connect such property systems.
 therewith, under rules and specifications as to the character of the connection as the board may adopt, and if any such connection is not made in the time and as provided for by the said board it may, through its own officers and servants, make said connection in accordance with the plans and specifications above referred to, and the cost thereof shall be a charge against the owner, a lien on the land, and collected as provided for the collection of unpaid taxes. The board of aldermen shall have the power to Obstruction of
 forbid any obstruction or stopping of any natural drainway within drainway.
 said city, or diverting of the water therefrom; and if the owner of land on any natural drainway, desiring to improve said property, wishes to lay pipe or construct a culvert or aqueduct to carry water or other drainage off or over said land, he shall lay said pipe or construct said culvert or aqueduct according to the plans and specifications provided by the board of aldermen, and not otherwise.

SEC. 53. That the said board of aldermen shall have power to construct a system of sewerage for the city and protect and regulate the same by adequate ordinances, and for the purposes shall Power to construct system of sewerage.
 have power to condemn lands of private owners in the same way that lands are condemned for streets; and if it shall be necessary, Power to condemn lands.
 in obtaining a proper outlet to said system, to extend the same beyond the corporate limits, to condemn a right of way to and from such outlet, it shall be done as herein provided for opening new streets and other public purposes; and in addition thereto said board of aldermen shall have power and authority to compel Power to compel connection.

Power to provide water supplies and other public improvements.	<p>citizens living along the line of sewerage or in the vicinity thereof to connect their premises, drain or other pipes with said sewerage, so as to drain all of the premises along the line of said sewerage, and on default of the owner to make such connection the city can have such connection made and the costs thereof charged against the owner of the property, and said cost shall be a lien on the property and collected as taxes; and to provide water supplies for the city, either by erecting waterworks or by contracting with other persons or corporations, and make all such other public improvements as the health of the citizens and the safety of the property may require; and the board of aldermen shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer or owning property along said lines, after notice to said owners or their agents, to connect their premises, drain or other pipes with said sewerage, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto.</p>
Power to enforce connection with sewerage.	
Rights of way for waterworks.	<p>SEC. 54. That the board of aldermen may acquire, by gift or grant, lands or easements thereon, or right of way over the same, or the right of use of springs, branches or water courses for the purpose of erecting or working waterworks or conducting the water to the city.</p>
Power to condemn land for streets and other uses.	<p>SEC. 55. The board of aldermen are authorized to obtain land or a right of way over, through or under land in the city of Winston for the purpose of opening, establishing or changing streets, culverts, water ways, drainways, sewer plant, water system or for any other public purpose; and if the city and the owners of property affected by such act disagree as to the amount of damages sustained by the owners or special advantages resulting to him, the mayor of the city shall issue a writ to the chief of police to summon five freeholders of the said city unconnected by blood or marriage with any of the persons affected by said improvement. Said writ shall contain a description of the improvement proposed, the land to be affected and the names of the persons owning same. The jury so summoned shall meet on the day appointed at the commissioners' office, and it shall not be less than ten days from the date of the writ. Notice shall also be given to the persons named in said writ as affected by the proposed improvement, and if such persons cannot be found in the city the notice can be posted at the courthouse door for ten days, which shall be a sufficient notice. Any vacancy in the jury shall be filled by the mayor. The jury, after having been duly sworn to discharge their duty in the premises, shall view the property to be affected and assess damages, specifying the amount to which each of the parties affected may be entitled, and assess any special benefit or enhanced value by reason of such proposed improvement which said person may receive thereby, and the jury</p>
Procedure for settling damages.	

shall faithfully return to the mayor a report of their findings, signed by them or a majority of them. If upon a consideration of the report the board of aldermen shall conclude that the damages assessed by the jury are excessive, they may decline to pay the same and discontinue the proposed improvement; that from the finding of the jury either party may, within ten days from the time of the filing thereof in the mayor's office, appeal to the Superior Court of Forsyth County by giving three days' notice to the opposite side. The appellate court shall in nowise adjudicate the necessity of the improvement, but submit, under the rules and procedure of the Superior Court, the question of damages and benefits to a jury, the trial thereof to be governed by the ordinary rules of actions for damages: *Provided*, that such appeal shall not hinder or delay the board of aldermen from making the proposed improvement, but it shall be lawful for said board or its agents and servants to enter upon said property and begin such proposed improvements.

Right of appeal.

Question for appellate court.

Proviso: appeal not to delay action.

SEC. 56. That the board of aldermen shall have power to purchase, construct and maintain all necessary public buildings; shall cause to be kept clean and in good repair the streets, sidewalks and alleys; may establish the width and may ascertain the location of those already established, and lay out and open others, and may widen or reduce the width of streets now established, in their discretion; and may establish parks for pleasure grounds for the citizens of the city and pass ordinances for the protection of the shade trees.

Public buildings,
Streets, sidewalks and alleys.

Parks.

Shade trees.

SEC. 57. That whenever any street of the city shall have been graded and curbed, in whole or in part, including the sidewalks, it shall be incumbent on the owner or owners of the land abutting on said street or part thereof so improved to pave and repave, whenever in the opinion of said board of aldermen it may be necessary, one-fifth of the street adjoining their respective property, with such material and in such manner as the board of aldermen of said city shall direct: *Provided, however*, that the board of aldermen, in order to secure uniformity in the work, may, after giving ten days' notice to the owner that said improvement is to be made, have all the work provided for herein done by the city forces or by contract, and charge said proportions of the actual cost of such work to the owner or owners of the abutting property, and the said charges shall be a lien on said property and collected as herein provided for unpaid taxes: *Provided, also*, that the said city shall, out of its general fund, pay for the remainder of said expense and cost, and for all street intersections so improved, except that portion of such street and intersections occupied or used by street railway or other railroad company, which must be assessed and paid, as hereinafter provided, by the owners and operators thereof: *Provided*, that this section shall apply to

Owners of land to pave adjoining streets.

Proviso: work by city at expense of owner.

Charges a lien on property.
Proviso: city to pave residue of streets.

Street used by railways.

Proviso: petition for street improvement.

that part of the territory of the city of Winston lying without the fire limits existing at the time of said proposed improvement only on a petition requesting said proposed paving or improvement, signed by the owners of one-half of the frontage of said street proposed to be improved or paved, being presented to the board of aldermen.

Paving to be done by street railroad or other railroad company.

SEC. 58. That if any street railroad company or other railroad company have tracks running through or across said street it shall be incumbent on said company to pave, repave, repair or otherwise improve such part of said street as the said board of aldermen may prescribe, not exceeding the space covered by its tracks and twelve inches on each side of every line of track now in use or that may hereafter be constructed by said company, not to exceed one-fifth of the construction of the entire street: *Provided*, that the board of aldermen shall have full authority to pave or contract for paving the whole of said space without giving such street railway company or other occupant of the street the option of having said space paved by itself or by a contractor at its instance, and the cost thereof shall be paid by the said street railroad company, and the amount of such cost shall be a lien on the rights, properties and franchises of said street railroad company, and may be collected as herein provided for the collection of taxes.

Proviso: work done by city at expense of company.

Lien for cost of work.

Sidewalks.

SEC. 59. That whenever any street in said city shall have been graded and curbed, and the board of aldermen shall have ordered the paving or repaving the sidewalks thereon, it shall, through the city treasurer, notify the owner or owners of the land fronting on said street to at once pave or repave the sidewalks abutting on said frontage according to specifications provided by said board as follows, to wit, of the character and material of said paving and the manner in which the work should be done, and shall charge said proportions of the cost thereof against such lots, respectively, and cause the same to be entered by the city treasurer, as the board may determine, in a book to be kept by him for that purpose; and the said treasurer shall place in the hands of the city tax collector of said city immediately copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be advertised and sold by the tax collector of said city for the payment of the same, under the same rules and regulations and rights of redemption and in the same manner as are prescribed in this act for the sale of real estate for unpaid taxes.

Collection of charges.

Lien on lots.

SEC. 60. That said board of aldermen may in its discretion divide any charge against any owner of land or street railway company for the paving or improvement of such walks or streets in such manner that the same may be paid in three or more equal annual installments from and after the commencement of such work, with interest thereon at six per centum per annum from the date of such commencement. Charges payable
in installments.

SEC. 61. A special court for the trial of petty misdemeanors, and to be designated as the recorder's court of the city of Winston, is hereby established. Recorder's court
established.

SEC. 62. Said court shall be a court of record and shall be presided over by a recorder, who shall be an elector of the city of Winston. Court of record.

SEC. 63. Said recorder shall be elected by the board of aldermen of the city of Winston on the first Monday in September, one thousand nine hundred and nine, and shall hold office for a term of two years, and his successor shall be elected by the board of aldermen every two years. He shall take and subscribe the oath required of judges of the Superior Court, and shall receive a salary of fifty dollars per month, to be paid by the city of Winston, but the board of aldermen may increase the same to as much as one hundred and twenty-five dollars, should the amount of business and the usefulness of the court justify such an increase. Election of
recorder.

Oath of office.

Salary.

SEC. 64. The court shall hold daily sessions (Sundays and legal holidays excepted) at the city hall of the city of Winston or other places designated by a resolution of the board of aldermen. Sessions of court.

SEC. 65. Said court shall have final exclusive original jurisdiction of all offenses occurring or committed within the corporate limits of the city of Winston and within one mile outside of said city limits: *Provided*, that this shall not apply to territory in which the town of Salem has jurisdiction, as follows, to wit, of all offenses which are a violation of any ordinances of the city of Winston, and of all crimes the jurisdiction of which are now or may hereafter be given to justices of the peace. That in addition to the offenses above mentioned the following crimes, to wit, carrying concealed weapons; gaming; gambling; keeping gambling houses; keeping bawdyhouses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed ten dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave master; indecent exposure of person; selling or giving away intoxicating liquors to a minor and all offenses against the prohibition laws, as contained in chapter seventy-one of the Public Laws of the extra session of one thousand nine hundred and eight, and Jurisdiction.

Crimes declared
petty misde-
meanors.

acts amendatory thereof, and all violations of the provisions of an act of the legislature, chapter one thousand nine hundred and nine, creating a medical depository for Forsyth County and Winston, North Carolina; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; disposing of mortgaged property; all crimes against public health, as contained in the Revisal of one thousand nine hundred and five, from sections three thousand four hundred and forty to three thousand four hundred and fifty-eight, inclusive, and acts amendatory thereof; all misdemeanors, as contained in chapter eighty-one of the Revisal of one thousand nine hundred and five, and acts amendatory thereof, where the punishment does not exceed a fine of two hundred dollars and imprisonment for one year; violations of sections three thousand six hundred and twenty-two, three thousand six hundred and eighty-six, three thousand seven hundred and thirty-one and three thousand eight hundred and thirty-two of the Revisal of one thousand nine hundred and five, and acts amendatory thereof; violations of the provisions of chapter seventy-seven of the Public Laws of the extra session of one thousand nine hundred and eight, relating to the selling or giving away of cocaine and other kindred products, and acts amendatory thereof; and all crimes which under the common law are misdemeanors or which are declared by statute to be misdemeanors, wherein the punishment is in the discretion of the court, and misdemeanors which are by statute or otherwise punishable as misdemeanors at common law, are hereby declared by this act to be petty misdemeanors, and final original exclusive jurisdiction thereof is hereby given to recorder's court of the city of Winston.

Preliminary jurisdiction.

SEC. 66. That in addition to the jurisdiction given in section sixty-five of this act, said court is hereby given exclusive original jurisdiction to hear and bind over to the proper court all persons charged with any crimes committed within the city of Winston or within one mile outside of said city limits, wherein the preliminary investigation thereof is now conferred on justices of the peace or on the recorder of the city of Winston: *Provided*, that no provision of this act shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction with such recorder's court of any misdemeanor now within the jurisdiction of such courts, when committed outside of the corporate limits of the city of Winston.

Proviso; concurrent jurisdiction of justices of the peace.

Warrants.

SEC. 67. Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any offense of which said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Forsyth County, and upon such appeal the trial in the Superior Court shall be *de novo*.

Right of appeal.

Persons to be bound over to court.

SEC. 68. In all cases heard by the recorder of the court established by this act as committing magistrate against any person

or persons for any offenses whereof the said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Forsyth County for the trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Forsyth County to await trial, as aforesaid.

SEC. 69. All costs or fees for service of process or other services performed by sheriffs, constables, police officers or other lawful officers serving or performing the same shall belong to and be the property of said officer and shall be paid to him by the proper authorities: *Provided*, that if any of the said officers are on salary, then all such fees earned by them shall be paid into the treasury of the city of Winston for the use of said city.

Costs and fees to use of officers.
Proviso: officers on salary.

SEC. 70. All persons convicted in said court of any of the offenses mentioned in any sections of this act shall be fined or imprisoned according to law, and any persons convicted of any offense shall pay the cost of the prosecution.

Punishment.

SEC. 71. Whenever any person is convicted in said court and the punishment imposed is a fine and costs, or judgment is suspended on payment of the costs, and such person, having been released from custody, fails or refuses to pay such fine and costs, it shall be the duty of the recorder, at any subsequent session of the court, on motion of the solicitor or, on his own motion, to order process to issue, to the end that such person may be again arrested and held for the fine and costs until discharged by law.

Process for collection of fines and costs.

SEC. 72. All persons arrested under the provisions of this act may, either before or after trial, be held in custody in the county jail or the city prison.

Persons held in custody.

SEC. 73. Whenever any person is convicted or enters a plea of guilty in said court, and the punishment imposed is imprisonment, the recorder shall sentence such person to the county jail of Forsyth, and, unless the judgment otherwise states, the person shall be worked upon the county roads of said county during the term of imprisonment, and the county authorities shall receive and hold such persons under the same terms and conditions as if said person had been convicted in the Superior Court.

Convicts to be worked on roads.

SEC. 74. All judgments and orders of the recorder shall remain *in fieri* for ten days next after the day upon which said judgment or order is announced, and during that period the recorder shall have the power and authority to make such changes and modifications in said judgment or order as in his judgment are necessary or just, and with like effect as if made at the time of announcement of the original judgment or order.

Judgments and orders in fieri.

SEC. 75. The recorder shall preside over said court and try and determine all actions coming before him, the jurisdiction of which

Proceedings of court.

	<p>is conferred by this act, and the proceedings of the said court shall be the same as are now prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to an ensuing term of the Superior Court for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond, with sufficient surety, to insure the defendant's appearance, and in default thereof the recorder shall commit such defendant to the common jail of Forsyth County until such defendant shall give bond or be otherwise discharged according to law.</p>
Right of appeal.	
Bond on appeal.	
Jurisdiction for recovery of penalties.	<p>SEC. 76. Said court shall also have jurisdiction to try all actions for recovery of any penalty imposed by law or this act or by any ordinance of the city of Winston for any act done within said city of Winston, and said penalty shall be recovered in the name of the city of Winston; and in all cases where judgment may be entered against any person for fines or penalties, and the person against whom same is adjudged fails or refuses to pay such judgment, it shall be lawful for the recorder of said court to order and require said person to be worked on the public roads of Forsyth County, at a fair rate of wages, until such person shall have worked out the full amount of such judgment and cost.</p>
Roadwork for penalties.	
Seal of court.	<p>SEC. 77. Said court shall have a seal, with the impression "The Recorder's Court of the City of Winston," which seal shall be used in attestation of writs, warrants or other proceedings, acts, judgments or decrees of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina.</p>
Process of recorder.	<p>SEC. 78. The recorder may issue his process to the chief of police of the city of Winston or to the sheriff, constable or to other officers of the county of Forsyth, and such process, when attested by the seal of the recorder's court, shall run anywhere in the State of North Carolina and shall be executed by all officers according to law.</p>
Substitute recorder.	<p>SEC. 79. Should the recorder be prevented from attending to his duties, on account of sickness or other temporary disability or by absence from the city of Winston, then in that case the board of aldermen of the city of Winston shall elect a substitute recorder, who shall have all the jurisdiction, power and authority herein conferred upon the duly elected recorder of said city.</p>
Costs allowed recorder and clerk.	<p>SEC. 80. The recorder shall be allowed such costs as are now allowed by law in similar proceedings before justices of the peace, and the clerk of said court shall be allowed such costs as are allowed by law in similar proceedings to clerks of the Superior Court, and all such costs recovered and collected in said court shall belong to the city of Winston to reimburse said city of Winston for salaries paid by it to said recorder and said clerk; and should said costs not be sufficient to pay the said salaries, over</p>
Costs to use of city.	

and above the costs paid to the officer who executes papers for fees attached to such services, then said deficiency shall be paid out of penalties collected for violations of city ordinances, and all fines collected shall be paid to the county treasurer, as provided now by law.

SEC. S1. The clerk of the board of aldermen of the city of Win- Clerk of court.
ston may be *ex officio* clerk of said court, or the board of aldermen shall elect one in case he declines to accept the position, and before entering upon his duties of his said office such clerk shall enter into a bond, with good and sufficient surety, in the sum of Bond.
one thousand dollars, for the true and faithful performance of his duties as clerk and for the faithful accounting of all moneys which may come into his hands as such clerk, and for his services Salary.
as such clerk he shall be paid by the city of Winston the sum of nine hundred dollars annually as a salary.

SEC. S2. It shall be the duty of the clerk of said court to keep an accurate account and true record of all costs, fines, penalties, forfeitures and punishments by said court imposed under the provisions of this act, and said record shall show the name and residence of such offender, the nature of the offense, the date of hearing or trial, and the punishment imposed, which said record shall at all times be open to and subject to inspection by the board of aldermen or other persons having business relating to said court. He shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also provide proper files to properly keep the record of all cases which shall be disposed of in the said court and what disposition has been made of them. Records to be kept.
Permanent docket.
Files.

SEC. S3. The board of aldermen shall have the power to create the office of solicitor for said court, and shall likewise have the power to fix the compensation to be paid said officer, either by way of salary or fees. Said solicitor shall be chosen by the board of aldermen at the first regular meeting held after the passage of this act, and he shall hold office until the first Monday in September, one thousand nine hundred and nine, at which time his successor shall be chosen by the board of aldermen for a period of two years, and likewise every two years thereafter. He shall take and subscribe the oath required of solicitors of the Superior Court. There shall be taxed in each case as part of the costs, where costs are taxed, a fee not to exceed two dollars, which shall be designated as solicitor's fee, and shall be paid to the city treasurer and disbursed by the board of aldermen as they determine. In case the solicitor shall be absent or unable to attend to his duties the recorder shall appoint some one to take his place; that in the event of a vacancy the board of aldermen shall have the power to fill his place. Solicitor of court.
Election of solicitor.
Term.
Election of successor.
Term.
Oath of office.
Tax fee.

SEC. S4. That whenever any warrant shall be issued by the recorder for the arrest of any person who shall be without the State Proceedings for requisition.

and for whom requisition papers are required, the solicitor herein appointed shall have the same rights, duties and powers as the solicitor of the Eleventh Judicial District of North Carolina to sign, approve and execute any and all papers or documents required in a proceeding for requisition.

Application of
general law.

SEC. 85. So far as applicable, the provisions of the general law, as contained in the Revisal of one thousand nine hundred and five, and acts amendatory thereof, under the chapter headed "Criminal Procedure," shall apply to this court.

MISCELLANEOUS.

Officers not to
contract with city.

SEC. 86. That no mayor or alderman or other officer of the city government shall, directly or indirectly, become a contractor for work to be done by the city, and any person herein offending shall be guilty of a misdemeanor.

Misdemeanor.

Appropriations to
hospitals and
library.

SEC. 87. The board of aldermen shall have the power and it shall be their duty to annually appropriate and pay over to the Twin City Hospital Association, the Slater Hospital and for the benefit of the public library such amounts for their respective maintenance as the board of aldermen may deem proper.

Policemen serving
civil process.

SEC. 88. That policemen of the city of Winston shall be lawful officers to serve all civil process that may be directed to them from any court, under the same regulations and penalties as are or may be prescribed by law in the case of constables.

Contracts for work
of convicts.

SEC. 89. That it shall be lawful for the city of Winston to contract with the Board of Commissioners of Forsyth County for the employment by the said city of such prisoners as may be confined in the county jail to work on the streets of Winston or other public improvement in said city, and it shall be lawful for the city of Winston to hire to the said board of county commissioners for work on the roads of the county or other county improvement all persons convicted by the recorder and sentenced to terms of imprisonment or to work upon the roads. Such contracts may be made upon such terms as may be agreed upon between the two respective authorities. That all prisoners tendered by the said city to the board of commissioners, aforesaid, shall be accepted by the said board and the services of said convicts paid for by the said county assuming and paying the costs, jail fees and expenses adjudged against any such convict.

Conveyance of
land.

SEC. 90. That the city of Winston may convey lands and all other property which is transferable by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the mayor and two members of the board of aldermen and attested by a witness.

Criminals com-
mitted to work-
house.

SEC. 91. That in all cases where judgment may be entered against one for the payment of fines, and such person refuses to pay the same, it shall be lawful for the recorder, within the time which said case stands *in fieri*, to render a judgment changing

such fine to a prison sentence; that all persons so sentenced and those whose original sentence was to a term of imprisonment may be committed by the court to confinement in a workhouse, to be established as hereinafter provided, until at a fair rate of wages such person or persons shall have worked out the full amount of the judgment, costs and expenses, and may use all necessary means to compel work by reasonable coercion and punishment. That the board of aldermen of the city of Winston, alone or jointly with the town of Salem, shall have authority to purchase such lands as may be necessary to establish thereon a workhouse for men and women and minors, and to such workhouse all persons convicted by the recorder, as heretofore mentioned in this section, may be sentenced and confined at hard labor or such work as the board of aldermen may prescribe. That the Superior Court of Forsyth County or the recorder are given full power, with the consent of the city of Winston and the town of Salem, if it be a joint workhouse, to confine all men, women and minors convicted in said Superior Court or recorder's court in the workhouse so established.

SEC. 92. That the ordinances now in force in the city of Winston, and such as may hereafter be adopted, shall operate and have effect within one mile outside of the corporate limits of the city, and the recorder's jurisdiction shall extend to said territory: *Provided*, this shall not apply to territory in which the town of Salem has jurisdiction. That the policemen of said city shall have power and authority to execute all criminal processes and make arrests within one mile outside said limits, to the same extent and in like manner as they now are authorized to do within the corporate limits.

SEC. 93. That all acts or parts of acts in conflict with this act are hereby repealed.

SEC. 94. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1909.

CHAPTER 73.

AN ACT TO ENABLE THE TOWN OF MARION TO FUND ITS FLOATING INDEBTEDNESS AND TO LEVY TAXES TO MEET THE SAME.

Whereas the town of Marion has heretofore contracted indebtedness to meet the necessary expenses of the town, in the sum of approximately fifteen thousand dollars; and whereas the said town of Marion desires to issue bonds in a sufficient amount

Establishment of
workhouse.

Extent of juris-
diction.

Proviso: juris-
diction of Salem.
Authority of
policemen.

Preamble.

Preamble.

Preamble. to pay said indebtedness: and whereas the tax levy provided for and limited in section two thousand nine hundred and seventy-seven of the Revisal of one thousand nine hundred and five is insufficient to provide a sum with which to pay said indebtedness: therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized. SECTION 1. That for the purpose of paying said indebtedness of the town of Marion the board of aldermen of said town are hereby
 Amount. authorized and empowered to issue bonds, in an amount not to
 Denominations. exceed fifteen thousand dollars, of such denominations and in such proportions as the board of aldermen may deem advisable,
 Interest. bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable
 Maturity. semiannually, at such times and at such place or places as may be deemed advisable by said board, said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the board of aldermen may determine, each of said bonds to state on its face that said bond was issued to pay the indebtedness of the town of Marion contracted for the necessary expenses of said town.

Bonds not to be sold below par. SEC. 2. That none of the bonds provided for in the above section shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value.

Particular tax. SEC. 3. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the board of aldermen of said town shall, annually, and at the time of levying other town taxes, levy and lay a particular tax on all persons and subjects of taxation on which the said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purpose whatever, said particular tax not to be less than ten nor more than twenty-five cents on the one hundred dollars assessed valuation of property and not less than thirty cents nor more than seventy-five cents on the poll. The tax provided for in this section shall be collected in the manner and at the time other town taxes are collected, and shall be accounted for and kept separate from other town taxes, and shall be applied exclusively for the purposes for which they are levied and collected.

SEC. 4. That all laws and clauses of laws in conflict and inconsistent with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 74.

AN ACT TO INCORPORATE THE TOWN OF BEARGRASS,
BEARGRASS TOWNSHIP, IN THE COUNTY OF MARTIN.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Beargrass, Beargrass Township, in the county of Martin, be and is hereby incorporated, by the name ^{rated.} Town incorpo-
Corporate name. and style of the town of Beargrass, and it shall be subject to all Corporate rights. the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as fol- Corporate limits.
lows: All that territory within a radius of five hundred yards from a certain white oak on the east side of the public road, near a well at the stores of Rogers Brothers and Cowing Brothers.

SEC. 3. That the officers of said town shall consist of a mayor, Town officers.
four commissioners and a constable, and the said commissioners shall have power to appoint a secretary and treasurer.

SEC. 4. That there shall be an election of officers, mentioned in Town elections.
this act, on the first Monday in May, one thousand nine hundred and nine, and thereafter, in accordance with the law regulating municipal elections in this State. The officers appointed under this act shall hold over until their successors are duly elected and qualified.

SEC. 5. That said commissioners shall have power to pass by- Powers of com-
missioners.
laws, rules and regulations for the good government of the town, not inconsistent with the laws of this State and the United States, and to impose fines and penalties for the violation of the town ordinances, and collect the same.

SEC. 6. That until their successors are elected and qualified, the First officers
named.
following persons shall fill said offices: Mayor, W. R. Robertson; commissioners, J. N. Rogers, R. C. Bailey, Alonzo Cowing and Javan Rogers; constable, Nathan Rogers.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 75.

AN ACT TO PROVIDE FOR THE ISSUING OF BONDS IN
THE TOWN OF FRANKLIN, IN MACON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Franklin is hereby authorized and Power to create
debt.
Amount.
empowered to create a debt, to an amount not exceeding thirty thousand dollars, for public improvements, such as grading and paving streets, installing a system of waterworks and water sup-

Denomination and form. Maturity. Interest.	ply, with the necessary sewerage and drainage, installing a system of electric lights and lighting the streets, and to provide for the payment of the accumulated and floating debt of the said town, and for other improvements of a public nature, and may issue bonds to that amount or any less amount, for any one or more or all of said purposes, in the name of the town of Franklin, in denominations and form and payable at such place and time, not exceeding thirty years, and bearing interest at no greater rate than six per centum per annum, payable annually or semiannually, as the board of aldermen may determine: <i>Provided</i> , that the aggregate amount of bonds issued for all purposes shall not exceed thirty thousand dollars.
Proviso: limit.	
Bond issue to be approved by voters.	SEC. 2. That the bonds for the aforesaid purposes shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at four public places in said town, at an election to be held under the same rules and regulations as are now provided by the charter for elections in said town. Such notice shall set forth the object for which the bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied to pay the principal and interest on the bonds. The qualified voters approving the issue of said bonds and the levy and collection of the taxes to pay the same shall deposit in a ballot box a written or printed ballot with the word "Approved" thereon, and those disapproving the same shall deposit a like ballot with the word "Dis-
Notice of election.	approved" thereon. If at such election a majority of such voters shall vote "Approved," then the mayor and board of aldermen of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the taxes therein named and authorized by this act. At such election, upon the proper notice being given, as above set forth, the question of issuing bonds for more than one purpose, within the meaning of this act, may be voted on in separate boxes, under the same rules and regulations as above set out, but in such case the ballots shall contain the purpose of the bonds, with the word "Approved" or "Dis-
Law governing election.	approved" following, as the voter may desire: <i>Provided</i> , that no election shall be ordered unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and aldermen thereof, setting forth the matter above required in the notice of election.
Ballots.	
Effect of election.	
Questions submitted separately.	
Proviso: election ordered on petition.	
Authentication.	SEC. 3. That said bonds shall be issued under the signature of the mayor of the said town, attested by the town clerk and treasurer, under the official seal of the said town, and the mayor shall, under the direction of the board of aldermen, dispose of said bonds at a sum not less than par value.
Sale at not less than par.	
Tax for interest and sinking fund.	SEC. 4. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, and for purchasing and canceling

the same before due, it shall be the duty of the board of aldermen of said town, at the time fixed for the levy of other taxes in the same, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation, which taxes so collected shall at all times be kept separate and distinct and used only for the purpose above set out: *Provided*, that so much of the tax levied each year as may not be required to pay the interest on said bonds and which cannot be applied to the purchase or discharge of said bonds shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above-described amounts, from time to time, it shall be the duty of the treasurer of said town, under such regulations as the board of aldermen thereof shall from time to time prescribe, to make investment of said amount and to do and perform all such other services in connection with said bonds as said board of aldermen shall prescribe: *Provided further*, that the board of aldermen of said town may require an official bond of the clerk and treasurer, not exceeding three thousand dollars, for the faithful discharge of all the duties pertaining to his office: *Provided further*, that the rate of taxation in said town (not including license and privilege taxes) shall not at any time exceed the rate of one dollar on every hundred dollars valuation and a poll tax not exceeding three dollars, with which to pay both the ordinary expenses of said town and the special taxes provided for herein.

Proviso: investment of surplus.

Proviso: bond of clerk and treasurer.

Proviso: limit of tax rate.

SEC. 5. That the clerk and treasurer of said town shall keep a record, in which shall be written the name of every purchaser of a bond and the number and amount thereof, and he shall keep an accurate account of the coupons and bonds which shall be paid and canceled, so that the true state of the bonded indebtedness of the town shall be readily seen and ascertained at any time by any taxpayer of said town.

Record of bonds and coupons.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 76.

AN ACT TO INCORPORATE THE CAROLINA-TENNESSEE POWER COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That Stanley R. Ketcham, William F. Cox, William Lee Church, Elton F. Smith and George E. Smith and their associates and successors and assigns be and they are hereby declared a body politic and corporate, under the name and style of Corporate name.

Carolina-Tennessee Power Company, and by that name shall have Corporate powers, succession for a period of sixty years, sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act.

Objects of corporation.

SEC. 2. The objects for which said corporation is established are: To supply light, heat and power, electrical, steam or otherwise, to individuals and corporations, private or municipal; to construct, maintain and operate railroads, railways, flumes, telegraph and telephone lines or other means of transportation or communication; to encourage, promote, operate and maintain manufacturing enterprises, mines, mineral substances, hotels, industries and businesses of any kind whatsoever, and works of internal improvement or public use or utility, and generally to develop in every way the resources of any and all land and other businesses and enterprises acquired by the said corporation or belonging to others.

Power to acquire, hold and deal in lands.

SEC. 3. That said corporation shall have power and authority to acquire, by purchase or otherwise, lands, tenements and rights of way, to any extent, and hold same in fee simple or by less estate, and dispose of same at pleasure, and to engage generally in any and all kinds of business or operations, not unlawful, considered desirable or advantageous to be engaged in or carried on in connection with the improvement and development of any such lands or other enterprises.

Power to acquire, hold and deal in personal property.

SEC. 4. That said corporation shall also have power to acquire, by purchase or otherwise, any and all personal property it may desire, including the right to acquire, own, hold, sell and dispose of the stocks, bonds and other securities of other corporations, and also the power to purchase, lease, or otherwise acquire, and to hold, sell and dispose of the property or properties of other corporations, and to operate the same, with all the rights and privileges of the corporations whose property or properties have been so acquired.

Powers enumerated. Rights as power, light and heating company.

SEC. 5. That said corporation shall have the following power:

(a) To supply to the public, including both individuals and corporations, whether private or municipal, within the State of North Carolina and elsewhere, power in the form of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms, or in any other form, for use in driving machinery and for light, heat and all other uses to which the power so supplied can be applied, and to fix, charge, collect and receive payment therefor; and for the purpose of enabling the company to supply power, as aforesaid, the company is authorized and empowered to erect, build and maintain any dam or dams, flume or flumes, ditch or ditches, and to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the trans-

mission of power, by wires or poles or underground and by cables, pipes, tubes, conduits and all other convenient appliances for power transmission, including railroads or railways, with such connecting and branch lines within the State of North Carolina or elsewhere as the board of directors may locate or authorize to be located for receiving, transmitting and distributing power, and to acquire, own, hold, sell or otherwise dispose of water power and water privileges in the State of North Carolina, and locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing, by water, steam or by any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, gates, bridges, sluices, tunnels, stations and other buildings and all other works, structures, machinery and appliances which may be necessary to the operation of said plants: *Provided*, that the lines and appurtenances heretofore authorized for distributing power and light are to be constructed, when on public streets or highways of any county, city or town, under such reasonable regulations as the authorities, respectively, thereof shall upon application from the company prescribe.

Railroads and
branch lines.

Proviso: lines on
streets and high-
ways of towns.

(b) To carry on and conduct the business of generating, making, transmitting, furnishing and selling steam and electricity for the purposes of lighting, heat and power and transmission of power, and to furnish and sell and to contract for the furnishing and sale to persons, corporations, counties, towns and cities of steam or electricity for illuminating purposes or as motive power for running and propelling motor cars, machinery and apparatus, and also for all other uses and purposes for which electricity or steam is now or may be hereafter used; to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting steam and electricity; to deal in, generate, furnish, supply and sell electricity, steam, gas, compressed air and all other kinds of powers, forces, fluids, currents, matter and material used or to be used for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining or connected with the manufacturing and generating, distributing and furnishing of electricity, compressed air, gas or steam, for light, heat and power purposes, including the transacting and conducting of any and all business in which electricity, compressed air, gas or steam is now or may be hereafter utilized, and all matters incidental or necessary to the distribution of light, heat and power; to manufacture and repair, sell and deal in any and all necessary appliances and machinery used or which may be acquired or deemed advisable for or in connection with the utilizing of electricity, compressed air, gas or steam, or in anywise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of machinery, apparatus and appliances; to purchase, acquire, own, hold, improve, let, lease,

Further rights as
power and light
company.

operate and maintain water rights and privileges and water powers; to construct, acquire, build and operate, maintain and lease dams, canals, ditches, flumes and pipe lines for the conducting of water and creating power.

Powers as railway
and transportation
company.

Telegraph and
telephone lines.

(c) To build, construct, maintain and operate railroads or railways, street railways, motor lines, tramways, turnpikes, flumes, lakes and canals, and to carry freight and passengers thereon, and to charge, collect and receive tolls or fares for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines and railroads or railways wherever it may deem expedient, and to charge, receive and collect such charges and rates for the carrying of passengers and freight over its railroads or railways or street railways or motor lines, tramways, turnpikes, flumes, lakes or canals, and for the use of its telegraph or telephone lines for the transmission of messages thereon, as it may deem reasonable and not contrary to the laws of North Carolina; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways or other convenient conduits or appliances for the transmission of electricity and other energies, steam, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads or railways, street railways, motor lines, tramways, turnpikes, flumes, lakes, canals, telegraph lines, telephone lines, power transmission lines, conduits and power plants and all other property to any other company or companies organized for the purpose of maintaining and operating such roads, lines, lakes, canals, conduits or power plants and lines, and to lease, purchase, maintain and operate any part or all of any other railroad, telegraph or telephone line, conduits or power plants constructed by others, upon such terms and conditions as may be agreed upon by the parties, respectively; to apply to the proper authorities of any county, city or town in the State of North Carolina, or elsewhere, in which the railroads or railways, street railways, motor lines, tramways, turnpikes, flumes, canals, lakes, power transmission lines, power plants, underground subways, wires, poles and appliances of this corporation may extend or be designed or intended now or hereafter to extend, for the grant of any rights, powers, privileges and franchises for the maintenance and operation thereof; to accept, receive, own, hold and lease, all and singular, the rights to the same; to acquire, by contract, purchase, lease or otherwise, and to accept, own and hold any right, privileges or franchises heretofore granted to any person, firm, company or corporation or which may be hereafter so granted by the proper authorities of any such county, city or town, and to do and perform all matters and things necessary, proper or convenient for the accomplishment of the objects hereinbefore mentioned.

(d) To acquire, by purchase, condemnation or other proper method, the right to use, employ and divert the water flowing and running in any stream or water course, not navigable, in North Carolina which may be necessary to the exercise of any of the powers of a public or *quasi* public character herein granted to the said corporation; and whenever it shall be necessary to divert the water from any such stream or water course to be used for any of the purposes herein provided the said corporation shall have the right to have the value of the said water so to be diverted and the land so to be used over which it shall be banked, ponded or conducted, condemned and the value thereof assessed in the manner hereinafter provided for the condemnation and valuation of land and other property.

Power to acquire water rights.

(e) To purchase, acquire, rent, lease, own and hold and improve real estate in such quantities as may be deemed expedient, and to build dwelling houses, build and operate stores, mills, including cotton mills, schools, factories, including cotton factories, warehouses, hotels and any and all other buildings and structures deemed advisable and expedient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient; to lay out and plot any real property belonging to or acquired by the company into lots, blocks, squares, factory sites and other convenient forms; and to lay out, plot and dedicate to public use, or otherwise, streets, avenues, alleys and parks; and to adorn and beautify and use its property by building dams for ponds, reservoirs and lakes, and by other means.

Powers as a real estate and improvement company.

(f) To manufacture, purchase or otherwise acquire, hold, own, sell, assign and transfer, invest, trade, deal in and deal with goods, wares and merchandise and property of every class and description, and to do both mining and manufacturing of any kind, including the treatment of ores of any kind, and also to carry on the business of farming, stock raising, lumbering and cutting and dealing in firewood, quarrying and hotel keeping.

Powers as mining and manufacturing company.

Farming, lumbering, quarrying and hotel keeping.

(g) To erect and construct, make, improve or aid, or subscribe towards the construction, making and improvement of mills, including cotton mills, factories, including cotton factories, storehouses, buildings, roads, docks, piers, walls, houses for employees and others, and works of all kinds.

Powers as construction company.

(h) To guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities issued by them in every contract or obligation of any corporation, whenever proper or necessary for the business of this corporation, in the judgment of its directors.

Powers as guarantee company.

(i) To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes or attainment of any one or more of the objects herein enumerated or which shall at any time appear conducive to or expedient for the protection or

General powers.

benefit of the corporation, either as holders of or interested in any property, and in general to carry on any business, whether manufacturing, mining or otherwise.

Power to hold and deal in stocks and bonds.

(j) To acquire, by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations issued or created by other corporation or corporations, and while the holder of such stock to exercise all the rights and privileges of ownership, including the right to vote thereon, to the same extent as a natural person might or could do: to lease, purchase or otherwise acquire, own, hold, maintain, use and dispose of the rights of way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of any other corporation, or to unite and consolidate with any other corporation under such terms as may be agreed upon, and also to borrow money, and for such consideration and upon such terms as the stockholders or board of directors may determine, and to issue its notes, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property, whether it is owned or thereafter to be acquired, and its franchises, in whole or in part, as they may deem necessary or expedient.

Power of consolidation.
Power to borrow money.

Powers to construct dams.

SEC. 6. That said corporation shall have power and authority to construct and maintain dams across any stream or streams in North Carolina not declared by law to be navigable, at any point or points, place or places on land now owned or hereafter acquired by it in North Carolina or elsewhere, by purchase or by condemnation, in the manner hereinafter prescribed, and acquire land and water, by purchase or condemnation or other lawful method, for the purpose of building dams, ponding and storing water, to be used either as a water supply or as a motive power for any railroad or railway or street railway or motor line, machinery, power plant, mill, factory or other business the said company may desire to operate, or to supply water or power to individuals or corporations, and of producing power, by means of any such dam or dams, for sale, and of selling the same; and to that end and for any other purpose it may install, use and operate any and all machinery considered desirable or necessary. This section shall be considered and construed to authorize the manufacture of electricity or other power with the water power produced by means of such dams, and the selling of such electricity or power and the right to transmit the same to consumers, by wires, poles, cables and conduits or any other approved method of transmission, and the right to condemn land and water for such purposes; also said power may be used by said company for propelling or running its railroads, railways or street railways or motor lines and telephone or telegraph lines and boats, or for any other purpose.

SEC. 7. That any railroad or railroads, railway or railways, street railways or motor lines and any telegraph or telephone line or lines and any public or *quasi* public works constructed and operated by this company shall be considered and governed as other railroads, railways, telegraph lines and telephone lines, and subject to the same laws governing such lines in North Carolina.

SEC. 8. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring or surveying the lands and water required by said company for the location of any of its works or for the conducting of the business or any part of said business hereinbefore authorized in paragraphs (a), (b), (c) and (d) of section five, and of locating said works, doing no unnecessary damage to private property; and when the location of said works shall have been determined and a survey of the same deposited in the office of the clerk of the Superior Court of the county in which the said land lies, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold, use and excavate and fill in such lands and to erect all the necessary and suitable structures for the erection, completion, repairing and operating of said works, subject to such compensation as is hereinafter provided: *Provided, however,* that said company shall not enter upon or break ground upon the premises, except for the purposes of surveying, without the consent of the owner, until such owner's damages are agreed upon between such owner and said company, or ascertained by the method hereinafter provided, and such damage has been paid to such owner; and *Provided further,* that such locating of its works and filing its surveys in the office of the clerk of the Superior Court shall not preclude said company from making from time to time other location of works and filing surveys of the same, as its business and its development require; and whenever any land for the location of a dam or dams, lake or lakes, or a canal or canals, or for ponding water, or any other lands or rights of way may be required by said company for the purpose of constructing and operating its railroads or railways, street railways or motor lines, telegraph or telephone lines or other works, or for the conducting of the business herein authorized, or any part of said business, and the said company cannot agree with the owner thereof for the purchase of the same, the same may be condemned and taken and appropriated by said company at a valuation of three commissioners, or a majority of them, to be appointed by the clerk of the Superior Court of the county in which the land to be condemned lies, or the clerk of the adjoining county if the land lies in more than one county.

Entry on lands for surveying.

Entry on lands for construction.

Proviso: entry not to be made until damages assessed.

Proviso: location changed.

Procedure for condemnation.

SEC. 9. That all condemnation proceedings authorized under this charter shall be begun in the county where the land lies, or in

Jurisdiction for condemnation.

Detail of
proceedings.

case the land lies in more than one county, then in either county, before the clerk of the Superior Court, by having summons issued against the owner or owners of such land and filing a petition before said clerk. The said petition shall set forth, as near as can be, a description of any land or water desired to be condemned, and state that same is honestly desired in good faith by the company for the use and purposes of its work or works or enterprise. Said petition shall be verified as pleadings in other civil actions. The petitioner shall give bond, as in other civil actions, for costs. When said petition is filed the clerk shall issue summons, citing defendants named in the petition to appear before him at his office, on a day therein named, not exceeding twenty days thereafter, to answer or demur to said petition, and show cause, if any they can, why the prayer of the petitioner should not be granted, which said summons, together with a copy of the petition, shall be served upon each defendant therein named; and if any defendant be a minor or a person *non compos mentis*, then upon such person's guardian, if there be any, and if there be no guardian, then the court shall appoint a guardian *ad litem* to represent the interest of such parties. Upon the hearing of the petition by the clerk, he shall appoint three disinterested freeholders as commissioners to assess the valuation of any damages. The said commissioners, in making said valuation, shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or water being acquired by the company, and also take into consideration any benefit or benefits that may accrue to the owner of such land or water by reason of such condemnation or action. The said commissioners shall make their report to the said clerk, in writing, within twenty days after receiving notice of their appointment, and shall file their report with the clerk within that time, using the form, or as near as can be, the form provided under section two thousand five hundred and eighty-six of the Revisal of one thousand nine hundred and five of North Carolina. Before entering upon their duties, said commissioners shall take and subscribe an oath, before anyone authorized to administer oaths, that they will fairly and impartially appraise the lands or waters mentioned in the petition. If the said owner or owners or the said company do not except to the valuation so reported within ten days after the filing of the report, the said clerk shall approve and confirm said report, and then, upon payment of such valuation and the costs of the proceedings, the said lands or waters shall vest in and be and become the property of said company for the purposes hereinbefore expressed, and the clerk shall so order. If either or both of the parties be dissatisfied with such valuation, then either or both parties may, within ten days after the filing of said report, file exception thereto (provided the clerk may give either party ten days more within which to file exceptions), and upon the deter-

Exceptions to
report.

mination of the same by the clerk, and upon notice to the other party, either party, within three days after such determination, may appeal to the Superior Court of the county in which the suit is pending to the next ensuing term thereof, and upon the demand of either party the said valuation shall be determined by a jury trial. If any such demand is not made, the judge may hear and determine the matter upon exceptions filed, and either party shall have the right to appeal to the Supreme Court, as in other civil cases, from adjudgment of the Superior Court. In case any land so acquired shall be claimed by more than one person, then the amount of the valuation shall be deposited with the clerk of the Superior Court of the county in which the action is pending, until the true owner or owners of the land or water and the proper person to receive said money can be ascertained by an action or suit or agreement between such claimants. If the owner or owners of the land or water cannot be found, and the return of the summons so shows, then it shall be sufficient service upon said owner or owners by publishing notice of the summons, with a statement of the nature of the action, for the space of four weeks, in some newspaper published in the county where the suit is pending, and if there be no newspaper published in said county, then in a newspaper published in an adjoining county. Said publication shall only be made after affidavit and order for publication, as in other civil actions, has been filed with the clerk. In case there are parties unknown, the court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown or whose residence is unknown and who has not appeared in the proceeding by an attorney or agent, and shall make a reasonable allowance to said attorney for his services, which shall be taxed in the bill of costs. The court shall also have power at any time to amend any defect or informality in any of the proceedings authorized by this charter as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as it deems proper, and also to appoint any other commissioner in place of any who shall die, refuse, neglect to serve or be incapable of serving. In all cases of appraisal under this charter, where the mode or manner of conducting all or any of the proceedings of the appraisal and the proceedings consequent thereto are not expressly provided for herein, the court before whom such proceedings may be pending shall have power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this charter. When any proceedings of appraisal shall have been commenced, any change of ownership by voluntary conveyance or transfer of the real estate or any interest therein of the subject-matter of the appraisal shall not in any manner affect such proceedings, but the same may be carried on and perfected as if no

Right of appeal.

Change of ownership pending appraisal.

Proviso: burying grounds not subject to condemnation.

Title to vest in company.

such conveyance or transfer had been made or attempted to be made. Defective titles may be cured as provided by section two thousand five hundred and ninety-five of the Revisal: *Provided further*, that the right of condemnation herein granted shall not authorize said company to invade or remove the burying ground of any individual without his or her consent. In case of any appeal to the Superior Court from the report of the commissioners or order of the clerk by either the said company or the said owner or owners of the land or water to be condemned, then the said company shall deposit with the clerk of the Superior Court of the county in which the said action is pending the sum named as the valuation of said land and water by the commissioners, and all costs of the proceeding up to the date of the appeal, and thereupon the title to said land or water shall vest in the said company for the purpose or purposes hereinbefore expressed or applied for; and when the valuation of said land shall be finally determined, as prescribed by this act, then the sum or sums so deposited with the clerk, or so much thereof as may be necessary to pay to the land or water owner or owners such valuation of said land or water, with such costs as he or they may recover, shall be paid to such land or water owner or owners, and any surplus shall be returned to said company. In case such deposit is not sufficient to pay all such valuation and costs, the court shall give judgment to said owner or owners for the amount of such deficiency, and such judgment shall be a lien on said land or lands or water, having priority over all other liens placed upon said land or water by said company or its assigns, and over any and all conveyances thereof made by said company.

Land condemned for railroad.

SEC. 10. Where any railroad or railway is constructed by this company under the provisions of this charter, the width of the land condemned for all such railroad or railway shall not be more than one hundred feet, except where there may be a deep cut or deep cuts or high embankments, when it may be of greater width.

Additional lands in emergencies.

SEC. 11. Whenever the track of any railroad or railway constructed by this company shall cross any railroad, railway, highway, turnpike or plank road, such highway, turnpike or plank road may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such highway, turnpike or plank road desirable, the said company may take such additional lands for the construction of such road, highway, turnpike or plank road on such new line as may be deemed requisite by the directors; and upon paying the owners therefor, the same, when so taken, shall become a part of such intersecting highway, turnpike or plank road, in such manner and by such tenure as the adjacent parts of the same highway, turnpike or plank road may be

held for highway purposes. In the constructing of its roadbeds the said company shall so construct same as not to impede the passage or transportation of persons or property along the same.

SEC. 12. Whenever said company constructs any railroad or railway or street railway or motor line, telephone, telegraph or transmission line or lines, it shall have the right to cross or parallel the track of any other railroad, railway, street railway or motor line.

Right to cross or parallel other roads.

SEC. 13. In order to prevent the frequent crossing of highways, turnpikes or plank roads, or in cases where it may be necessary to occupy the same, the company may change such rights of way so as to avoid such crossings and occupation, and to such points as may be deemed expedient.

Change of route to avoid crossings.

SEC. 14. For any injury done to the lands of persons by taking them, under the four preceding sections, the value thereof shall be assessed in like manner as is provided hereinbefore for assessing damages to real estate.

Assessment of damages.

SEC. 15. That the capital stock of said company shall be two hundred and fifty thousand dollars (\$250,000), with privilege to increase same, from time to time as it may see fit, to five million dollars, upon application to the Secretary of State and the payment of all lawful fees and costs required by law; that the par value of each share of stock shall be one hundred dollars; and the directors, with the consent and approval of a majority of the stockholders, or a resolution or resolutions adopted by a majority of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, real or personal property in payment of subscription to the capital stock, and may make such subscription payable in such manner and amounts and at such times as may be agreed upon with the subscribers; and the value placed upon such labor, material, bonds, stocks, contracts, real or personal property in payment of subscriptions to the capital stock, when placed or fixed by a majority of the directors, shall, in the absence of fraud or collusion, be conclusive of the same; and whenever one hundred shares shall have been subscribed, the subscribers, under the direction of the majority of the incorporators herein named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and provide for the election of such other officers and the adoption of such by-laws as may be necessary for the management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under this charter and the laws of this State. Every subscriber to or holder of stock in said company shall be liable for the debts of the said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

Capital stock.

Shares of stock.

Payment of subscriptions.

Organization of company.

Liability of stockholders.

Preliminary organization.

SEC. 16. That until the said corporation shall have fully organized, the incorporators hereinbefore named shall have full and complete charge, control and management of its affairs and operations.

Principal.

SEC. 17. That the principal place of business of said corporation shall be at Murphy, in the county of Cherokee, State of North Carolina, but branch offices may be established at any other places the corporation may desire, either in or out of the State, and it may do business in any other State. Said corporation may also hold any meeting or meetings of its stockholders or directors either within or outside of the State of North Carolina: *Provided*, this act shall not apply to the county of Swain.

Meetings of stockholders and directors.

Proviso: Swain county excepted.

SEC. 18. This act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 77.

AN ACT TO AUTHORIZE THE TOWN OF SILER CITY, IN CHATHAM COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF PURCHASING, IMPROVING, EQUIPPING AND MAINTAINING SCHOOL PROPERTY FOR THE TOWN OF SILER CITY.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the board of commissioners of the town of Siler City, in the county of Chatham, is hereby empowered and authorized to issue, in the name of the town of Siler City, bonds, in such denominations and form as it may determine, to an amount not exceeding five thousand dollars, payable at such time or times as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from the date of their issue.

Amount.

Maturity.

Interest.

SEC. 2. That the said bonds shall bear interest at no greater rate than six per cent per annum, and the interest shall be payable either annually or semiannually, as the board of commissioners may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value; that the said bonds may be sold either publicly or privately, as the board shall determine.

Bonds not to be sold below par.

Authentication.

SEC. 3. That the bonds shall be signed by the mayor, attested by the town clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of town taxes; that for the purpose of paying said bonds at maturity, and said coupons as they

Coupons receivable for town taxes.

become due, it shall be the duty of the board of commissioners and Special tax.
 it is hereby empowered to levy and collect each year a sufficient
 special tax upon all subjects of taxation which are now or may
 hereafter be embraced in the subjects of taxation under the charter
 of said town, and at the time and in the manner as other taxes
 are collected under said charter: *Provided*, that the total rate of Proviso: limit of
 taxation allowed for special purposes set forth in this act shall not tax rate.
 exceed thirty cents on each one hundred dollars valuation of prop-
 erty and ninety cents on each taxable poll: *Provided further*, Proviso: specific
 that the taxes collected under this act shall be used exclusively appropriation.
 for the purpose of paying said bonds and interest coupons as the
 same may become due, and it shall be the duty of the town treas-
 urer, as the said coupons are taken up and paid off, to cancel
 the same, and report not less than twice a year to the board of Reports.
 commissioners the number and amounts of the coupons canceled.

SEC. 4. That the board of commissioners shall not issue said Bonds not to
 bonds, nor any of them, nor levy and collect said tax until it issue until au-
 shall have been authorized and empowered to do so by a majority thorized by
 of the qualified voters of said town at an election to be held voters.
 at such time as said board may appoint, of which election notice Notice of election.
 shall be given for not less than twenty days in some newspaper
 published in said town; and at such election those favoring the Ballots.
 issue of said bonds shall vote a ballot upon which is written or
 printed "For Bonds," and those opposing the same shall vote a
 written or printed ballot containing the words "Against Bonds."
 Said election shall be held under the same rules and regulations
 as elections for mayor and other town officers: *Provided*, that Law governing
 the board of commissioners may in its discretion order a new election.
 registration of voters: *Provided further*, that a failure of the Proviso: new
 voters to ratify this act in any election held as aforesaid shall registration.
 not prevent the board of commissioners in its discretion from Proviso: subse-
 causing a subsequent election to be held for the same purpose, quent elections.
 but no such subsequent election shall be held within twelve months
 from the time a former election is held under the provisions of this
 act: *Provided further*, that in any call for an election to be held
 under this act the board of commissioners shall specify the amount Proviso: call for
 of bonds to be issued, and it shall be unlawful for said board to election to specify
 issue any bonds in excess of the amount so specified. amount.

SEC. 5. That the said bonds and the proceeds arising from the Purposes of issue.
 sale of the same shall be used by the board of commissioners for
 the following purposes, and for no other purpose, to wit: For
 purchasing, improving, equipping and maintaining school property
 for the said town: for equipping the said school building or
 buildings with steam or other heat and electric or other lights,
 or in any manner permanently improving the said school prop-
 erty and buildings: *Provided*, that in a call for an election to be Proviso: call for
 held under this act the board of commissioners shall specify the election to specify
 purpose.

Proviso: responsibility of purchasers.

purpose for which said bonds are issued: *Provided further*, that the purchasers of said bonds shall in no respect be responsible for the application of said bonds.

Powers of commissioners.

SEC. 6. That the said board of commissioners shall have entire supervision and control of any and all of the said property and buildings that may be acquired under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and to pay the same from any of the revenue of the town not otherwise appropriated, and to do all other proper things to carry into effect the true intent of this act.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 78.

AN ACT TO REPEAL CHAPTER 44 OF THE PRIVATE LAWS OF NORTH CAROLINA, EXTRA SESSION OF 1908, RELATIVE TO THE POWERS OF THE BUILDING COMMITTEE FOR A GIRLS' DORMITORY IN CONNECTION WITH CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL, AND TO SUBSTITUTE AN ACT THEREFOR.

Preamble.

Whereas chapter forty-four of the Private Laws of North Carolina, extra session one thousand nine hundred and eight, provides for a building committee for a girls' dormitory in connection with Cullowhee Normal and Industrial School, with power to condemn lands as a suitable site therefor; and whereas, since the passage of said act, the necessity for such condemnation proceedings no longer exists, by reason of a satisfactory agreement with the party owning lands adjacent and contiguous to the present site of said school, such agreement having been made and concluded by purchasing; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter forty-four of the Private Laws of the extra session of one thousand nine hundred and eight be and the same is hereby repealed and this act is substituted in lieu thereof.

Building committee.

SEC. 2. That the following-named persons shall constitute a building committee, with power to erect said building and to pay for the same out of the funds appropriated for that purpose, viz., Felix E. Alley, W. L. Henson, J. N. Wilson, W. A. Henson and Robert L. Madison, all of the county of Jackson, who are hereby appointed as a building committee with full power and authority

Power and authority.

to adopt plans and specifications for said building, to advertise for bids and to make all contracts for the proper erection and completion of said building, to decide on the location of said building and to purchase or accept, by deed or devise, a suitable site therefor.

SEC. 3. *Provided*, that the building committee hereinbefore mentioned shall serve without compensation. Committee to serve without pay.

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

Ratified this the 16th day of February, A. D. 1909.

CHAPTER 79.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MORGANTON TO ISSUE REFUNDING BONDS.

Whereas the Board of Commissioners of Morganton have heretofore issued coupon bonds, bearing interest, payable semiannually, at the rate of six per cent per annum, said bonds aggregating eighteen thousand dollars and falling due as follows: five thousand dollars on July first, one thousand nine hundred and nine; five thousand dollars, May first, one thousand nine hundred and eleven; three thousand dollars, May first, one thousand nine hundred and thirteen, and five thousand dollars, May first, one thousand nine hundred and nineteen; and whereas the bonds aforesaid were issued in pursuance of the authority granted by the General Assembly of North Carolina in chapter fifty-six, Private Laws of one thousand eight hundred and eighty-nine; chapter one hundred and seven, Private Laws of one thousand eight hundred and ninety-one; chapter two hundred and fifty-nine, Private Laws of one thousand eight hundred and ninety-three, and chapter twenty, Private Laws of one thousand eight hundred and ninety-nine, respectively, and a vote of a majority of the qualified voters of the town of Morganton, duly held in pursuance of said acts; and whereas the Board of Commissioners of Morganton desire to refund said bonds as they severally mature, and to issue new bonds in like amount for said purpose:

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Morganton be and they are hereby authorized and empowered to issue bonds, to an amount not exceeding eighteen thousand dollars (\$18,000), for the purpose aforesaid. Bond issue authorized. Amount.

SEC. 2. The bonds authorized by this act shall be negotiable coupon bonds, payable to bearer, the principal thereof payable twenty years from date of issue, and the interest in semiannual

Interest.	installments, at a rate to be fixed by the Board of Commissioners of Morganton, not to exceed six per cent per annum, and shall be of such form and denomination and payable as to principal and interest at such place or places as said commissioners may determine.
Authentication.	SEC. 3. Said bonds shall be signed by the mayor, countersigned by the clerk of the board and sealed with the corporate seal of said corporation, and the coupons on said bonds may be authenticated by the engraved or lithographic facsimile signature of the mayor. Both principal and interest of said bonds may be made payable in gold coin of the United States, of the present standard of weight and fineness.
Payable in gold.	
Specific appropriation.	SEC. 4. The proceeds of the sale of said bonds, when sold, shall be applied only for the purposes aforesaid—that is to say, for the redemption of the bonds, aggregating eighteen thousand dollars (\$18,000), heretofore issued by said commissioners, as aforesaid:
Proviso: obligation of purchasers.	<i>Provided</i> , that the purchasers of said refunding bonds shall not be required to see that the purchase money of said bonds is so applied.
Bonds issued from time to time.	SEC. 5. That said bonds may be issued from time to time in amounts sufficient for the redemption of the said outstanding bonds as they severally mature or as the said commissioners may be able to purchase said outstanding bonds or any part thereof before maturity, but the aggregate amount of refunding bonds so issued shall in no event exceed in amount eighteen thousand dollars (\$18,000).
Resolution authorizing issue.	SEC. 6. The resolution of the Board of Commissioners of Morganton determining the form of said refunding bonds and finally authorizing their issue may be introduced and passed, at either a regular or special meeting of said board, by a majority of the members of said board present at such meeting, and no other or further proceedings shall be necessary for the issuance of said bonds, and all bonds issued in compliance with the provisions of this act shall be and become valid, legal and binding obligations of the Board of Commissioners of Morganton.
Special tax for interest and sinking fund.	SEC. 7. The Board of Commissioners of Morganton are hereby required and it shall be their duty, which shall be deemed mandatory, to levy and collect, in addition to other taxes, a tax upon all taxable property and polls in the town of Morganton sufficient to pay the interest on the bonds issued by virtue of this act, as the same becomes due, and to create a sinking fund for the redemption of said bonds at maturity: <i>Provided</i> , the tax so levied and collected shall not exceed thirty-eight and one-third ($38\frac{1}{3}$) cents on the hundred dollars' worth of taxable property and one dollar and fifteen cents on each taxable poll.
Proviso: limit of tax rate.	
Specific appropriation of proceeds.	SEC. 8. The proceeds of the sale of said refunding bonds, when sold, shall constitute a special fund, and shall be deposited in bank and paid out upon proper warrants of the said Board of

Commissioners of Morganton, signed by the mayor and town clerk, and shall be used only for the purpose of retiring the outstanding bonds aforesaid: *Provided*, that said bonds shall not be sold for less than par, and that the town treasurer shall not be entitled to receive any commission for receiving or disbursing said special fund.

Proviso: bonds not sold below par.
Town treasurer to receive no commission.

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 16th day of February, A. D. 1909.

CHAPTER 80.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF THE TOWN OF REIDSVILLE TO REMOVE OBSTRUCTIONS FROM ITS STREETS AND PUBLIC GROUNDS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Reidsville shall have power to remove from its streets, sidewalks, alleys, avenues, cemeteries, public parks, hospital grounds and other public grounds, all private houses, parts of houses, sheds, platforms, steps, fences, trees, poles and all other obstructions of whatever character. Ten days' written notice shall be given by said board of commissioners, through any town officer, to the party claiming any such obstruction to remove the same, and if the owner shall fail to remove it within that time, then the street commissioner or other officer acting under the order of the board of commissioners may remove the same, at the cost of the owner, said cost to be collected in the same manner as are fines in the mayor's court: *Provided*, that if any such obstruction be a dwelling house forty days' notice shall be given, and if an outhouse or shop twenty days' notice shall be given. All streets, sidewalks, alleys, avenues and public grounds lying within the corporate limits of said town, and the cemeteries, public parks, hospital grounds and all other public grounds belonging to said town, lying outside of said corporate limits, acquired either by purchase, condemnation proceedings or opened by other parties and donated to said town, whether deeded to the town or not, shall be subject to the provisions of this act: *Provided*, that no street opened by private parties shall become subject to this act until one or more lots on said street are actually sold and deeded.

Power to remove obstructions.

Notice to obstructors.

Removal at cost of owner.

Proviso: notice if obstruction is dwelling house.
Notice if outhouse or shop.
Lands subject to act.

Proviso: streets opened by private parties.

SEC. 2. When a contention shall arise between the board of town commissioners and another party touching the true position of any, street line or line of other public grounds, said commissioners shall cause the same to be rerun by a surveyor acting for the town, af-

Street lines to be resurveyed.

Official map.

Streets and
grounds not on
official map.Approval of
survey.Claims for
damages.By-laws for
ascertainment of
streets.

ter giving that party five days' written notice, who may, if he desires, employ another surveyor to inspect the work as it progresses. The town surveyor shall demand of that party the deed covering his lot, and if he fails to deliver it the boundaries of the lot must be procured from the register's office, if recorded, and if not recorded the town surveyor may proceed without them. In all such surveys the official map of the town, showing the lengths and widths of the several streets, made by P. H. Fontaine in one thousand eight hundred and eighty-seven, shall be used as a chart, as far as it covers the streets and public grounds of the town. The deeds of abutting landowners must also be inspected. In surveying lines of other streets and public grounds not shown on said official map, recourse may be had to town records, private maps, deeds of abutting landowners and any future authorized map of the town. After making his survey, the town surveyor shall make written report and map of his work to said board of commissioners, showing the street line and width of street as surveyed, also lines of contestant's lot, with their lengths, as measured by himself, and their lengths given in the deed. If the board of town commissioners approve the survey, they may proceed under section one of this act to remove any obstructions lying in the street or public grounds according to this survey. Any landowner deeming himself damaged by such action of the board of commissioners may seek redress under section sixteen, chapter fifty-eight of the Private Laws of one thousand eight hundred and eighty-seven, entitled "An act to amend, revise and consolidate the charter of the town of Reidsville and the amendments thereto."

SEC. 3. The board of town commissioners shall have power to make by-laws, accompanied by fines for violation thereof, providing for the ascertainment of street lines by private parties before building houses, fences or other structures thereon.

SEC. 4. Any laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 16th day of February, A. D. 1909.

CHAPTER 81.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROSE HILL, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That section two (2) of chapter sixty-seven of the Private Laws of one thousand nine hundred and one be amended by striking out all of the same after the words "as follows" and substituting in lieu thereof the following words: "Beginning at a

point one-half mile due south of the intersection of Main Street with the Wilmington and Weldon Railroad; thence due east one-half mile; thence due north one mile; thence due west to eastern margin of Sycamore Street, produced; thence with the eastern margin of said street to Island Creek Canal; thence up said canal a straight line to the edge of the right of way on the west side of said railroad, sixty-five feet from the center of the track; thence with the western margin of said right of way to line of third call of this boundary, which runs due west; thence with line of said third call, produced, one mile from its eastern extremity; thence due south one mile; thence due east one-half mile, to the beginning."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 17th day of February, A. D. 1909.

CHAPTER 82.

AN ACT TO PROVIDE FOR THE ISSUING OF BONDS IN THE TOWN OF HIGHLANDS, IN MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Highlands is hereby authorized and empowered to create a debt for public improvements, such as grading and paving streets and sidewalks and other necessary improvements of a public nature, to an amount not exceeding three thousand dollars, and may issue bonds to that amount for any one or more of the necessary expenses in the town of Highlands, in denominations and form and payable at such place and time, not exceeding twenty years, and bearing interest at no greater rate than six per centum per annum, payable annually or semiannually, as the board of commissioners may determine.

Power to create debt for public improvements.

Amount.

Denomination and form of bonds.

Maturity.

Interest.

SEC. 2. That the bonds for the aforesaid purposes shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at four public places in said town, at an election to be held under the same rules and regulations as are now provided by the charter for elections in said town. Such notice shall set forth the object for which the bonds are to be issued, the amount of the same, the rate of interest, the time when they mature, and the rate of tax to be levied to pay the principal and interest on the bonds. The qualified voters approving the issue of such bonds and the levy and collection of the taxes to pay the same shall deposit in a ballot box a written or printed ballot with the word "Approved" thereon, and those disapproving the same shall deposit a like ballot with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the mayor and board of commissioners of said

Bond issue to be approved by voters of town.

Notice of election.

Ballots.

Effect of election.

Questions voted
on separately.

Proviso: election
ordered by
petition.

Authentication.

Tax for interest
and sinking fund.

Proviso: invest-
ment of surplus.

Proviso: bond of
clerk and treas-
urer.

Proviso: limit of
tax rate.

town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the taxes therein named and authorized by this act. At such election, upon the proper notice having been given, as above set forth, the question of issuing the bonds for more than one purpose, within the meaning of this act, may be voted on in separate boxes, under the same rules and regulations as above set out; but in such case the ballots shall contain the purpose of the bonds, with the word "Approved" or "Disapproved" following, as the voter may desire: *Provided*, that no election shall be ordered unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matter above required in the notice of election.

SEC. 3. That said bonds shall be issued under the signature of the mayor of the said town and attested by the town clerk and treasurer, under the official seal of said town; and the mayor shall, under the direction of the commissioners, dispose of said bonds at a sum not less than par value.

SEC. 4. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, or for purchasing and canceling the same before due, it shall be the duty of the board of commissioners of said town, at the time fixed for the levy of other taxes in the same, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation, which taxes so collected shall at all times be kept separate and distinct and used only for the purpose above set out: *Provided*, that so much of the tax levied each year as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase or discharge of said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above-described amounts from time to time, it shall be the duty of the treasurer of said town, under such regulations as the board of commissioners thereof shall from time to time prescribe, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said commissioners may prescribe: *Provided further*, that the board of commissioners of said town may require an official bond of the clerk and treasurer, not exceeding one thousand dollars, for the faithful discharge of all the duties pertaining to his office: *Provided further*, that the rate of taxation in said town (not including license and privilege taxes) shall not at any time exceed the rate of one dollar and twenty-five cents on every one hundred dollars valuation and a poll tax not exceeding three dollars and seventy-five cents, with which to pay both the ordinary expenses of said town and the special taxes provided for herein.

SEC. 5. That the clerk and treasurer of said town shall keep a Record of bonds, record in which shall be written the name of every purchaser of a bond and the number and amount thereof, and he shall keep an accurate account of the coupons and bonds which shall be paid and canceled, so that the true state of the bonded indebtedness of the town shall be readily seen and ascertained at any time by any taxpayer of said town.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 83.

AN ACT AUTHORIZING THE TRANSFER OF CERTAIN MONEYS BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF LENOIR FROM THE WATER TO THE STREET FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of commissioners of the town of Lenoir, in Caldwell County, are hereby authorized and empowered to transfer any surplus funds arising from the sale of water and sewerage bonds remaining after installment of the water and sewerage systems for the town to the fund for street improvement.

SEC. 2. That any transfer of funds heretofore made is hereby ratified and declared legal.

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

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 84.

AN ACT TO AMEND CHAPTER 182, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, PROVIDING FOR A SPECIAL ELECTION TO VOTE BONDS FOR ANDREWS SCHOOL DISTRICT, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of chapter one hundred and eighty-two, Private Laws of North Carolina, session of one thousand nine hundred and five, be amended by striking out the word "five," in line three thereof, and substituting in place thereof the word "fifteen."

Election for ratification.

SEC. 2. That a special election may be called at any time hereafter to ratify the foregoing section. Said election shall be called and held in the manner provided in said chapter one hundred and eighty-two, Private Laws of North Carolina, session one thousand nine hundred and five.

Land for school buildings and grounds.

SEC. 3. That section twenty-three of said chapter be amended by adding to that section the following words, to wit: "That the trustees are authorized to acquire, by purchase or condemnation, as hereinbefore provided, such quantity of land for sites for school buildings and grounds for each school as may appear to them to be necessary, not exceeding fifteen acres for each school in said district."

Moneys paid to treasurer of district.

SEC. 4. That all moneys belonging to Andrews School District or intended for the use of Andrews High School shall be paid over direct to the treasurer of said district by the Sheriff of Cherokee County and the State Treasurer of North Carolina, to be disbursed by him only under the direction of the board of trustees, as heretofore provided.

SEC. 5. That all laws or clauses of laws in conflict herewith are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 18th day of February, A. D. 1909.

CHAPTER 85.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Aldermen to appoint inspector of meters.

SECTION 1. That it shall be the duty of the board of aldermen of the city of Greensboro to appoint a competent person, whose duty it shall be to examine and test all gas and electric meters to be used in the city of Greensboro and to see that they are suitable to properly register all gas or electricity used, and such appointee shall have the right to read all such meters and report each month the amounts registered to the clerk of the board of aldermen. Any person or corporation refusing to submit such meters to such appointee for inspection or to allow such appointee to examine and read such meters, as herein provided, shall be guilty of a misdemeanor and fined not to exceed fifty dollars or imprisoned not to exceed thirty days: *Provided*, the said aldermen shall not have the right to charge or collect out of the person to whom the said meter shall be furnished any fee or compensation for the services of such appointee herein provided.

Inspection.

Refusal to submit to inspection a misdemeanor.

Punishment.

SEC. 2. That any person, firm or corporation who shall place any meter for gas or electricity in any house in the city of Greensboro without having same tested by the said appointee before placing said meter in any house shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not more than thirty days.

Placing untested meter a misdemeanor.

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

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 86.

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE KING'S MOUNTAIN GRADED SCHOOLS TO ISSUE BONDS AND LEVY A TAX FOR THE PURPOSE OF BUYING LAND AND ERECTING AND EQUIPPING A GRADED-SCHOOL BUILDING IN KING'S MOUNTAIN, NORTH CAROLINA, AND AMENDING SECTION 6, CHAPTER 381, PRIVATE LAWS OF NORTH CAROLINA FOR 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of raising money to buy land and build and equip a graded-school building thereon for the King's Mountain Graded-school District, the board of trustees of the said King's Mountain Graded-school District is hereby authorized and empowered to issue bonds, to an amount not exceeding twenty thousand dollars (\$20,000), payable at such time and place as it may designate, which bonds shall bear interest, not exceeding six per centum per annum, payable annually, at such time and place as said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be signed in the name of the board of trustees of the King's Mountain Graded-school District, under its corporate seal, by the chairman of said board, and attested by its secretary, and shall mature in not less than twenty nor more than thirty years from the date of their issue.

Purpose of bonds

Bond issue authorized.

Amount.

Interest.

Authentication.

Maturity.

SEC. 2. That none of said bonds shall be disposed of, by sale, exchange, hypothecation or otherwise, for less price than their par value, nor shall said bonds or their proceeds be used for any purpose other than that declared in section one of this act.

Bonds not sold below par.

Specific appropriation.

SEC. 3. That for the purpose of providing for the payment of the said bonds at their maturity, the Board of Town Commissioners of King's Mountain shall, annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning

Special tax for interest and sinking fund.

the first day of June, levy and lay a special tax on all polls and property subject to taxation within said graded-school district sufficient to meet the annual accruing interest on said bonds and provide a sinking fund for the payment of same at their maturity.

Collection and
payment of tax.

SEC. 4. That such taxes shall be collected by the city tax collector as other municipal and public graded-school taxes are collected; and he shall pay over the same to the city treasurer, as treasurer *ex officio* of said board of trustees of the said King's Mountain Graded Schools, and said city treasurer shall keep such graded-school-bond funds separate and apart from all other moneys in his hands, and shall pay out the same only upon the warrants of the chairman and secretary of said board of trustees of said King's Mountain Graded Schools and exclusively for the purpose for which they are collected.

Warrants for
school funds.

Act submitted
to voters.

SEC. 5. That the provisions of this act, with reference to the issuing of bonds and the levying of taxes, shall be submitted to the qualified voters of the King's Mountain Graded-school District, for ratification or rejection, at an election to be called by the board of town commissioners of said town of King's Mountain, and such election shall be held as elections for mayor and commissioners are held in said town, and all provisions of the law governing the holding of such municipal elections shall apply thereto, unless herein otherwise provided.

Election to be
called.

Law governing
election.

Notice of election.

Notice that such election has been called shall be published for not less than thirty days in some newspaper published in said town of King's Mountain, which notice shall state the purpose of such election and at the time at which it is to be held, and shall recite, in full or in substance, sections one and three of this act. At such election those favoring the issuing of such bonds and the levying of the particular taxes herein provided for shall vote a written or printed ballot containing the words "For Graded-school Bonds," and those opposing the issue of such bonds and the levying of such taxes shall vote a ballot containing the words "Against Graded-school Bonds."

Ballots.

Count and canvass
of votes.

SEC. 6. It shall be the duty of the registrar and judges of election to count and canvass the votes cast at such election and to judicially determine and declare the result thereof. Said registrar and judges of election shall prepare and file with the city clerk an abstract setting out the number of votes cast, and how cast, in the graded-school district at such election, the number of qualified voters therein, and the result of such election, as judicially determined and declared by them. The city clerk shall record such abstract as a permanent record of said town, and shall forthwith furnish to said board of trustees of said King's Mountain Graded Schools a copy thereof, to the correctness of which he shall certify over his hand the corporate seal of said town of King's Mountain.

Abstracts.

If election be
favorable to bond
issue.

SEC. 7. That should the result of said election be favorable to such bond issue, said board of trustees of said King's Mountain

Graded Schools shall, without unnecessary delay, proceed to issue the same, in an amount not exceeding twenty thousand dollars (\$20,000), and to make sale thereof, in such manner and upon such time as said board may deem most advantageous, subject, however, to the provisions of this act. Should the result of this election be unfavorable to the bond issue, then the board of town commissioners may at any time thereafter call another election and again submit the same question as herein involved to the qualified voters of the King's Mountain Graded-school District, under the same rules, regulations and provisions as herein provided for this election; and if at any such subsequent election the majority of the votes cast shall be "For Graded-school Bonds," it shall have the same force and effect as if no election had been previously held.

SEC. 8. That the said bonds may be sold at private or public sale, with or without notice, as the said board of trustees of said King's Mountain Graded Schools may direct, and the proceeds of such sale shall be turned over to the city treasurer, as treasurer *ex officio* of the said board of trustees of said King's Mountain Graded Schools, who shall give such bond for the safe-keeping and disbursement of the said fund as shall be required of him by the said board of trustees of said King's Mountain Graded Schools, and his compensation, both for receiving and paying out said fund, shall be such as shall be fixed and determined by the said board of trustees of said King's Mountain Graded Schools. It shall be the duty of the said treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the said board of trustees of said King's Mountain Graded Schools the number and amount of the coupons so canceled.

SEC. 9. That section six, chapter three hundred and eighty-one, Private Laws of North Carolina of one thousand nine hundred and five, be amended to read as follows: "That the board of aldermen or board of commissioners of said town, in case a special tax shall be voted in the election, shall meet and elect a board of trustees of the King's Mountain Graded Schools, said board to be composed of six members, and said board shall be constituted a board of trustees for the management and conduct of said graded schools; that said board shall have power to employ teachers and do all such acts as may be necessary to carry on the said graded schools. The board of aldermen or commissioners of said town of King's Mountain shall have the power and authority to fill all vacancies occurring in the said board of trustees of said graded schools, and to appoint and elect successors upon expiration of the term, and the terms of office of said members of the board of trustees of said graded schools first elected after the passage of this amendment shall be as follows: The first two named trustees shall serve for two years; the second two named for four years, and the

last two named for six years, in the order of their election by the board of aldermen or commissioners of said town of King's Mountain; and the terms of office of the members of said board of trustees elected as successors to members whose terms have expired shall be for six years."

Effect of act.

SEC. 10. That this act shall not be construed to include or affect the patrons of the East King's Mountain School District or to change the lines and boundaries of the said East King's Mountain School District, as laid out and defined by chapter four hundred and fifty-one, Private Laws of one thousand nine hundred and seven.

SEC. 11. That this act shall be in force and effect from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 87.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF OLD FORT, IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

School district designated.

SECTION 1. That for purposes and benefits of this act the town of Old Fort shall be a public-school district and is hereby named and designated the Old Fort Graded-school District.

Graded-school committee.

SEC. 2. That the graded-school committee for said school district of Old Fort shall consist of five members, and that L. P. Crawford, P. H. Mashburn, C. H. Burgin, T. M. Davis and J. S. Bradley constitute said committee; that the term of L. P. Crawford shall expire on the first Monday in May, one thousand nine hundred and eleven; that the term of P. H. Mashburn shall expire on the first Monday in May, one thousand nine hundred and twelve; that the term of C. H. Burgin shall expire on the first Monday in May, one thousand nine hundred and thirteen; that the term of T. M. Davis shall expire on the first Monday in May, one thousand nine hundred and fourteen; that the term of J. S. Bradley shall expire on the first Monday in May, one thousand nine hundred and fifteen. As the terms of office of the above committee shall expire, their successors shall be appointed or elected by the remaining members of said committee for a term of two years. When any vacancies occur, other than by expiration of term of office, they shall be filled as above specified.

Terms of office.

Election of successors.

Vacancies.

Powers of committee.

SEC. 3. That the school committee provided for by this act shall have exclusive control of the public-school interests, funds and property in the public-school district, as hereinbefore provided, and shall prescribe rules and regulations for their own government, not inconsistent with law; shall elect all teachers for said school and

have power to dismiss the same for cause, and shall fix the compensation of officers and teachers of said school annually: shall make an accurate census of the school population of said district, as required by the general school law of the State, and do all other acts that may be lawful and proper to conduct and manage the school interests in said district.

SEC. 4. That all the children between the ages of six and twenty-one years who reside in said school district shall be admitted into said school free of tuition charges.

SEC. 5. That there shall be levied annually by the board of aldermen of the town of Old Fort, on the recommendation of the said school committee as to the amount needed, at the time of levying other taxes for the town of Old Fort, a tax not to exceed twenty cents on the one hundred dollars valuation of all real and personal property and not to exceed sixty cents on every poll within said school district, for the maintenance of said graded school; and the said taxes so levied shall be collected by the tax collector of said town, under the same laws and regulations that govern other town taxes, and the said taxes shall be kept separate from all other funds, and he shall turn over the same to the treasurer of the county of McDowell, to be paid out only on warrant signed by the chairman and countersigned by the secretary of said committee.

SEC. 6. That all public-school funds derived from the State and county for the use of the public-school district of said town of Old Fort shall be paid to the Treasurer of McDowell County for the use of said graded school, to be kept separate and apart from all other funds and paid out on the warrant signed by the chairman and countersigned by the secretary of said school committee for the benefit of said school.

SEC. 7. That the school committee provided for by this said act shall have the right to control the sites, lands, buildings and any and all property belonging to the Old Fort Public-school District, and the title thereto is vested in said committee and their successors. The committee shall fix the time for the beginning and ending of the school year for said district.

SEC. 8. The committee hereby created shall be a body corporate, by the name of the Old Fort Graded School, and by that name shall be capable of receiving gifts and grants or making purchases and holding real and personal estate, of selling and transferring the same for school purposes, of prosecuting and defending suits against the corporation hereby created. All conveyances to said school committee shall be to them and their successors in office.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

School census.

Pupils received free of tuition.

Levy of school tax.

Rate.

Collection and payment of tax.

Warrants for school funds.

Apportionments from general school funds.

Lands, sites and buildings.

School year.

Committee incorporated. Corporate name. Corporate powers.

Conveyances to committee.

CHAPTER 88.

AN ACT TO PAY C. C. HONEYCUTT, A SCHOOL-TEACHER,
FOR SERVICES RENDERED AS SCHOOL-TEACHER IN
STANLY COUNTY.*The General Assembly of North Carolina do enact:*Payment
authorized.

SECTION 1. The County Board of Education of Stanly County is hereby authorized and empowered to order the payment to C. C. Honeycutt of thirty-six dollars and forty cents for services rendered in the year one thousand nine hundred and seven, and evidenced by an order signed by three members of the school committee and approved by the County Superintendent of Stanly County at that time; the same to be paid, if ordered, out of the funds apportioned by said county board of education to District Number Seven (white race), Furr Township, of said county, for the school year ending June thirtieth, one thousand nine hundred and ten.

Fund from which
payment to be
made.

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

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 89.

AN ACT TO AMEND CHAPTER 146 OF THE PRIVATE LAWS
OF NORTH CAROLINA OF 1897, ENTITLED "AN ACT TO
AMEND THE CHARTER OF THE TOWN OF ENFIELD,
NORTH CAROLINA."*The General Assembly of North Carolina do enact:*Tax rate on
property.

SECTION 1. That subsection one of section thirty-one of chapter one hundred and forty-six of the Private Laws of North Carolina of one thousand eight hundred and ninety-seven be and the same is hereby amended as follows: Strike out the word "thirty," in the fourth line of said subsection one of section thirty-one, and insert in lieu thereof the word "fifty."

Poll tax.

SEC. 2. That subsection two of section thirty-one of chapter one hundred and forty-six of the Private Laws of one thousand eight hundred and ninety-seven be and the same is hereby amended as follows: Strike out the words "one dollar," in line one of said subsection two, section thirty-one, and insert in lieu thereof the words "one dollar and fifty cents."

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 90.

AN ACT TO ESTABLISH AND DEFINE THE DUTIES OF THE BOARD OF INTERNAL IMPROVEMENTS OF THE TOWN OF MARSHALL.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the powers and duties heretofore granted and imposed upon the board of internal improvements of the town of Marshall by law, the said board of internal improvements are hereby authorized and empowered to lay out, designate and create taxing districts in said town for the purpose of aiding in the grading, macadamizing, paving or otherwise improving the streets or roads of said town, in any manner they may deem to the best interests of said town. Taxing.

SEC. 2. That in said taxing districts which said board of internal improvements are authorized to create and establish from time to time, in their discretion, the said board of internal improvements is hereby authorized and empowered to assess the abutting property on each side of said street or road graded, macadamized, paved or otherwise improved an amount not to exceed one-fourth the actual cost of the same. Assessments on abutting property for street improvements.

SEC. 3. That the amount of the assessment made against the abutting lots or property so improved, as hereinbefore provided, shall be estimated and ascertained by said board of internal improvements by charging each abutting property or lot with its *pro rata* part of the entire cost of the improvement made in each taxing district, based on the frontage of each separate lot or property on the street or road improved, as compared with the entire length of said street or road in said taxing district. Plan of assessment.

SEC. 4. The amount of the assessment so made shall be a lien on such abutting lots or property, and shall be entered upon the minutes of said board, and shall be due and payable, one-third in four months, one-third in eight months and one-third in twelve months from and after the completion of the work on said street or road in said taxing district; and if the same is not paid within thirty days after notice to the owner or his agent of the maturity of such installment, or either of them, the said treasurer of said board shall issue execution against said lot or lots, directed to the policemen of said town, who shall advertise said lot or property for thirty days in some newspaper published in said town and at the county courthouse door, and shall sell the same to the highest bidder, for cash, and out of the proceeds arising from said sale shall pay all assessments against said property and costs, and the surplus, if any, to the owner: *Provided, however,* that the owner of said lot or property so sold may redeem the same at any time within six months from the date of said sale by paying to the treasurer of said board the amount of the said assessment Assessment a lien on property.
Process for collection.
Proviso: right of redemption.

Deed for property not redeemed. and costs, with twenty per cent interest thereon from the date of said sale. If the owner of said lot or property shall fail to redeem the same within the time aforesaid, then it shall be the duty of said policeman making said sale, or his successor in office, to execute a deed in fee simple for said lots or property to the purchaser.

Notice to owners. SEC. 5. That the treasurer of said board shall, within thirty days from the levying of said assessment, cause notice thereof to be served on the owner of said property, or his agent, by a policeman of said town, if said owner or his agent resides in the said county of Madison; if not, then by mail, if his address be known, and if not known, by publication in some newspaper published in said town, once each week for four weeks; and the said owner or agent may, within thirty days from the service of said notice, as aforesaid, file with the mayor of said town exceptions setting forth the grounds of his objection to said assessment, and said mayor shall hear the same and render his judgment thereon, from which judgment either the owner or the board of internal improvements may appeal to the Superior Court, in the same way and manner that appeals are allowed from justices of the peace, and the trial in the Superior Court shall be *de novo*.

Appeal to superior court.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 91.

AN ACT TO FURTHER EXTEND THE POWER AND AUTHORITY OF THE BUILDING COMMITTEE OF THE TOWN OF MARSHALL.

The General Assembly of North Carolina do enact:

Permit tax.

SECTION 1. That the building committee of the town of Marshall is authorized and empowered to charge a license or permit tax of from one to three dollars, to wit, for the erection or improvement of a building that will cost five hundred dollars or less, one dollar; for the erection or improvement of a building to cost from five hundred dollars to one thousand dollars, two dollars, and for the erection or improvement of a building that will cost one thousand dollars or upwards, three dollars.

Use of tax.

SEC. 2. That said permit tax shall go into a fund for the purpose of paying the expenses of said building committee.

Pay to members of building committee.

SEC. 3. The members of said building committee shall be paid for their services a sum not greater than fifty cents to each member for any regularly called meeting to consider an application for the erection or improvement of a building in the said town

of Marshall, which sum or sums shall be due and payable out of any moneys that may come to said board, as provided in section two of this act.

SEC. 4. That said building committee, at their first meeting after the ratification of this act, may elect one of its members as treasurer of said committee, who shall hold the funds provided for in this act, and disburse them, as is provided for in this act, on orders made and issued by the said committee at their meetings.

Election of treasurer.

Duties.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 92.

AN ACT TO ESTABLISH THE MORVEN HIGH-SCHOOL DISTRICT.

The General Assembly of North Carolina do enact: .

SECTION 1. That the territory embraced within the following boundaries, to wit, lying in Anson County, beginning at a point on Mill Creek, known as Parson's Mill Bridge, about one and one-half miles southeast of Morven, and thence following the Lilesville Road north to Jones' Creek, and thence west with said creek to the crossing of the Wadesboro Road; thence with said road towards Wadesboro, to its junction with the Paris Road; thence a line due south to Jones Creek; thence with said creek to the Morven and Gullidge Township line; thence with said line south to the corner of District Number One (McFarlan Special-tax District), near the head of Mill Creek, and thence with said creek, the northern boundary of the McFarlan District, to the beginning, at Parson's Mill Bridge, shall be and the same is hereby constituted a public-school district for white and colored children, to be known as the Morven High-school District.

Boundaries.

Constituted school district.

SEC. 2. That the Board of County Commissioners of Anson County are hereby authorized and required to order an election on the first Tuesday in May, one thousand nine hundred and nine, after four weeks' notice in one or both of the weekly papers published in the town of Wadesboro and at one public place in the town of Morven, at which shall be submitted to the qualified voters residing within said territory the question of levying on all polls and property therein an annual special tax, not to exceed forty cents on each hundred dollars valuation of property and one dollar and twenty cents on each poll, for the support and maintenance of the public schools in said district.

Election to be ordered.

Date.

Notice.

School tax to be voted on.

Appointment of registrar.	SEC. 3. That the said board of county commissioners shall appoint a registrar and order a new registration for said election, and shall appoint two qualified voters residing in said district as poll holders and judges of said election, who, together with said registrar, shall hold said election at the time specified, at the usual polling place in the town of Morven, and shall canvass and judicially determine the result and certify the same to the board of county commissioners, who shall have the returns duly recorded in the office of the register of deeds of said county of Anson; and said election shall be held in all other respects in accordance with the general provisions of the election law of the State: <i>Provided</i> , that no notice of said registration shall be required, except such as said board of commissioners may order.
New registration.	
Judges of election.	
Canvass and returns.	SEC. 4. At such election the voters in favor of the levying and collection of said tax shall vote a ballot on which shall be written or printed the words "For Schools," and those opposed shall vote a ballot on which shall be written or printed the words "Against Schools." If a majority of the qualified voters shall vote "For Schools," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected the taxes herein provided for, in the same manner and at the same time as other taxes of the county are levied and collected; and the bond of the sheriff or tax collector shall be responsible for said taxes, to the same extent as it is liable for other taxes collected by him.
Law governing elections.	
Proviso; notice of registration.	
Ballots.	SEC. 5. That the following persons shall constitute a board of trustees for said high-school district: J. E. Moore, W. F. McQueen, D. M. Johnson, T. V. Hardison, M. L. Ham. The term of office of the first-named shall expire on the first Monday in July, one thousand nine hundred and ten; the term of office of the second-named shall expire on the first Monday in July, one thousand nine hundred and eleven; of the third-named, on the first Monday in July, one thousand nine hundred and twelve; of the fourth-named, on the first Monday in July, one thousand nine hundred and thirteen, and of the fifth-named, on the first Monday in July, one thousand nine hundred and fourteen; and their successors, as their respective terms of office expire, shall be appointed by the County Board of Education of Anson County for a term of five years from the date of appointment. All vacancies occurring in the board of trustees, by death, resignation or otherwise, shall be filled for the unexpired term by the county board of education of said county.
Effect of majority vote for schools.	
Trustees.	SEC. 6. That the said board of trustees shall organize within thirty days after the election, and shall elect a chairman and a secretary, and the Treasurer of Anson County shall be the treasurer of said board of trustees, and his bond shall be liable for all
Terms of office.	
Appointment of successors.	
Vacancies.	
Trustees to organize.	
Treasurer.	

funds in his hands belonging to said high-school district, in the same manner and to the same extent as it is liable for other school funds.

SEC. 7. That all funds apportioned to said district by the county board of education from the State and county school fund, and all funds derived from the special tax levied and collected under the provisions of this act, shall be turned over to said treasurer and placed to the credit of said Morven High-school District, and shall be apportioned and used, under the direction of said board of trustees, for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of said board of trustees, signed by the chairman and secretary thereof.

Apportionment from general school funds.

Orders on school funds.

SEC. 8. The said board of trustees shall have the control and management of all the public schools in said district, and may establish such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of all officers and teachers of said schools; and the proper officers shall be required to make to the State Superintendent of Public Instruction, the county superintendent and the county board of education such reports as are required of other public schools by the public-school law of this State.

Powers of trustees.

Reports.

SEC. 9. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of the "Board of Trustees of the Morven High School," and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title of all public-school property in the territory embraced in said high-school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

Trustees incorporated. Corporate name.

Corporate powers.

Title to school property.

Power of sale.

SEC. 10. If the majority of the qualified voters at the election herein provided for shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said high-school district are in favor of granting to the board of trustees of the Morven High-school District authority to issue bonds in the sum of eight thousand dollars for the purpose of purchasing the necessary land and erecting thereon suitable buildings and providing suitable equipment for said schools; and such authority shall be granted to and vested in said board of trustees, and said board of trustees are hereby authorized and empowered to issue and sell bonds, in the name of said high-school district, to an amount not to exceed eight thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from date thereof, at a rate not exceeding six per centum.

Bond issue.

Amount.

Denominations.

Interest.

Maturity.	with interest coupons attached, payable at such time or times and at such place or places as may be deemed advisable by said board of trustees, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable or
Appropriation of proceeds.	redeemable at such time or times, not less than ten nor more than thirty years from the date thereof, and at such place or places as said board of trustees may determine. The proceeds arising from the sale of said bonds shall be expended by said board of trustees in providing, by purchase or otherwise, said sites, buildings and equipment as may be deemed necessary: <i>Provided, however,</i> that the Treasurer of Anson County shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.
Proviso: compensation of treasurer.	
Payment of bonds and interest.	SEC. 11. That the said board of trustees are hereby authorized and directed to provide, first, for the payment of said bonds and interest thereon out of the funds arising and derived from the
Sinking fund.	special tax hereinbefore provided for, and shall provide a sinking fund for the payment of said bonds when they may become due, and are further authorized to invest said sinking fund in the same manner and in the same class of investments as that in which guardians are authorized to invest the funds of their wards.
	SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 93.

AN ACT TO AUTHORIZE THE BELHAVEN GRADED SCHOOL TO ISSUE BONDS FOR THE PURPOSES OF ERECTING AND EQUIPPING GRADED-SCHOOL BUILDINGS AT BELHAVEN, NORTH CAROLINA.

Preamble.	Whereas the General Assembly of North Carolina, at its session in one thousand nine hundred and five, passed an act entitled "An act to incorporate the Belhaven Graded-school District"; and whereas section two of said act appointed a committee for the school district created by section one of said act; and whereas the corporate name of said committee was the Belhaven Graded School, as fixed by section eight of said act; and whereas the General Assembly of North Carolina, at its session in one thousand nine hundred and seven, by an act entitled "An act authorizing the board of trustees of Belhaven Graded School to issue bonds for the purposes of erecting and equipping graded-school buildings at Balhaven, North Carolina," gave or attempted to give the right to the said committee to hold an election and to issue bonds; and whereas, by virtue of certain inconsistencies in
Preamble.	
Preamble.	
Preamble.	
Preamble.	

the names and titles in the two acts, there was doubt as to the validity of an election to be held thereunder and as to the validity of any bonds which might be issued thereunder; and whereas no bonds have been issued thereunder; and whereas the Belhaven Graded School desires to correct said inconsistencies and to hold an election to ascertain the will of the people as to the issuance of bonds for the purpose of erecting and equipping graded-school buildings at Belhaven, North Carolina; and whereas, under said act of one thousand nine hundred and seven, there was levied and collected the taxes authorized by said law; and whereas the same have not been used and are now on hand with the said Belhaven Graded School: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of raising money to build and equip graded-school buildings for the Belhaven Graded-school District, created by the General Assembly of North Carolina at its session of one thousand nine hundred and five, the Belhaven Graded School is hereby authorized and empowered to issue bonds to the amount of twenty thousand dollars, said bonds to be made payable at such place within the United States as the Belhaven Graded School may designate, and at such time, not exceeding fifty years, as they may designate. Said bonds shall bear interest not exceeding six per cent per annum, which interest shall be payable either annually or semiannually, as the Belhaven Graded School may determine and designate in said bonds. Said bonds shall be coupon bonds and shall be in such denomination as shall be determined upon by the Belhaven Graded School, and the Belhaven Graded School may provide therein for the registration of said bonds. Said bonds shall be signed, in the name of the Belhaven Graded School, by the chairman of the graded-school committee, as established and created by the General Assembly of North Carolina at its session in one thousand nine hundred and five, and shall be attested by the secretary of said committee and shall have affixed thereto the corporate seal of said committee.

SEC. 2. That said bonds shall not be sold for less than their par value, and the proceeds of the same shall not be used for any purpose other than the purpose mentioned in this act.

SEC. 3. That for the purpose of providing for the payment of said bonds at their maturity, and the interest on the same as it matures and becomes due, the Board of County Commissioners of Beaufort County, North Carolina, shall, annually, at the time of levying other taxes, levy and lay a special tax on all polls and property subject to taxation within the graded-school district contained in the boundaries fixed by section one [chapter 349] of the act of the General Assembly of North Carolina [1905] entitled "An act to incorporate the Belhaven Graded-school District," sufficient to meet the annual accruing interest on said bonds and to provide

Bond issue authorized.

Amount.

Maturity.
Interest.

Denomination.

Registration of bonds.

Authentication.

Bonds not to be sold below par.

Tax for bonds and interest.

Collection of tax	a sinking fund for the payment of the principal of said bonds at maturity. The taxes provided for in this section shall be collected by the Sheriff of Beaufort County, North Carolina, and shall be by him paid over to the treasurer of the Belhaven Graded School, and shall be by him applied exclusively to the purposes for which
Bond of treasurer.	they are collected. That the Belhaven Graded School may require the treasurer of the Belhaven Graded School to give a good and sufficient bond, in double the amount of any sum which he may have in his hands, which bond may be increased from time to time as occasion may require.
Election to be ordered.	SEC. 4. That for the purpose of submitting to the qualified voters of the Belhaven Graded-school District the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the county board of elections of the county of Beaufort, State of North Carolina, upon petition of the Belhaven Graded School, to be signed by the chairman thereof and attested by the secretary thereof, shall order an election to be held in said district, and shall in such order appoint the time and place for holding the
Time and place.	same, and said board of elections shall appoint a registrar and two
Registrar and judges of election.	judges of election, and shall give thirty days' notice in some newspaper published in Beaufort County, and shall order an entire new
Notice of election.	registration of voters for said election; that in said election all
Electors.	persons residing within said district described in section one [chapter 349] of the acts of the General Assembly of North Carolina, session of one thousand nine hundred and five, who shall at that time be entitled to vote for members of the General Assembly, shall be entitled to vote in said election.
Ballots.	SEC. 5. That at said election those voting for issuing said bonds and levying the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing bonds and levying and collecting said taxes shall vote a written or printed ballot containing the words "Against School Bonds"; that said election, except as herein stated, shall be held under the same rules and regulations as is now provided for the election of members of the General Assembly.
Law governing election.	SEC. 6. That the registrars and judges of election, at the close of said election, shall canvass the votes and declare the result thereof, and shall make three returns thereof—one to the County Board of Elections of Beaufort County, one to the Board of County Commissioners of Beaufort County and one to the Belhaven Graded
Canvass and return of votes.	School; and the said Board of Commissioners of Beaufort County shall order said returns recorded in the office of the Register of Deeds of Beaufort County and shall cause a copy thereof to be spread upon their minutes, and the Belhaven Graded School shall cause a copy thereof to be spread upon its minutes.
Returns recorded.	SEC. 7. That if at the election a majority of the votes cast by the qualified voters of the Belhaven Graded-school District, as fixed and defined in section one of an act of the General Assembly
Bonds to be issued and sold.	

of North Carolina at the session of one thousand nine hundred and five, entitled "An act to incorporate the Belhaven Graded-school District," shall be "For School Bonds," then the Belhaven Graded School shall proceed to issue and sell the bonds, or so many thereof as may be necessary for the purposes aforesaid, in the judgment and discretion of the said Belhaven Graded School.

SEC. 8. That if a majority of the votes cast at said election shall be "Against School Bonds," then the Board of Elections of Beaufort County may, upon another petition of the Belhaven Graded School, at any time after twelve months from the date of the former election and within five years from the date thereof, order another election, which election shall be held as herein provided; and if at said election so held a majority of the qualified voters shall vote "For School Bonds," then the said election shall have the same force and effect as if no election had been previously held.

SEC. 9. The said Belhaven Graded School shall have authority and it shall be their duty to apply the taxes heretofore collected under the said act of one thousand nine hundred and seven to the payment of the interest and principal on the bonds herein authorized, provided the said election shall result in favor of the issuance thereof; and if the said election shall result unfavorably to the issuance of said bonds the Belhaven Graded School shall apply said sum to the current and necessary expenses of the Belhaven Graded School.

SEC. 10. That this act shall be in force from and after its ratification.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 18th day of February, A. D. 1909.

CHAPTER 94.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ELKIN.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory in Surry County within the following boundaries, to wit, beginning at east corner of J. H. Greenwood's home tract, on Yadkin River, then in a northerly direction with his line to his northeast corner; thence in a westwardly direction to the old Woodruff line; thence so as to include the Wesley Pegram (deceased) land; thence from northwest corner of Pegram land, a westwardly direction, to a point on the State Road, so as to include all lands of H. D. Woodruff on east side of State Road; thence with east side of State Road to Max

Hickerson's lot; thence with said Hickerson's line to his northeast corner, south to Peter Martin's line, south to Will Hunt's line, with Hunt's line to Ember Roberts' corner; thence south with Ember Roberts' line to his southeast corner; thence to State Road with Roberts' line to his southwest corner; thence across State Road to Sylva Dalton and F. Casteven's corner; thence with their line a westwardly direction to Sylva Dalton's southwest corner; thence with Sylva Dalton's line to Lewis Hunt's southwest corner; thence with Lewis Hunt's line to Noah Foard's southwest corner; thence north with Noah Foard's line to Sam Hickerson's southwest corner; thence with Sam Hickerson's line to Lucy Roberts' southwest corner; thence north with Lucy Roberts' line to her northwest corner; thence east with said Lucy Roberts' line to State Road; thence with west side of State Road to the road leading to A. M. Smith's shoe factory, from road leading to shoe factory to Lewis Collins' southeast corner; thence with Lewis Collins' line west to his southwest corner, in A. M. Smith's line; thence in a westwardly direction, taking in James Rogers' land, to the Wilkes County line; thence south with said Wilkes and Surry line to the Yadkin River; thence with Yadkin River east to the beginning, shall be and is hereby constituted a public-school district for white children, to be known as the "Elkin Graded-school District."

School district constituted. Title.

Laws extended to district.

SEC. 2. That for all the purposes and benefits of this act, the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes in the town of Elkin shall be and are hereby extended to that portion of said graded-school district lying without the corporate limits of said town, as fully as if the same lay within the said corporate limits, and that in all elections which shall be held under this act that portion of said graded-school district lying without said corporate limits shall be deemed a part of said town.

Particular tax to be levied.

SEC. 3. That for the purpose of maintaining the public graded school provided for in this act the board of commissioners of the town of Elkin shall, annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, one thousand nine hundred and nine, levy and lay a particular tax on all subjects of taxation within the limits of said graded-school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever. Said particular tax so levied and collected shall not be less than ten cents nor more than thirty cents on the one hundred dollars valuation of property and not less than thirty cents nor more than ninety cents on the poll, and said tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the board of trustees, subject to the limitations as hereinbefore named.

Limits of rate.

Rate recommended by trustees.

SEC. 4. That said taxes shall be collected by the tax collector of the town of Elkin, at the time and in the manner that the municipal taxes are collected, and the said tax collector shall pay the same over to the treasurer of said board of trustees, and the treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded school only upon the warrant of the chairman and the secretary of the said board of graded-school trustees, and all accounts shall be audited and approved by the board of trustees or a committee thereof appointed for the purpose: *Provided*, that said tax collector and said treasurer shall enter into bonds for such amount as the board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and that of the latter for the safe-keeping and proper disbursement of the same: and said tax collector shall be allowed not exceeding five per centum on receipts and the said treasurer not exceeding two and one-half per centum on disbursements.

Orders for
payment.

Proviso: bond of
treasurer and tax
collector.

Commissions.

SEC. 5. That the provisions of section three of this act shall be submitted to a vote of the qualified voters of said graded-school district, at an election to be held on a day to be designated by the board of commissioners of the town of Elkin, within ninety days after the ratification of this act; that said election shall be held as provided for in sections three, four, five and twenty-two of chapter eighty-eight, Private Laws of one thousand nine hundred and one, the same being the method provided for holding elections in the town of Elkin; that thirty days' notice of such election, containing the synopsis of section two of this act, shall be published in a newspaper published in the town of Elkin; and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the levy and collection of the particular tax provided for in section two of this act shall deposit a ballot containing the printed or written words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools"; and if a majority of the qualified voters shall vote "For Schools" it shall be deemed and held that a majority of the qualified voters of said graded-school district are in favor of granting to the board of commissioners of said town authority to levy such particular tax, and said board of commissioners shall have such authority: *Provided*, that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Elkin, and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified.

Tax to be voted
on.

Time of election.
Law governing
election.

Notice.

Ballots.

Effect of vote.

Proviso: record of
result.

Trustees named.	SEC. 6. That J. W. Bowles, R. P. Crater, J. H. Ball, G. T. Roth and J. F. Hendren shall be and are hereby constituted a board of trustees for the public schools of said graded-school district; that the first two of said trustees shall hold office until the first Monday in July, one thousand nine hundred and thirteen, and the last three until the first Monday in July, one thousand nine hundred and fifteen, and their successors, elected as hereinafter provided, shall hold for the term of six years each; that vacancies occurring by the expiration of the terms of office of the trustees, as aforesaid, shall be filled by a majority vote of the other members of such board of graded-school trustees holding over: <i>Provided</i> , that any and all vacancies in said board of trustees occurring by reason of death, resignation or otherwise than by expiration of term of office shall be filled by other members of said board of trustees; and said board of trustees, immediately after the provisions of this act shall have been submitted to the qualified voters of said district, as provided for in section five, and adopted, shall meet and proceed to organize by the election of a chairman and a secretary and treasurer.
Terms of office.	
Election of successors.	
Proviso: vacancies.	
Organization.	
Trustees incorporated.	SEC. 7. That said board of graded-school trustees and their successors shall be and are hereby constituted a body corporate, by the name and style of the "Board of Graded-school Trustees of Elkin," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; acquire, by gift, purchase or devise, real and personal property; hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations; and said corporation shall have a corporate seal, which it may break and change at pleasure..
Corporate name.	
Corporate powers.	
Powers of trustees.	SEC. 8. That said board of graded-school trustees shall have exclusive control of said schools in said school district, free from supervision and control of the county board of education and the County Superintendent of Schools of Surry County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.
Apportionment from general school funds.	SEC. 9. That all the public-school funds derived from the State and from the county of Surry for the use and benefit of the public schools in said graded-school district shall be paid over to the treasurer of the said board of trustees, hereinbefore provided for, by the treasurer of said county, for the use and benefit of the graded public-school district.
Further powers of trustees.	SEC. 10. That said board of graded-school trustees are hereby authorized in their discretion to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruc-

tion other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said graded-school district upon such terms as said board of trustees may deem just and reasonable.

Nonresident pupils.

SEC. 11. That the several boards of school trustees having authority under the general school law of the State shall, in the apportionment of all public-school funds to said graded-school district, apportion the same as provided by law.

Apportionment of funds.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 95.

AN ACT TO AMEND THE STATUTES THAT CONSTITUTE THE CHARTER OF THE TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Black Mountain shall be and continue, as they have heretofore been, a body politic and corporate, and henceforth the said corporation shall bear the name of town of Black Mountain, and under that name is hereby invested with all property and rights of property which now belong to the present corporation of the town of Black Mountain or to the inhabitants thereof in their corporate capacity, and by the corporate name of town of Black Mountain may purchase and hold, for purposes of its government, welfare and improvement, all such property and estate, real and personal, within or without said town, as may be deemed necessary or convenient therefor, or such as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and reinvest as shall be deemed advisable by the proper authorities of said corporation.

Body politic and corporate.

Corporate name.

Corporate rights.

SEC. 2. There shall be elected by the qualified voters of the town of Black Mountain, on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, and every two years thereafter, on the first Tuesday after the first Monday in May, a mayor for said town, who shall be a resident and qualified voter thereof, and whose duties, when elected and qualified, shall be the same as those herein and are now prescribed by law for the mayor of said town, and who shall hold his office for the term of two years from and after his election or until his successor shall be duly elected and qualified.

Election of mayor.

Duties.

Election of
aldermen.

SEC. 3. That there shall be elected by the qualified voters of the town of Black Mountain, on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, and every two years thereafter, on the first Tuesday after the first Monday in May, three aldermen for said town, who shall be residents and qualified voters thereof, and whose duties shall be the same as those herein and are now prescribed by law and such as may hereafter be prescribed by law for aldermen of said town, which aldermen shall hold their office for the term of two years or until their successors are elected and qualified.

Duties.

Power to grade,
pave and improve
streets.

SEC. 4. That the mayor and board of aldermen of the town of Black Mountain shall have full power and authority and it is hereby made their duty to grade, pave, macadamize and otherwise improve for travel and drainage the streets, roadways and alleys of said town, and put down crossings, curbings and cross drains, and otherwise properly improve them.

Abutting property
to contribute.

SEC. 5. That in order to more fully carry out the duty imposed by the preceding section of this act, the said mayor and board of aldermen shall assess two-thirds of the cost of the grading, paving, macadamizing and constructing cross drains, side drains and all other necessary drains and crossings, or otherwise improving said roadways or streets on the real estate abutting on each side of the street or roadway or part thereof so improved or repaired.

Method of assess-
ing abutting
property.

SEC. 6. That to equalize the assessments on real estate for the purposes described in this act, the said mayor and board of aldermen shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street or roadway so improved, and charge to and assess upon the real estate upon each side of the street or roadway upon which such work is done its *pro rata* share of one-third of the cost of such improvements made under the provisions of this act; that the liens created by virtue of the provisions of this act shall be and exist upon the lands or subdivisions of lands or lots adjacent to and abutting upon the streets or roadways graded and improved or macadamized under the provisions of this act.

Lien on property.

Surveys and
grades.

Wherever the said mayor and board of aldermen shall order paving, macadamizing and other improvements to be made on any street or roadway or any part thereof in the said town they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots and properties abutting on said street or roadway or the portion thereof so proposed to be improved, showing the exact frontage of each lot or the exact frontage of any lands owned by the several persons owning lands abutting on such street or roadway, and the said map shall be filed in the office of the mayor of said

Map.

town and be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street or roadway, the mayor of said town shall write upon the said map the amount assessed upon the same, and he shall keep a properly indexed record book, showing such assessments and liens and the date and amount of all payments on any of said assessments and liens.

Assessments
written on map.

Record book.

SEC. 7. That the amount of the assessments of such street improvements, as hereinbefore provided, being estimated on each piece of real estate as above directed, shall be a lien on such real estate, and the said mayor and board of aldermen shall cause a survey to be made, and a report of the amount of work done and the cost thereof, upon what street or roads or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot and the *pro rata* shares of such cost of such street improvements to be assessed against such real estate; and upon the adoption and approval of the said report the liens authorized by this act shall at once become complete and operative upon the lots or lands described in such map and abutting on such street or roadways so improved, as aforesaid, and shall be paramount to all other liens on said real estate, except the liens for taxes thereon, and the said report shall be transcribed upon the minutes of the said board of aldermen, and the said liens and all said assessments against all property abutting on said streets or roadways, as aforesaid, shall become due and payable as follows, to wit: one-third in thirty days after the adoption of said report, and the balance in two equal annual installments, which deferred payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid. Any owner of land affected by said lien for assessments shall have the right to be heard concerning the same before the said mayor and board of aldermen by filing objections thereto, in writing, duly verified by his oath in the office of the mayor of said town, at least five days prior to the meeting of said board, at which said report may be approved and confirmed, but not thereafter, and any person so objecting to the confirmation or approval of said report shall state in said objections, in writing, what part, if any, of said assessments he admits to be lawfully chargeable to his said land and what part thereof he disputes, and said mayor and board of aldermen shall hear said objections and shall thereafter approve and confirm said report and overrule said objections or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act. Any person who shall have filed objections, as aforesaid, to the confirmation of said report shall have the right, within five days after the approval or confirmation of the same by the said board of aldermen, and not after that time, to appeal from the said decision of the said board of alder-

Assessments a lien
on real estate.

Survey and report
of work.

Liens to become
complete and
operative.

Liens paramount.

Installments of
assessments.

Owners to be
heard.

Objections in
writing.

Right of appeal.

Undertaking on appeal.

men to the next term of the Superior Court of Buncombe County, North Carolina, by serving upon said town notice, in writing, of his intention so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the Clerk of the Superior Court of Buncombe County a written undertaking in at least the sum of two hundred dollars, with sufficient surety or sureties, to be justified before and approved by the Clerk of the Superior Court of Buncombe County, to the effect that said appellant will pay to said town all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against said appellant; that such appeal shall be docketed on the civil-issue docket of the Superior Court of Buncombe County and be thereafter conducted according to the laws of North Carolina governing the trial and disposition of civil actions. The appellant, before docketing such appeal, shall procure a certified copy from the minutes and record kept by the town of Black Mountain, showing all its proceedings and actions in regard to such assessments for the improvement, grading and macadamizing of such street or roadway, and file the same in the office of the Clerk of the Superior Court of Buncombe County at the time of docketing his appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report by said mayor and board of aldermen, all right to prosecute such appeal shall be thereby forfeited.

Proviso: right of appeal forfeited.

Sale of lots for assessments.

SEC. 8. That in case any lot owner or landowner fails to pay the assessment or assessments for grading, paving and macadamizing any streets, roadways or alleys of said town, then the said town of Black Mountain, through its tax collector, may sell the lots or lands upon which said liens exist for improvements, after giving thirty days' notice, in writing, to the owner or owners and advertising the same at four public places in Buncombe County, and also advertising the time and place of such sale in some newspaper published in the county of Buncombe for three successive weeks before such sale. Any sale or sales made under the provisions of this act shall be made in some public place in the town of Black Mountain. Such sales shall be made at public auction, for cash, but the owner or owners of such lots so sold by virtue of the lien created under the provisions of this act shall have six months after such sale to redeem such lands so sold: *Provided*, any person desiring to redeem said land shall pay the full amount due under the provisions of this act for grading, macadamizing and otherwise improving his lot or lands, and all costs of making such sale, together with ten per cent interest from the time of making such sale.

Right of redemption.

Proviso: costs and penalty on redemption.

Title to property not redeemed.

SEC. 9. If said lots or lands so sold be not redeemed within the period of six months, as aforesaid, the tax collector of the town of Black Mountain shall make title to such lots or lands in fee simple to the purchaser.

SEC. 10. That the provisions of this act shall in no way affect or interfere with the macadamizing of any street or roadway in the town of Black Mountain by the highway commission, in the expenditure by said highway commission of the proceeds of the sale of bonds heretofore issued by Black Mountain Township.

Macadamizing by highway commission.

SEC. 11. That any street railway company, tramway company or motor-car company which shall lay down or construct any street railway line, tramway or motor-car line along any road or street in said town shall, under the supervision of the mayor and board of aldermen of said town, and with such material as said mayor and board of aldermen shall determine, macadamize or pave that part of the street between the rails of such car line, tramway or motor-car line with such material as said mayor and board of aldermen may determine, but the provisions of this act shall not preclude or prevent said mayor and board of aldermen granting a franchise to any street railway company, motor-car company or tramway company containing such stipulations and agreements as shall be mutually agreed upon between said town of Black Mountain and such street railway company, motor-car company or tramway company. The mayor and board of aldermen of said town shall have the right and power to decide and determine how and where any such companies shall locate its track and lines along the streets and roads of said town.

Street railway, tramway or motor-car companies.

Location of tracks and lines.

SEC. 12. That the mayor and board of aldermen of the town of Black Mountain shall have full power and authority and it is hereby made their duty to grade, pave and otherwise improve for travel and drainage the sidewalks of said town.

Powers as to sidewalks.

SEC. 13. That to equalize the assessments on real estate for the purpose of grading, paving and otherwise improving the sidewalks of said town, the said mayor and board of aldermen shall estimate the total cost of such improvement throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved by grading, paving and otherwise improving the sidewalks of said town, and charge to and assess upon the real estate abutting on the street or roadways upon which such work is done its *pro rata* share of one-half of the cost of such improvements made under the provisions of this act. That the liens created by virtue of the provisions of this act for grading, paving and otherwise improving the sidewalks shall be and exist upon the lands or subdivisions of land or lots adjacent to and abutting upon the sidewalks so graded, paved and improved under the provisions of this act. Wherever the said mayor and board of aldermen shall order grading, paving and other improvements to be made on any sidewalk or sidewalks in the said town, they shall have the same accurately surveyed and cause an accurate map to be made of the various lots and properties abutting on such sidewalks or the portion

Assessments of real estate for sidewalks.

Liens on land.

Surveys and maps.

	thereof so proposed to be improved, showing the exact frontage of each lot or the exact frontage of any lands owned by the several persons owning lands abutting on said sidewalk or sidewalks, and the said map shall be filed in the office of the mayor of said town and be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties abutting on the sidewalk or sidewalks, the mayor of said town shall write upon the said map the amount assessed upon the same, and shall keep a properly indexed record book, showing such assessments, liens and the date and amount of all payments made on any of said assessments and liens.
Liens written on map.	
Record book.	
Assessments a lien on real estate.	SEC. 14. That the amount of the assessments for grading, paving and otherwise improving the sidewalks of said town being estimated upon each piece of real estate, as above directed, shall be a lien upon such real estate, and the said mayor and board of aldermen shall cause a survey to be made and a report of the amount of work done and the cost thereof, upon what sidewalk or sidewalks or portions thereof, showing the name of each abutting owner thereon, the number of front feet of each lot and the <i>pro rata</i> shares of such cost of such sidewalk or sidewalks to be assessed against such real estate; and upon the adoption and approval of the said report the liens authorized by this act shall at once become complete and operative upon the lots or lands described in such map and abutting on such sidewalk or sidewalks so improved, graded and paved, as aforesaid, and shall be paramount to all other liens on said real estate, except the liens for taxes thereon, and the said report shall be transcribed upon the minutes of the said board of aldermen, and the said liens and all said assessments against all property abutting on said sidewalk or sidewalks, as aforesaid, shall become due and payable as follows, to wit, one-third in thirty days after the adoption of said report, and the balance in two equal annual installments, which deferred payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid.
Surveys and report of work.	
Liens complete and operative.	
Liens paramount.	
Assessments payable in installments.	
Proportions paid by town and land-owners.	SEC. 15. That the town of Black Mountain shall pay one-half the cost of grading, paving and otherwise improving the sidewalk or sidewalks of said town out of the general funds of said town, and the abutting real estate on such sidewalk or sidewalks, or the owners thereof, shall pay the other half of the cost of grading and paving such sidewalk or sidewalks; and the grading and paving of such sidewalk or sidewalks shall in no case exceed one-half the cost thereof, as regulated and ascertained under the provisions of this act.
Owner to be heard.	SEC. 16. Any owner or owners of land affected by said liens for grading and paving the sidewalks of said town shall have the right to be heard concerning the same, before the said mayor and board of aldermen, by filing objections thereto, in writing, duly verified by his oath in the office of the mayor of said town, at least five days prior to the meeting of said board at which the
Objections in writing.	

mayor and board of aldermen shall consider and determine whether or not said sidewalk or sidewalks shall be graded and paved.

SEC. 17. Any owner or owners of lands or lots adjacent to or abutting upon the sidewalks of said town which shall be graded and paved or otherwise improved by said mayor and board of aldermen may file objections to the assessments upon their lots or lands for such grading and paving, and thereafter such objections may be heard and determined by the said mayor and board of aldermen, and appeal may be had and made to the Superior Court of Buncombe County in the same manner and under the same rules and regulations as is herein prescribed in reference to objections to any assessments and liens for grading, paving and macadamizing the streets of said town of Black Mountain: *Provided, however,* that no appeal shall lie to said Superior Court of Buncombe County until such sidewalk or sidewalks shall have been paved, graded and improved and the assessments against the abutting real estate shall have become complete and operative by a declaration to that effect by the mayor and board of aldermen of the town of Black Mountain.

Objections filed,
heard and de-
termined.

Right of appeal
to superior court.

Proviso: when
appeal to lie.

SEC. 18. That in case any lot owner or landowner fails to pay the assessment or assessments for grading and paving any sidewalk or sidewalks of said town, then the said town of Black Mountain, through its tax collector, may sell the lots or lands upon which said liens exist for grading and paving the sidewalks, after giving thirty days' notice, in writing, to the owner or owners and advertising the same at four public places in Buncombe County, and also advertising the time and place of such sale in some newspaper published in the county of Buncombe for three successive weeks before such sale. Any sale or sales made under the provisions of this act shall be made in some public place in the town of Black Mountain. Such sales shall be made at public auction, for cash, but the owner or owners of such lots so sold by virtue of the liens created under the provisions of this act shall have six months after such sale to redeem such lands so sold: *Provided,* any person desiring to redeem said land shall pay the full amount due under the provisions of this act for grading and paving or otherwise improving such sidewalks, and all costs of making such sale, together with ten per cent interest from the time of making such sale.

Sale of lots for
assessments.

Right of redemp-
tion.

Proviso: costs and
penalty on re-
demption.

SEC. 19. If said lot or lands so sold be not redeemed within the period of six months, as aforesaid, the tax collector of the town of Black Mountain shall make title to such lot or lands in fee simple to the purchaser.

Title to land not
redeemed.

SEC. 20. That all laws or clauses of laws in conflict with any of the provisions of this act are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 96.

AN ACT TO ALLOW THE CITIZENS OF BREVARD TO VOTE FOR BONDS TO PURCHASE A WATERSHED, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount. Denominations.	SECTION 1. The board of aldermen of the town of Brevard shall have the right and power to issue bonds in the sum of fifteen thousand dollars, under such rules and regulations and in such denominations as may be prescribed by the said board of aldermen: <i>Provided, however,</i> the said bonds shall not bear a greater rate of interest than six per cent per annum and shall not run longer than thirty years from the issuance thereof.
Proviso: interest. Maturity.	
Sale and use of proceeds.	SEC. 2. It shall be the duty of the said board of aldermen to sell the said bonds, when they shall have been issued, and turn the proceeds thereof in to the town treasurer, to be used for the purchase of a watershed and to pay for rights of way for the water lines and sewer lines for the water and sewer systems belonging to said town.
Bonds not to issue until authorized by voters. Petition for election.	SEC. 3. The said bonds shall not be issued, however, until there is an election held in the said town by which the said board of aldermen are authorized to issue and sell the said bonds. Upon petition being filed before the said board of aldermen, signed by one-fifth of the qualified voters of the town, requesting an election to be called for the purpose of submitting to the qualified voters of the said town the proposition as to whether or not the said bonds shall be issued, the said board of aldermen shall call the said election under the rules and regulations herein prescribed.
Election to be called.	
Call of election.	SEC. 4. In the call of the said election the said board shall order the time and place for holding the same, what amount of bonds shall be voted, and for what purpose the proceeds thereof
Notice of election.	are to be used, which order shall be published by posters at the courthouse door and at four other public places in the said town for a period of at least four weeks prior to the holding of said election.
Ballots.	SEC. 5. At the said election those who are in favor of bonds shall cast a ballot on which is either written or printed the words "For Bonds," and those who are opposed to the issuance of said bonds shall cast a ballot on which is either written or printed the words
Effect of election.	"Against Bonds"; and if a majority of the qualified voters of the said town cast a ballot on which is written or printed the words "For Bonds," then the registrar and judges of the said election shall declare that the proposition to issue bonds is carried, and it shall be the duty of the said board of aldermen to issue the bonds and sell the same, as herein prescribed; but if a majority of the qualified voters of the said town fail to cast a ballot on which is written or printed the words "For Bonds," then it shall be the

duty of the said registrar and judges to declare that the proposition to issue the said bonds has failed to carry, in which event the said board of aldermen shall not have the right or power to issue or sell the said bonds.

SEC. 6. The said election shall be held under the same rules and regulations, as near as may be, as is the election of mayor of the said town, except as herein modified: *Provided*, the said board of aldermen may in their discretion order an entirely new registration.

Law governing election.

SEC. 7. The board of aldermen of the said town shall have the right and power to purchase and hold, for the use of the town, land to be used as a watershed for the said town; also rights of way for its water and sewer lines, whether such watershed or rights of way be within the corporate limits of the said town or not; and the said board of aldermen shall have full power and right to pass such rules and regulations as in its discretion may be necessary to protect the watershed and rights of way of the water and sewer lines of the said town, whether such watershed or rights of way be within the corporate limits of the said town or not.

Power to purchase land for watershed. Rights of way.

Protection of watershed, rights of way and sewer lines.

SEC. 8. When, in order to secure pure water for the use of the town and its inhabitants, it becomes necessary or desirable for the town to own or control the watershed from which the present supply of water is derived, or any watershed from which it may hereafter derive its supply of water, or to own a right of way over which any part of its water or sewer lines may now pass, or any right of way over which it may become necessary for the said town to build a water or sewer line, and the necessary land cannot be purchased at a reasonable price, the said board of aldermen shall have the right and power to file a petition before the clerk of the Superior Court setting forth all of the facts, and ask that the said land or rights of way may be condemned for the use of the town in protecting and maintaining its water system.

Power to condemn land.

SEC. 9. The condemnation proceedings before the said clerk of the Superior Court shall be conducted, as near as may be, under the same rules and regulations as other special proceedings, except as may be herein modified. Upon the hearing of the petition, if no sufficient cause is shown against granting the prayer of the petition, the clerk shall appoint three commissioners, whose duty it shall be to view the premises, value the land, report the amount thereof necessary for the use of the town, or, in case of water or sewer line, estimate the damage to the land through which the said line may extend, and they shall make their report to the said clerk within thirty days from their appointment.

Procedure for condemnation.

SEC. 10. If either party shall be dissatisfied with the report of the said commissioners, such party may, within ten days of the filing of such report, file exceptions to the same with the said

Exceptions heard by clerk.

Appeal to superior court.

clerk, setting out each ground of exception, which exceptions shall be heard by the said clerk, upon ten days' notice being given to each side of such hearing; and if either party be dissatisfied with the ruling of the clerk upon the exceptions filed, such party may appeal to the Superior Court at term time, when and where the whole matter shall be heard *de novo*.

Title to vest in town.

SEC. 11. When final judgment shall be entered in the proceedings herein provided for, and the town shall have paid into the office of the clerk of the Superior Court for the benefit of the party the amount assessed against the said town for such party, then the said town shall be seized of the said land or right of way as fully and to the same extent as if the said party had made the said town a deed in fee simple for such land or right of way, whether the said land or right of way lies within the corporate limits of the said town or not.

SEC. 12. All laws and clauses of laws inconsistent with the foregoing act are hereby repealed.

SEC. 13. This act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1909.

CHAPTER 97.

AN ACT TO AMEND CHAPTER 85 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1901, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ENFIELD."

The General Assembly of North Carolina do enact:

Limit of tax rate.

SECTION 1. That section seven of chapter eighty-five of the Private Laws of North Carolina of one thousand nine hundred and one be and the same is hereby amended as follows: Strike out the word "thirty," in line twelve of said section seven, and insert in lieu thereof the word "fifty," and strike out the word "ninety," in line thirteen of said section seven, and insert in lieu thereof the words "one dollar and fifty cents."

Election of trustees.

SEC. 2. That section ten of chapter eighty-five of the Private Laws of North Carolina of one thousand nine hundred and one be and the same is hereby amended as follows: Strike out all of said section from the word "that," in the first line of said section ten, to the word "provided," in line ten of said section ten, and insert in lieu thereof the following: "That the board of commissioners of the town of Enfield, at their first regular meeting in April, one thousand nine hundred and nine, shall proceed to elect seven electors in said school district as trustees, who, when elected, are hereby constituted the board of trustees for the graded public schools of said school district; and four of said

trustees, to be designated by the board of commissioners, shall Terms. hold their office for a term of two years, and three of said trustees, to be designated by said board of commissioners, shall hold their office for a term of four years. Vacancies occurring by Election of reason of the expiration of the terms of office of the trustees afore- successors. said, by death or otherwise, shall be filled by the said commissioners of the said town of Enfield, and each trustee so elected to fill such vacancy shall hold his office for the term of three years."

SEC. 3. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 98.

AN ACT TO INCORPORATE LOUISBURG FEMALE COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That L. S. Massey, D. B. Zollicoffer, J. T. Flythe, Corporators. J. H. Shore, B. W. Ballard, Z. W. Lyon, A. J. Parker, F. B. McKimie and G. F. Smith, their associates and successors, be and they are hereby created a body politic and corporate, for the purpose of maintaining a school of high grade in the town of Louisburg, in the county of Franklin, for the intellectual, moral and religious development and training of young ladies, under the name Corporate name. and style of Louisburg Female College, and in that name may sue Corporate powers. and be sued, may plead and be impleaded, contract and be contracted with, acquire, hold and convey, in their corporate capacity, property, personal and real, to an amount not to exceed five hundred thousand dollars, and exercise all acts in relation thereto Amount of property to be held. incident to the ownership of personal property and real estate.

SEC. 2. The members of the corporation shall have perpetual Perpetual succession. succession, and may, if they so elect, have and use a common seal, Common seal.

SEC. 3. That the officers of said corporation shall be a president, Officers. vice president, treasurer, secretary and a board of nine trustees, five of whom shall constitute a quorum for the transaction of Quorum of trustees. business, and all of whom shall be elected by the North Carolina Election. Annual Conference at its annual session and shall hold their office Term of office. for the term of three years: *Provided*, that at the first meeting Proviso: trustees classified. of the North Carolina Conference after the ratification of this act the said board of trustees shall be divided into three classes, of three persons each; the term of office of the first class shall be one year from the meeting of said conference; of the second, two years, and of the third, three years.

Limit on power of trustees.

SEC. 4. That the board of trustees of said corporation shall not have the power to mortgage or sell any of the real estate belonging to the same without first having obtained the consent and permission of the North Carolina Conference.

Election of president, professors and officers.

SEC. 5. That the said board of trustees shall have the exclusive right to elect a president of said Louisburg Female College and, on nomination of the president, such professors, tutors and officers as they shall think proper.

Faculty.

SEC. 6. That the president and professors of said Louisburg Female College shall be the faculty thereof, and, with the advice and consent of the trustees, shall have power to grant diplomas and marks of literary distinction, as are usually conferred in colleges.

Bequests and donations.

SEC. 7. All bequests and donations to the college shall be the property of the North Carolina Conference.

Trustees not liable for debts of corporation.

SEC. 8. The individual property of the trustees of said corporation shall not be liable for the debts of the same.

SEC. 9. All laws and parts of laws inconsistent herewith are hereby repealed.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 99.

AN ACT TO INCORPORATE THE TOWN OF RIPLEY.

The General Assembly of North Carolina do enact:

Town incorporated.
Corporate name.
Corporate rights.

SECTION 1. That the town of Ripley, in Henderson County, be and the same is hereby incorporated by the name and style of Ripley, and shall have and be entitled to all the rights and privileges and be subject to the restrictions and liabilities as is now provided by law for incorporated towns and cities in this State.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake in the dividing line between the J. W. McCarson and the old Ripley tanyard tract, and runs with the old J. W. McCarson line to a rock corner, Mrs. G. T. Williams' corner, in the Hebron Road; thence with the Hebron Road west to a rock corner in said road; thence with the corporation line south to a stake in the Willow Road; thence with the Willow Road west to a stake, B. F. Brown's corner; thence with the old Beck line tract to a chestnut, corner of the Mill tract; thence with the J. W. McCarson line east to the beginning.

Town elections.

SEC. 3. That an election for mayor and three commissioners for said town shall be held on the first Monday in May, one thousand

nine hundred and nine, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this State.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 100.

AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF INTERNAL IMPROVEMENTS FOR THE TOWN OF MAR- SHALL AND EXTEND THEIR AUTHORITY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. B. Mashburn, J. R. Swann, W. J. Weaver, Board appointed, Roy L. Gudger, J. C. Ramsey and Dudley Chipley be and they are hereby appointed as members of the board of internal improvements for the town of Marshall, in the county of Madison, for a term of four years and until their successors are appointed Term. and qualified.

SEC. 2. In addition to the powers heretofore granted by the act establishing said board, the said board of internal improvements are hereby authorized and empowered to complete the laying out and constructing of a water and sewerage system in the said town of Marshall, and retain possession and control of same until the board or a majority of same may deem it to the best interest of the town to turn the said water and sewerage system over to the control of the board of aldermen of said town, at which time the said board of internal improvements may, by a majority vote of a full board, turn the said water and sewerage system over to the control and management of the said town of Marshall and relinquish all right of control of said systems.

SEC. 3. The said board of internal improvements shall have power and authority to prescribe and adopt such rules and regulations as are necessary to put in operation the said water and sewerage systems in said town, and charge rents and fees for the use of said water system and sewerage system, or either of them, and enforce sanitary regulations in the said town by compelling connection with the sewerage system and water system, and make any and all rules which may be deemed proper by the said board for the purpose of maintaining and operating the said system. The said board shall have the right and power to adopt a system of fees, charges and rents for making connection with said water and sewerage system and for the use of the same, and may pre-

Completion and
control of water
and sewerage
system.

System turned
over to town.

Further powers
of board.

scribe a penalty for the violation of any rule and regulation adopted by said board concerning the water system or sewerage system.

Violation of rules and regulations a misdemeanor.

SEC. 4. That if any person, firm or corporation shall violate any of the prescribed rules and regulations which have been prescribed and printed and posted by the said board at the courthouse door in said town for a period of ten days, such firm, person or corporation shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment.

Compensation to members.

SEC. 5. The said board of internal improvements shall have the right to prescribe and regulate the compensation allowed by any member of said board for services rendered in laying out, constructing, running or managing said water or sewerage system, not to exceed two dollars per day for such time as actually engaged in such work.

Collection of water rents and expenses of system.

SEC. 6. That the board of internal improvements shall collect all water rents in said town, and shall pay the running expenses of said water and sewer system, as well as all repairs to same, from the funds so collected, and shall turn over all funds derived from the said system, over and above the amount necessary to pay the running expenses and repairs of said system, to the treasurer of said town of Marshall, to be applied by him on the payment of the interest on this indebtedness of said town as prescribed by law.

Surplus.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 20th day of February, A. D. 1909.

CHAPTER 101.

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF MT. HOLLY GRADED-SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED-SCHOOL BUILDING AT MT. HOLLY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

School committee constituted board of trustees.

SECTION 1. That the school committee of Mt. Holly School District, in Gaston County, North Carolina, is hereby constituted and shall be hereafter known as and designated "The Board of Trustees of the Mt. Holly Graded Schools," and their successors in office shall be chosen by the Board of Education of Gaston County at the same times and in the same way as the school committees for other schools in said county are chosen.

Election of successors.

Board incorporated.

SEC. 2. That the said Board of Trustees of the Mt. Holly Graded Schools shall be and remain a body corporate under that name,

and may adopt and use a common seal; that said corporation shall be vested with all the property, real and personal, and all other rights, privileges and power now owned, held and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon the committee of the Mt. Holly Graded School by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling and mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyances to said board of trustees shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate, and all bonds and obligations shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Rights, powers and duties of committee devolved on board.

Corporate powers.

Conveyances.

SEC. 3. That for the purpose of raising money to build and equip a graded-school building for the Mt. Holly Graded-school District the board of trustees of the said Mt. Holly Graded-school District is hereby authorized and empowered to issue bonds, to an amount not exceeding seven thousand dollars, payable at such place as it may designate, which bonds shall bear interest, not exceeding six per cent per annum, payable annually at such time and place as said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be signed, in the name of the Board of Trustees of the Mt. Holly Graded-school District, by the chairman of the said board, attested by its secretary, and shall mature in twenty years from the date of their issue.

Bond issue authorized.

Amount.

Interest.

Authentication.

Maturity.

SEC. 4. That the said bonds shall not be sold for less than their par value, and the proceeds from the same shall not be used for any purpose other than the purpose mentioned in section three of this act. Said bonds shall be sold in denominations of one hundred dollars, five hundred dollars and one thousand dollars, to suit the purchaser or purchasers thereof.

Sale of bonds not below par. Specific appropriation.

Denominations.

SEC. 5. That for the purpose of providing for the payment of the same at their maturity, the Board of County Commissioners of Gaston County shall, annually, at the time of levying other taxes, levy and lay a special tax of fifteen cents on every one hundred dollars worth of property and forty-five (45) cents on every poll subject to taxation within the said graded-school district to meet the annual accruing interest on said bonds and provide a sinking fund for the payment of the same. The tax provided for in this section shall be collected by the Sheriff of Gaston County and by him paid over to the treasurer of said graded-school district, and shall be applied exclusively to the purpose for which they are collected.

Special tax for interest and sinking fund.

Rate.

Collection and payment of tax.

SEC. 6. That it shall be the duty of said trustees to pay the interest on said bonds out of the moneys collected for that purpose.

Payment of interest.

Investments of sinking fund.	and to loan any and all moneys, and the accruing interest on the same, remaining from the special tax for sinking fund upon notes, with good and sufficient collateral security therefor.
Interest on sinking fund.	SEC. 7. That any money of said sinking fund so loaned shall bear the legal rate of interest in North Carolina, and any interest thereon shall be annually reloaned in the same way.
Election to be ordered on petition of trustees.	SEC. 8. That for the purpose of submitting to the qualified voters of the Mt. Holly Graded-school District the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the county board of education for the county of Gaston, upon petition of the Board of Trustees of the Mt. Holly Graded-school District, shall order an election to be held in said district, at the usual polling place in Mt. Holly, on the third day of May,
Date of election.	one thousand nine hundred and nine, appoint a registrar and two judges of election, and shall give thirty days' notice in some newspaper published in Gaston County, and shall order an entire new registration of voters for said election.
Registrar and judges.	
Notice of election.	
New registration.	
Ballots.	SEC. 9. That at said election those voting for issuing said bonds and levying and collecting the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing said bonds and levying and collecting said taxes as herein provided for shall vote a written or printed ballot containing the words "Against School Bonds." Said election shall be held under the same rules and regulations as are now provided for the election of members of the General Assembly.
Law governing election.	
Canvass and returns of votes.	SEC. 10. That the registrar and judges of election, at the close of said election, shall canvass the votes and declare the result of the election, and make two returns thereof, one to the County Board of Education of Gaston County and one to the County Board of Commissioners of Gaston County, and the board of commissioners shall order said returns recorded in the office of register of deeds for said county.
Effect of election.	SEC. 11. That if at the election a majority of the qualified voters of the Mt. Holly Graded-school District shall be for bonds, then the board of school trustees shall proceed to issue and sell the bonds or so many thereof as shall be necessary in their judgment and discretion for the purpose aforesaid.
Further election.	SEC. 12. That if a majority of the qualified voters shall fail to be in favor of issuing said bonds and levying and collecting the particular tax, the said Board of Education of Gaston County shall order another election at any time after twelve months from the date of the former election, when requested to do so by the Board of Trustees of the Mt. Holly Graded-school District; and if at such election a majority of the qualified voters shall be "For School Bonds," it shall have the same force and effect as if no election had been previously held.

SEC. 13. That J. B. Henson, J. W. Holland and J. M. Springs ^{Building committee.} be and they are hereby appointed to serve with the said trustees of Mt. Holly Graded-school District, as a building committee, in the erection of said school building, should the bond issue carry, and the said J. B. Henson, J. W. Holland and J. M. Springs and the three trustees of said district shall have equal power in the selection of suitable plans, buying material and letting contracts, etc., until the building is completed. Any vacancy occurring in ^{Vacancies.} said building committee shall be filled by the county board of education.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 102.

AN ACT RELATING TO TARBORO PUBLIC-SCHOOL DISTRICT BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Tarboro School Board shall be and is ^{Bond issue authorized.} hereby authorized and empowered to issue coupon bonds of Tarboro Township, to an amount not exceeding thirty-five thousand dollars (\$35,000), for the purpose of applying the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, in providing, furnishing and equipping a public-school building. ^{Purpose of issue.}

SEC. 2. That such bonds shall be payable or redeemable thirty ^{Maturity.} years from the date thereof, at such place or places as the Tarboro School Board may determine, and shall bear interest from ^{Interest.} the date thereof at the rate of not more than five per centum per annum, payable semiannually on the first days of April and October of each year, at such place or places as said school board may determine. Such bonds shall be signed by the chairman and ^{Authentication.} attested by the secretary of the said school board, and shall have the corporate seal of said school board affixed thereto. The said school board shall in all other respects prescribe the tenor and form of such bonds.

SEC. 3. That for the purpose of providing for the payment of ^{Special tax.} said bonds and interest thereof, and of defraying the expenses of the public schools in Tarboro Township, the Board of County Commissioners of Edgecombe County, at the time of levying taxes for the fiscal year beginning in June, one thousand nine hundred and nine (1909), and annually thereafter, shall levy and lay a particular tax on all subjects of taxation within the limits of said

Rate recommended by school board.	Tarboro Township on which said commissioners may now or hereafter be authorized to levy and lay taxes for any purposes whatsoever; said particular tax to be such percentage on all real and personal property and all other subjects of taxation as may be recommended by the Tarboro School Board; in no case, however, to exceed forty cents on the one hundred dollars valuation of real and personal property and not more than one and twenty-hundredths dollars on each taxable poll.
Limit.	
Collection and payment of taxes.	SEC. 4. That said taxes shall be collected by the Sheriff of Edgecombe County at the time and in the manner that State and county taxes are collected, and the said sheriff shall pay over to the treasurer of the Tarboro School Board all such taxes collected, and said treasurer shall pay out said taxes and other funds which may come into his hands for the use of said public schools only upon the warrant of the chairman and the secretary of said school board. The said school board is hereby authorized to fix the compensation of said sheriff for collecting and of said treasurer for disbursing said taxes or other school funds which may pass through their hands, but in no case shall the sheriff receive more than five per centum on receipts or the treasurer more than two per centum on disbursements.
Warrants for school funds.	SEC. 5. That the provisions of this act in reference to the issuing of bonds and the levying of taxes shall be submitted to the qualified voters of Tarboro Township for ratification or rejection at an election to be called by the county commissioners of Edgecombe County within ninety days after the ratification of this act. The said commissioners shall give at least twenty days' notice of such election by publication in some newspaper published in Edgecombe County, which notice shall state the purpose of such election and the time at which it is to be held, and shall recite in full or in substance the provisions of this section. At such election those favoring the issuing of said bonds and the levying of the particular taxes before mentioned shall vote a printed or written ballot containing the words "For Public Schools," and those opposing the issuing of said bonds and the levying of said taxes shall vote a printed or written ballot containing the words "Against Public Schools." The said board of county commissioners is hereby empowered and directed to appoint a registrar and two judges of election, designate a polling place and to order an entirely new registration of the qualified voters of Tarboro Township. The said election shall be held under the law governing the election of members of the General Assembly of this State, except as herein provided for; and it shall be the duty of the election officers to make the proper certified returns to the said board of county commissioners, and it shall be the duty of the said board of commissioners to canvass and judicially declare such returns and have the result of said election as declared by them properly
Compensation of sheriff.	
Provisions of act to be submitted to voters.	Ballots.
Time of election.	
Notice of election.	Registrar and judges.
Ballots.	
Registrar and judges.	Polling place, New registration.
Polling place, New registration.	
Law governing election.	Returns.
Returns.	
Canvass of returns.	

recorded in the office of the register of deeds, and it shall also be the duty of said board of commissioners to certify to the Tarboro School Board the result of the election.

SEC. 6. That if a majority of the qualified voters of the town-ship vote "For Public Schools," it shall be deemed and held that the said school board is authorized to issue Tarboro Township bonds to an amount not exceeding thirty-five thousand dollars (\$35,000), and said board shall issue such bonds without unnecessary delay. Effect of election.

SEC. 7. That the proceeds arising from the sale of such bonds shall be kept separate and apart from other school funds, and the said board may elect a separate treasurer to receive, hold and disburse the said proceeds. The said treasurer shall pay out the above-mentioned funds only upon the warrant of the chairman and the secretary of the Tarboro School Board. He shall give bond agreeable to said school board, and shall serve without compensation: *Provided*, the school board may reimburse said treasurer for such amount as he is required to pay out in giving proper bond. Specific appropriation of proceeds. Separate treasurer. Warrants. Bond and compensation. Proviso: premium on bond.

SEC. 8. That the said Tarboro School Board shall set aside from the school funds under their control an amount sufficient to pay the semiannual interest on said bonds and to provide a sinking fund which, upon accumulation, will be sufficient to redeem said bonds at their maturity, thirty years from date. Payment of interest. Sinking fund.

SEC. 9. That it shall be the duty of said school board to invest annually the amount set apart for a sinking fund in purchasing any of said bonds, at a price deemed advantageous to said schools by said school board; but in case said bonds cannot be purchased, as provided for, then the said school board may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security therefor and for the payment of interest thereon mortgages or deeds in trust, in the name of some trustee, on sufficient real estate, or the bonds issued under this act may be taken as collateral security for such loans. The notes or other evidence of debt given for any loan under this section shall be executed to and in the name of the Tarboro School Board, and shall bear interest, payable annually, at the rate of not less than six per centum per annum; and in case said school board shall not be able to invest any or all of said money annually, as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank or banks, trust or safe-deposit company or companies of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments, as above directed, shall be invested in the manner as before provided. Investment of sinking fund. Interest on sinking fund. Deposits of sinking fund.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 103.

AN ACT TO ESTABLISH A SPECIAL-TAX SCHOOL DISTRICT
IN WAKE AND CHATHAM COUNTIES, TO BE KNOWN AS
SCHOOL DISTRICT No. 4.*The General Assembly of North Carolina do enact:*

Territory.

Boundaries.

SECTION 1. That the following-described territory, lying and being in Chatham and Wake counties, in New Hope and Buckhorn townships, bounded as follows, to wit, beginning at a point in the line of Wake and Chatham counties, at the northeast corner of the present Merry Oaks School District, running thence nearly west with said district line to the branch just west of C. S. Wilson's residence; thence nearly west with said branch to A. L. Wilson's west line; thence nearly north with his line (running just west of his residence) to the Vicks' line; thence with their line to Big Beaver Creek; thence up said creek to the county line between Wake and Chatham counties; thence nearly south with said county line to Little Beaver Creek; thence up said creek to B. B. Freeman's line; thence with the same to his southwest corner; thence straight to the northeast corner of the old Allen (now Strickland) place; thence with Strickland's line, running east of his residence, as his line runs to L. E. Rollins' line; thence with Rollins' line to J. J. Womble's corner; thence nearly east with Womble's line to C. R. Barker's corner; thence south to T. D. Womble's corner; thence east with her line to her east corner; thence nearly south to J. C. Angier's (the Cary Lumber Company's) line; thence east to S. V. Wilson's line; thence nearly south with Angier's line to Mrs. G. H. Womble's line; thence west to the branch; thence down said branch to Thomas' Creek; thence up said creek to the corner of said Mrs. G. H. Womble's line; thence northwest with her south line to M. J. Boling's line; thence with his south line to the line of the Ennis land; thence with their south line to the west line of Thomas Wyndham; thence straight to Reynolds' corner; thence south with Wyndham's and Reynolds' line to their corner; thence nearly west with their line to the said county line; thence north with the said county line to the beginning, be and the same is hereby incorporated into and established as a special-tax school district for the white race (the colored race, being few in number, are accommodated at school in adjoining district), to be known as School District Number Four.

Established as
school district.

Title.

Date of election.

Question.

Registrar and
judges.

SEC. 2. That on the sixth day of April, one thousand nine hundred and nine, an election shall be held in the school district aforesaid upon the question of establishing a special-tax school district; that said election shall be held by L. E. Rollins; registrar of election, and E. P. Wiggs and Thelbert Pool, judges of election, who are hereby appointed for that purpose and who shall have power to fill all vacancies in said board of election officers, and

said election shall be held by them under the same rules and regulations as prevail in the election of members of the General Assembly. Said officers of election shall give thirty days' notice of said election by notice posted at the courthouse door in the counties of Wake and Chatham and three public places in said school district; that they shall canvass the returns, declare the results and report the same to the boards of county commissioners of Wake and Chatham counties, to be filed in the office of register of deeds of each county. The qualified voters of said district shall vote at said election tickets on which shall be printed or written the words "For School Tax" or "Against School Tax."

Law governing election.

Notice of election.

Canvass and returns.

Ballots.

SEC. 3. That said board of election officers shall give thirty days' notice of said election, and there shall be a special registration for the same for thirty days prior to said election, the books to be opened by said registrar; that said election shall be held at L. E. Rollins Company's store; and if a majority of the qualified voters of said district, as appearing from said registration books, shall vote at said election for said school tax, it shall be the duty of the board of county commissioners of Wake and Chatham counties to levy, on the first Monday in June after said election, and annually thereafter, a special tax of forty cents on the one hundred dollars valuation upon all the taxable property within said district and one dollar and twenty cents upon each taxable poll within said district. The tax so levied shall be, respectively, collected by the sheriffs of Wake and Chatham counties and shall be by them turned over to the Treasurer of Wake County, who shall pay out the same upon orders drawn by the school committee of said school district. The schoolhouse for said district shall be located at the town of Bonsal, in Wake County.

Notice of election.

Special registration.

Polling place.

Effect of election.

Tax rate.

Collection and settlement of tax.

Warrants.

Location of school-house.

SEC. 4. That all moneys apportioned by the county boards of education of Wake and Chatham counties for said district, together with the amount coming from the special tax above provided for, shall be placed with the Treasurer of Wake County, to be disbursed by him upon vouchers drawn and approved by the school committee of said district.

Apportionment from general school funds.

SEC. 5. That the school committee for said district shall be appointed by the Board of Education of Wake County, but neither the Wake nor the Chatham County section of said district shall have more than two of the three members of the school committee of said district.

Appointment of school committee.

SEC. 6. That the money accruing from the special tax provided for by this act shall be used for the purpose of creating a building and equipment fund, and shall also be supplementary to the regular school fund annually apportioned by the county boards of education of said counties for the maintenance of said school.

Building and equipment fund.

SEC. 7. That said school committee and their successors shall have charge of the public school or schools in said district, and shall have the right and power to buy such real or personal

Powers of school committee.

property as may be necessary for the purposes of said school, and to do any and all things necessary for the successful conduct and management of said school or schools.

Relief from
taxation.

SEC. 8. That that portion of School District Number One, Buckhorn Township, Wake County, which is included within the line of the district provided for in this act shall be relieved from all taxation that may be imposed upon it by virtue of an election to be held February sixteenth, one thousand nine hundred and nine.

Examinations of
teachers.

SEC. 9. That the teachers in said school or schools shall stand like examinations before the County Superintendent of Public Instruction of Wake County as those required of other public-school teachers in said county.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 104.

AN ACT FOR THE RELIEF OF THE COMMISSIONERS OF THE TOWN OF BELMONT, GASTON COUNTY, NORTH CAROLINA.

Preamble.

Whereas Robert L. Stowe, W. Reece Stowe and J. William Armstrong are now and have been for several years the commissioners of the town of Belmont, Gaston County, North Carolina; and

Preamble.

whereas said commissioners have failed, through ignorance of the law, to annually publish accurate statements of the taxes levied and collected in said town, together with the statement of the amount expended by them, and for what purpose, as is required by

Preamble.

section two thousand nine hundred and seventy-three of the Revisal of one thousand nine hundred and five; and whereas there has been no mismanagement of the funds belonging to said town, and accurate statements of all receipts and disbursements have been kept by the proper officers of said town, subject at all times to the inspection of the public; now, therefore,

Release from
penalties.

The General Assembly of North Carolina do enact:

SECTION 1. That Robert L. Stowe, W. Reece Stowe and J. William Armstrong, commissioners of the town of Belmont, Gaston County, North Carolina, be and they are hereby released from any and all penalty or penalties that may attach to them or either of them for any failure heretofore to comply with the requirements of section two thousand nine hundred and seventy-three of the Revisal of one thousand nine hundred and five.

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

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 105.

AN ACT TO INCORPORATE PEE DEE VALLEY RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. C. Leak, J. P. Leak, William Entwistle, Corporators, H. S. Ledbetter and H. C. Wall and all persons who may be now or shall hereafter become stockholders of the Pee Dee Valley Railway Company, and their successors, shall be and continue to be a body politic and corporate, under the name of "Pee Dee Valley Corporate name. Railway Company." The said Pee Dee Valley Railway Company, by and in that name, shall have power to have succession for a Corporate powers, period of ninety-nine years, and a common seal, which it may alter, renew or amend at its pleasure; to sue and be sued in any court of law or equity; to contract and be contracted with; to purchase, lease and otherwise acquire, hold and enjoy such real and personal estate as the purposes of the corporation shall require; to mortgage, pledge, lease, convey by way of deed of trust, and otherwise encumber, sell and convey all or any part of its real or personal estate, together with the franchises of such corporation, in whole or in part; to borrow money, to make and issue its bonds, notes and other evidences of indebtedness, payable to bearer, or otherwise, and with or without interest coupons attached, for any debts or obligations incurred by it or for any purposes of the corporation, and to secure the same by mortgages or deeds of trust on all or any part of its works, property or franchises; to appoint such officers and agents as the business of the company shall in its opinion require, and to fix their compensation; to make ordinances, by-laws and regulations, not inconsistent with the Constitution or laws of the United States or of this State, fixing and altering the number of its directors, the division of same, if desired, into classes, their authority and powers, and the duration of the terms of its officers and directors, for the certification and transfer of its stock, for the calling and holding of meetings of its members, and generally for the government of all under its authority; for the management of its estates and the due and orderly regulation and conduct of its affairs; to purchase, hold, assign, transfer, mortgage, pledge or otherwise dispose of, guarantee and become surety in respect to shares of the capital stock of, and bonds, securities or evidence of indebtedness created by any other corporation or corporations of this or any other State, and while owner of any such stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon; to wind up and dissolve itself or to be wound up and dissolved in the manner provided by law; to change the name of said company by a vote of a majority of the stockholders at a regular or special

- meeting: to exercise all other powers granted to railroad corporations by the general laws of the State of North Carolina, and all powers conferred upon corporations by existing laws of the State of North Carolina, so far as not in conflict with this act and by all acts hereafter passed amendatory thereof or supplemental thereto. The principal office or place of business of said company in the State of North Carolina shall be in the town of Rockingham, in the county of Richmond, but the directors of the said company may change the location of the said office to any other place designated by said directors, and the said directors shall have power to establish the offices in this or any other State that they may deem necessary and convenient for their corporate purposes: *Provided*, they shall keep and maintain at least one office or place of business in the State of North Carolina.
- Principal office.**
- Proviso: one office to be maintained in state.**
- Power to build, maintain and operate railroad.**
- Termini.**
- Branch lines.**
- Extensions.**
- Special branch lines.**
- Connections.**
- Branches built before main line.**
- Power to construct part of main line.**
- SEC. 2.** That said company shall have the power to build, construct, equip, acquire, maintain and operate a railroad, of any gauge, with one or more tracks, operated by steam, electricity, or both, or any other motive power, from a point on the line between the State of North Carolina and the State of Virginia to a point on the line between the State of North Carolina and the State of South Carolina.
- SEC. 3.** The said company, when authorized by resolutions of its board of directors, may construct, purchase or otherwise acquire, maintain and operate any number of branches, of any length, to its main line in this State, and may make an extension or extensions beyond either of its *termini* in this State into another State or States; and, further, that said board of directors, in its discretion, may construct, purchase or otherwise acquire, maintain and operate branches to the city of Wilmington, North Carolina, to the town of Southport, North Carolina, and to the city of Charlotte, North Carolina, or any of them; and in constructing and operating said branch road or roads or extensions said company shall have all the rights, powers and privileges granted to it with respect to the main line. That said company shall have power to connect its said road with any other road it may construct and operate under the authority of the State of Virginia from its northern terminus, or under the authority of the State of South Carolina from its southern terminus, or with any road or roads built or owned by any other company or companies at the same points or either of them.
- SEC. 4.** Said company may in its discretion build any portion or all of its branches or branch lines or extensions before completing its main line, and may construct a part of its main line, as specified in section two hereof, without completing said entire main line, and may build said lines by such routes as it deems most advantageous and expedient; that it may, under such purchase, lease, agreement or running arrangement as it may or can

make with any other railroad company, operate any road link between different portions of its own line, or permit any other railroad company, upon such terms as may be agreed upon, to operate any part of its own line; that it shall have the right to cross navigable streams and canals on its route, and that said company is hereby authorized and empowered to construct, maintain and use bridges for the transportation of its cars across any river or rivers or canals in the line of its said railroads: *Provided*, that said bridges shall be so constructed as not to interfere with rafts on said rivers or canals which may be crossed by said railroads, and that said company shall provide drawbridges at such points on said rivers or canals where it shall be necessary for the convenience of boats navigating said rivers or canals.

Powers in connection with other lines.

Navigable streams and canals. Bridges.

Proviso: construction of bridges.

SEC. 5. The company shall have the right and power, when necessary or convenient, to construct their said road across any public road or street at such point or points as may be determined or along the side of any public road: *Provided*, that the company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have power to construct dams, culverts, trestles and bridges over and across streams, valleys or depressions. It shall likewise have the right to cross at grade or over or under any other railroad constructed or that may hereafter be constructed at any point on its road, and to intersect, join or unite its line of railway with any other such railroad upon the ground of such other company or companies at any point on its route, and to build turnouts, sidings, switches and sidetracks and any other conveniences in furtherance of its object of construction, and run parallel with any other railroad upon the grounds of such other company or companies: *Provided* such grounds be not necessary for the exercise of the franchise and the discharge of the duties of such other company. And said company may lay down and use tracks through any town or city along its proposed line and make connection with the depots of any railway or steamboat companies within said towns or said cities or said State, under such rules, regulations and conditions as may be prescribed by the board of aldermen of said cities or commissioners of said towns and laws of said State; and may, in making any intersection or connection with any other railroad or railroads, have all the rights, powers and privileges conferred upon railroads by the laws of this State.

Public roads and streets.

Proviso: construction of new roads.

Crossing other railroads.

Proviso.

Tracks through towns or cities. Connection with depots.

SEC. 6. The said company shall have the right to lease, build, construct, charter or purchase or own barges, steamboats or other vessels propelled by any motive power whatsoever, for either river or ocean navigation, or both, and may separately or in connection with the said railroad operate one or more steamboat line or lines of other vessels; and may, in operating said boats of any kind, become common carriers; and may further own, con-

Barges, steamboats and other vessels.

- Ferries and ferry-boats. strict and operate in connection with said railroad or any of its branches, or independent thereof, ferries and ferryboats; and may connect with ocean steamers or vessels or river steamers or vessels, barges or boats.
- Terminal facilities. SEC. 7. The said company is hereby authorized and empowered to erect and construct, at or near the town of Southport, in the county of Brunswick, or the city of Wilmington, in the county of New Hanover, or both, or at any other place or places, as decided by its board of directors, wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal chutes suitable for the accommodation of steamships, vessels and boats, and for the convenient loading, unloading, shipping, receiving and storing of all kinds of merchandise and personal property for safe-keeping, and may conduct the business usually transacted by warehousemen, wharfingers and lightermen, and may charge and collect compensation for the storage, dockage, wharfage and lighterage and for all labor incident thereto, including the expenses of weighing, insuring, keeping and delivering such merchandise or personal property, at such rates and on such terms as may be agreed upon between it and its customers; and for any advances made by it on merchandise or property stored or deposited with it for shipment, and for all its charges and expenses incident thereto, the said company shall have a preferred lien on said merchandise and property, which shall be paid before the said company shall be required to deliver the same. That the said Pee Dee Valley Railway Company may from time to time acquire or guarantee the bonds and stocks, or either, of any inland, coast or ocean transportation company or companies, and it may develop or aid in the development of its business by acquiring or guaranteeing the stocks and bonds, or either, of hotel, lighterage, wharf, elevating and such other enterprises convenient in connection therewith or as a part thereof.
- Powers as warehousemen, wharfingers and lightermen. SEC. 8. That said company is hereby authorized to construct and operate at its option one or more telegraph or telephone lines along its lines of railroad and from any other points to its lines of railroad, and to charge and collect such remuneration for messages, dispatches or tolls as the board of directors may determine; and the said company may connect said telegraph or telephone lines with the lines of any other company in this or adjoining States, and may lease or sell same: *Provided*, said company shall be subject to all the provisions of law governing telegraph and telephone companies.
- Charges a lien on property. SEC. 9. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any and all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs, and to cut canals in the Green Swamp and other swamps in the counties of Columbus and Brunswick or in any other counties in the State of North Carolina as may be useful or necessary in the conduct of the business of said
- Powers of guarantee company. SEC. 10. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any and all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs, and to cut canals in the Green Swamp and other swamps in the counties of Columbus and Brunswick or in any other counties in the State of North Carolina as may be useful or necessary in the conduct of the business of said
- Telegraph and telephone lines. SEC. 11. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any and all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs, and to cut canals in the Green Swamp and other swamps in the counties of Columbus and Brunswick or in any other counties in the State of North Carolina as may be useful or necessary in the conduct of the business of said
- Proviso: general law. SEC. 12. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any and all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs, and to cut canals in the Green Swamp and other swamps in the counties of Columbus and Brunswick or in any other counties in the State of North Carolina as may be useful or necessary in the conduct of the business of said
- Powers as canal company. SEC. 13. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any and all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs, and to cut canals in the Green Swamp and other swamps in the counties of Columbus and Brunswick or in any other counties in the State of North Carolina as may be useful or necessary in the conduct of the business of said

company; and it is hereby vested with all the rights and privileges secured to canal companies by the laws of North Carolina. And in case said corporation is unable to agree with the owner for the purchase of any real estate required for the purpose of constructing any canal, it shall have the right to acquire title to the same in the same manner and by the same special proceedings prescribed in chapter sixty-one (61) of said Revisal and any amendments thereto.

SEC. 10. Said company shall have the exclusive right to carry and transport freight and passengers over and along its lines of railroad at such rates as said company shall prescribe, subject to such laws regulating the same as the General Assembly or tribunals constituted thereby may from time to time establish.

SEC. 11. Whenever from any cause this company is unable to agree with the owners of the land over or near which it is proposed to extend its road for the purchase of such land for its depots, roadbeds, station grounds, yards, shops, gravel pits, quarries, terminals or other purposes of the company, the said company may file a petition before the clerk of the Superior Court of the county wherein the land lies, specifying the object for which the land is desired, with a description and plat thereof. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the clerk, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the hearing of the same, by the said clerk, in the manner provided by law; and in the event that any of the persons interested in said land are unknown or nonresidents of this State, such notice may be served by advertisement, stating briefly the object of the application and giving a description of the land to be taken, published in a paper, if there be one published in the county in which the land to be taken is situate, once in each week for four successive weeks next previous to the presentation of the petition, and if there be no paper published in the said county, then in some paper published in the city of Raleigh, or such notice may be given in any other way provided for the giving of notices relative to the condemnation of land by chapter sixty-one (61) of the Revisal of one thousand nine hundred and five (1905) of North Carolina. The clerk of the Superior Court shall thereupon appoint three disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time to be fixed in the order of appointment, not more than ten days after the appointment, unless a later day be fixed by consent, to assess the damages to the land proposed to be taken. In assessing the damages the appraisers shall take into consideration the actual value of the land, together with the damage to the residue of the tract beyond the benefit and special advantages to be derived in respect to such residue from the work to be constructed. The assessment shall be of the fee-simple value of the

Right of appeal.	property proposed to be taken by the company. The appraisers or a majority of them shall make their report to the clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of the register of deeds, after approval by the clerk and payment of the damages assessed to the clerk or to the parties interested, and shall have the force and effect of a deed conveying such property to the company in fee simple. Either party may appeal to the Superior Court in term from the approval or disapproval of the action of the clerk, provided such appeal be prayed within ten days from the approval or disapproval of the clerk, and on such appeal may present such evidence as they may desire, and have a hearing <i>de novo</i> before the court, but the burden of proof shall be upon the party objecting to the ruling of the appraisers. In the event that the true owner of any property taken as above mentioned is not notified as above provided, then such owner may, within two years, but not afterwards, petition the Superior Court of the county in which the land lies for assessment of the value thereof, as aforesaid, but no action of ejectment shall be brought by him nor the possession or occupation of this company in any way disturbed unless it shall within the time to be fixed by the said court fail to pay such damages as may be assessed for the value thereof: <i>Provided, however,</i> that in case the true owner be at the time of such condemnation and occupation under any legal disability, he may file a petition for the assessment of such damages within two years from the removal of such disability: <i>Provided,</i> that no powers herein enumerated shall be construed to grant any condemnation powers in excess of the general law governing condemnation, and that nothing herein contained shall be construed to exempt this company from any and all of the lawful orders, rules and regulations of the Corporation Commission.
Burden of proof. Rights of true owner if not notified.	
Proviso: owner under disability.	
Proviso: application of general law.	
Limit to right of condemnation.	<p>Sec. 12. The right of said company to condemn and take land under this act shall be limited to a space not exceeding one hundred (100) feet on each side of its road, measuring from the middle line of the same, except in cases of deep cuts or high embankments, when said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road: and except, also, that for depots, warehouses, station grounds, shops, yards, gravel pits, quarries, terminals and other purposes necessary for the construction and operation of said road the said company may condemn any quantity of land that in the opinion of its board of directors may be necessary. Said company may cut down any trees that may be in danger of falling on the track or of obstructing the right of way, and may take as much land as may be necessary for the purpose of obtaining material for any embankment or embankments. That said company is hereby empowered to purchase and hold such lands,</p>
Protection of right of way. Land for material.	
Power to acquire and deal in lands.	

timber and personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the company in any manner not inconsistent with law and this charter: *Provided*, that said company shall have power to hold at the same time for terminals, stations, depots, warehouses, etc., any number of acres of land; that it shall be lawful for the said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any and all times upon all lands or waters for the purpose of exploring, surveying, leveling or laying out the route of said railroad and of locating the same and to make a plat thereof, and to do and erect all necessary works, buildings and appendages thereon, doing no unnecessary damage to private property.

Proviso: extent of power.

Entry on lands for exploring and survey.

SEC. 13. The capital stock of said company shall be one hundred and twenty-five thousand dollars (\$125,000), and the same may be increased from time to time by paying to the Secretary of State the fees required by law, as the demands of the said company as determined by a majority of the stockholders shall require. The board of directors shall have the right to divide said capital stock into preferred and common stock, and said stock shall be issued upon such terms and conditions and in such manner, form and designation as shall be prescribed by the board of directors. The stock of said company shall be in shares of one hundred dollars (\$100) each, for which, when fully paid for, certificates shall be issued, which shall be nonassessable, and each share, whether preferred or common, shall entitle the holder to one vote, and the stockholders shall not be individually liable for the debts of the corporation, excepting the stock be not fully paid for, in which event the holder thereof shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by said subscribers or holders, and no more. Said corporators, who shall themselves be subscribers, or a majority of them, acting in person or by proxy, after the sum of twenty-five thousand dollars (\$25,000) shall have been subscribed and one thousand dollars (\$1,000) paid in, shall call a meeting, in such manner and at such time and place as they may deem proper, of the subscribers to the said capital stock, for the purpose of completing the organization of the company; and at such meeting the said subscribers to the capital stock, in such manner as they shall determine, shall elect a board of directors, consisting of not less than five members, who shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties, and who shall immediately after their election meet and elect such officers as may be necessary for the control and management of the business and affairs of said company, said officers to be members of the board

Capital stock.

Increase of stock.

Preferred and common stock.

Shares of stock.

Stock votes.

Liability of stockholders.

Meeting to be called for organization.

Election of directors.

Term of office.

Election of officers.

By-laws.	of directors; and thereafter they shall have and exercise all the powers and functions of a corporation under this charter and the laws of the State of North Carolina. The board of directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.
Annual meeting of stockholders.	SEC. 14. The annual meeting of the stockholders shall be held on such day as is or may be prescribed by the by-laws, or, if none be so prescribed, on such day as the stockholders may in general meeting from time to time appoint, or, in the absence of such appointment by the stockholders, on such day as the board of directors may designate, and at such place within or without this State
Notice of meeting.	as shall be fixed from time to time by the board of directors. Notice of the annual meeting of the stockholders shall be published
Called meetings.	in a newspaper for two successive weeks. A general meeting of the stockholders may be held at any time upon the call of the board of directors or of the stockholders holding together one-tenth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place at which the last annual meeting was held. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting. Such general meetings may be held at any place that it may be lawful to hold annual meetings.
Payment of subscriptions.	SEC. 15. That subscription to the capital stock may be made and paid in money, lands, stocks, bonds or other valuable securities, material or services or other things of value necessary to the uses of the corporation, in such manner and on such terms as may be agreed upon by the president and directors of said company; and the stock issued by the directors of said corporation in payment of any subscription or purchase of real estate or personal property necessary for the purposes of the said corporation, or for work, labor or services performed or material furnished to or for such corporation shall be full-paid stock, and when so issued shall not be liable for any further call; neither shall the holder thereof be liable for any further payments; and in the absence of actual fraud, the judgment of the directors as to the value of the property, work, labor or services performed or material furnished, for which the capital stock of the company may be issued, shall be conclusive. In all statements and reports of the corporation required to be filed by the laws of the State of North Carolina this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.
Number of directors.	SEC. 16. The board of directors of said corporation shall consist of as many members, not less than five, as the stockholders may
Vacancies.	by proper corporate action determine, and said board of directors shall have power to fill any vacancies that may occur in it during

the period for which it has been elected. The officers of the company shall be annually elected by the directors from among their number, in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected. The secretary and treasurer, at the option of the board of directors, may be one and the same person. The board of directors may appoint from among its members an executive committee, which shall exercise all the powers of the board when the board is not in session. The board of directors and the executive committee may meet within or without the State.

Election of officers.

Term.

Secretary and treasurer.

Executive committee.

Meetings of directors and executive committee.

Power to sell or lease property and franchise.

SEC. 17. The said company shall have the power to sell, lease or otherwise dispose of all or any portion of its properties and franchises, in or out of this State, to any other railroad corporation organized under the laws of this State or another State or States, of this State and another or other States, or under the laws of the United States; and any railroad corporation organized under the laws of this State or another State or States, or of this State and another or other States, or under the laws of the United States, is hereby authorized and empowered to purchase or take a lease of or otherwise to acquire all or any part of the properties, franchises, privileges and immunities of said company: *Provided*, that any corporation so purchasing, acquiring or taking a lease which is not incorporated under the laws of this State shall, by virtue of such purchase, acquisition or lease, become vested with all the powers and subject to all the obligations of said company as to the properties, franchises, privileges and immunities so purchased, acquired or leased, including the power of eminent domain as to lands needed to enable such purchaser or lessor to fully construct any portion of its road authorized hereby not constructed or completed at the date of such purchase, acquisition or lease: *Provided, however*, that any corporation which is not a corporation of this State so purchasing, acquiring or taking a lease shall, by virtue of such purchase, acquisition or lease, become a corporation of this State as to all properties and franchises so purchased, acquired or leased, and shall be subject to the laws and to the jurisdiction of the courts of North Carolina as fully as if incorporated under the laws of this State, and as to all causes of action and legal proceedings affecting and growing out of the properties, privileges, franchises and immunities so purchased, acquired or leased, and all other properties held or acquired by virtue of the powers herein conferred, and the operation and management of such properties.

Proviso: rights of purchaser.

Proviso: purchase by foreign corporation.

SEC. 18. Said company shall have power to purchase, lease or otherwise acquire, maintain and operate all or any part of the railroad, works and property, in or out of this State, together with the franchises, rights and privileges, in whole or in part, of any railroad corporation organized under the laws of this State or

Power to purchase other railroads.

another State or States, or this State and another or other States, or under the laws of the United States; and such railroad companies owning franchises in this State as may desire to sell, lease or otherwise convey their franchises and property to the corporation herein created are hereby granted such right, power and privilege. Said company may extend any line of railroad, or any branch thereof that may at any time be owned or operated by it, into or through any other State or into or through any reservation or other property owned by the United States, with the assent of such State or of the United States, as the case may be, and such extension may pass out of this State into any other State, or into any such reservation or property and back again into this State as often as may be necessary:

Extension beyond state.

Power of merger and consolidation.

SEC. 19. Said company shall have the power to merge with or consolidate into a single corporation, under such name as shall be agreed upon, with any other corporations formed or to be formed, for the purpose of constructing, maintaining or operating a railroad under the laws of this or any other State or States, or this State and another or other States, or of the United States, the existing or proposed or future line of road of which corporation or corporations connects or shall, when completed, connect with the proposed or future lines of the Pee Dee Valley Railway Company by direct connection, or by bridge, ferry or otherwise, or over any other line or lines constructed or to be constructed, and which said consolidated corporation shall thereby become a domestic corporation of this State and be subject to its laws and to the jurisdiction of its courts, and may be either one of said merged or consolidated corporations or a new corporation to be formed by means of such merger or consolidation, so that by virtue of the authority hereby given and the proceedings had pursuant thereto such corporations shall be consolidated or merged, so that the properties, rights, franchises and privileges by law vested in all corporations so merging or consolidating shall be transferred to and vested in the corporation into which such consolidation or merger shall be made or resulting therefrom. Such consolidation or merger shall be made in the following manner and under the conditions, provisions, restrictions and with the powers following—that is to say:

Consolidated corporation domesticated.

Procedure for merger.

Joint agreement.

(a) The board of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement, under the corporate seals of their respective corporations, for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation (if it be proposed to form a new one) or of the consolidated corporation, or the corporation into which said corporations are merged, as the case may be; the number, names and places of residence of the directors and principal officers of such new or consolidated corporation (who shall

hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation): the number of shares of the capital stock, with the par value of each share, of such new or consolidated corporations, and, if the capital stock is to be divided into classes, the classes thereof, with the terms on which issued: the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such new or consolidated corporation, and, in the case of the creation of a new corporation, how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed, together with all such other provisions and details as to the boards of directors entering into said agreement shall seem necessary or convenient to perfect the merger or consolidation of said corporation.

(b) The agreement shall be submitted to the stockholders of each of said merging or consolidating corporations separately, at meetings thereof to be called for the purpose of taking the same into consideration, of the time, place and general object of which meetings due notice shall be given by publication at least six times a week for two successive weeks in a newspaper published in or near the place where the principal offices in this State of the corporations are located, or in the city of Raleigh; and if any of said corporations have no office in this State, as to such corporation in the city of Raleigh, and by mailing a copy of such notice, at least ten days prior to such meetings, to the last-known post-office address of each of the stockholders of record: and at said meetings the said agreement shall be considered, and a vote by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote: and if a majority of all the votes cast at each of such meetings shall be in favor of approving said agreement of consolidation or merger, then the fact shall be certified by the president or one of the vice presidents of the corporation, under the corporate seal, attested by the secretary, and said certificates, duly acknowledged by the presidents or vice presidents signing the same, and by the secretaries of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be filed and recorded in the office of the Secretary of State, and when such certificates shall be filed for recordation in the said office the said merger or consolidation shall be complete, and the merged or consolidated corporation may proceed to carry out the details of said merger and consolidation according to the terms of the agreement, and to transact and carry on the business for which it was formed.

Agreement submitted to stockholders.

Certificates filed with secretary of state.

(c) Upon the perfecting, as aforesaid, of the said merger or consolidation, the several corporations, parties thereto, shall be deemed and taken as one corporation, upon the terms and condi-

Effect of consolidation.

tions and subject to the restrictions set forth in said agreement; and all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all property, real and personal, and all debts due on whatever account, as well of stock subscriptions as other things in actions, belonging to each of such corporations, shall be taken and deemed as transferred to and vested in such new or consolidated corporation without further act or deed; and all property, all rights of way and all and every other interest shall be as effectually the property of the new consolidated corporation as they were of the former corporation parties to the said agreement; and the title to real estate, either by deed or otherwise, under the laws of this State vested in either corporation, shall not be deemed to revert or be in any way impaired by reason of this act: *Provided, however,* that the rights of creditors and all liens upon the property of either of said corporations shall be preserved unimpaired, and the respective corporations shall be deemed to continue in existence to preserve the same; and all debts, liabilities and duties of either of said companies shall henceforth attach to said new or consolidated corporation and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it.

Proviso: rights of creditors.

Principal office.

(d) Such new or consolidated corporation shall, as soon as convenient after such merger or consolidation, establish a principal office in this State, giving public notice thereof in some newspaper published in the city of Raleigh and filing a memorandum thereof in the office of the Secretary of State.

Suits against new corporation.

(e) Suits may be brought and maintained against such new or consolidated corporation in any of the courts of this State, in the same manner as against any other corporation formed under this act. Any action or proceeding pending by or against either of the corporations consolidated may be prosecuted to judgment as if such consolidation had not taken place, or the new or consolidated corporation may be substituted in its place.

Pending actions.

Rights, privileges and franchises of new corporation.

(f) In all cases of merger or consolidation of two or more corporations under and by virtue of the provisions of this act the said new consolidated corporation shall, in addition to the rights, privileges and franchises referred to in clause (c) of this section, have all the powers and be subject to all the restrictions imposed upon corporations of the same class formed under the laws of this State, except so far as is inconsistent with this act; and said new or consolidated corporation shall be empowered to do and perform any and all things necessary to carry out and perform the agreement of merger or consolidation in the way of issuing bonds, other evidences of debt, and securing the payment thereof by mortgage or deed of trust on all its works, property and franchises, or any part thereof, of issuing stock, or otherwise. Such new or

consolidated corporation shall thereafter have the power to issue bonds, enter into obligations, secure such bonds or obligations by mortgage or deed of trust, or otherwise, increase and issue stock, and to again consolidate or merge with another corporation in the same manner and to the same extent as the first corporation recognized by this act shall or may have power to do.

SEC. 20. That said company may subscribe to or purchase the whole or any part of the capital stock, bonds, credits or any other securities of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold shares in the same, and any other corporation may subscribe to or purchase the whole or any part of the capital stock, bonds, credits or any other security of this company. It may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal and in all other goods, wares and merchandise of any and all kinds. It may build, equip and operate ice plants, cotton presses, cotton-seed oil mills, sawmills, planing mills, stone mills, shingle mills, mills for the manufacture and production of both dressed and undressed lumber, wood pulp, sash, doors, blinds and all other kinds of building material, including brick, and may own and operate all kinds of machinery and equipment necessary and suitable for the manufacture of the articles hereinbefore set out, and all other building materials, and for the manufacture of wagons, buggies and other kinds of vehicles; dry kilns, quarries, mines, furnaces, hotels, boarding houses, restaurants, livery stables. It may establish and operate mineral springs and other summer and winter resorts, parks and other places for pleasure and amusement. It shall have the power, right and authority to erect, construct, equip, maintain and operate tramroads, and shall have the right to sell and deal in such products of mills as may by its operations be produced. It may purchase, open up and operate farms and vineyards, and may use real estate owned by it for collateral and other purposes.

Subscriptions to other corporations.

Subscriptions by other corporations.

Further powers and rights.

SEC. 21. That said company shall have power to lease, purchase or otherwise acquire lands or mineral or surface rights therein or thereon, and to work the same for the extraction of coal, iron, petroleum, natural gas, gypsum and other minerals and products, and to market such mineral, coal, iron and other products, and erect other works for the manufacture or production of iron and steel, and generally to carry on the business of producers of and dealers in ore, coal, charcoal, iron, petroleum, gas, gypsum and other productions incident to such a business, and for all such purposes to acquire and from time to time to dispose of or sell such lands, and for the purchase of lands and other property and for services rendered may issue any part of the capital stock in payment thereof.

Power to purchase lands and mineral rights.

Powers as light
company.

SEC. 22. The said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy and sell in all towns and cities which any of its lines of railroad may touch, or any towns and cities within the distance of one hundred (100) miles on each side of its right of way or within a radius of fifty miles of the cities touched, electricity, electric current, gas or other suitable and proper materials or fluids for public and private use, for its own use and for distribution and sale to all persons, firms and corporations, upon such terms as may be agreed upon by the contracting parties; and may construct, equip, operate and maintain a line or lines of street railway, with one or more tracks, in said cities and towns in the territory above designated, with such cars, trolley wires, cable posts, sidetracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary: *Provided*, that in the laying of its tracks, the location of its wires and poles and the laying of its pipes it first have and obtain the consent of the governing bodies of said towns and cities, and that it conform its buildings and works to the reasonable rules and regulations which may be prescribed by said governing bodies; that it may acquire, by lien, purchase, subscription to or purchase of the capital stock, or otherwise, the works, tracks, property, poles, lines, wires, power houses, branch roads, privileges and all other property of other corporations doing a street railway or an electric lighting or power business or a gas business in any of the cities over which it may pass and within the territory above set out, and may sell, lease, use, maintain and extend the same; and power is hereby conferred upon such companies chartered under the laws of this State to transfer, by sale or lease, all their works, tracks, property, franchises, rights, privileges or immunities to the company hereby incorporated, and to unite and consolidate with it upon such terms as may be agreed upon.

Street railways.

Proviso: consent
of towns.

Dams.

SEC. 23. That said company is hereby given power and authority to construct dams across any water way for the purpose of generating electricity, gas or other forces, and shall have power to transmit the same, either above or under the ground, by wires, cables, tubes, pipes, conduits and all other ways and means now used or which may be devised for transmission of power, light and heat: to transmit and distribute the same directly to consumers or users within the territory aforesaid, or to a distributing point therein, and from such distributing point to consumers as aforesaid: to make, buy, deal in, furnish, supply and sell electricity, gas and any and all other kinds of power, force, fluids, currents, matters and materials now used or which may be discovered for the purpose of illumination, heat and power: to carry on any and all business in anywise connected with the manufacture and generating, distributing and furnishing of electricity, gas and other fluids, forces or currents; to purchase, acquire, hold, improve, lease, operate and maintain water powers, water rights and

Rights as power
company.

Rights as water
company.

privileges; to supply water to persons, corporations, towns and citizens for domestic or public purposes, for use as power and manufacturing purposes, and to charge and collect such rents and rates therefor as may be deemed advisable or expedient: to lay out and plat any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms, and to lay out, plat and dedicate to public use or otherwise thereto avenues, alleys and parks.

SEC. 24. That in order to carry into effect the powers herein granted, said company may survey such rights for its line or lines of street railway and for its ways and lines for transmission and distribution of power, light and heat, as may be deemed practicable; and in the event any lands of individuals or corporations, or any easement, privilege or right of way therein, shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings and all its wires, cables, depots, conduits, ways and lines for the purpose of transmission and distribution of power, light and heat, if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same, or to any easement or privilege or right of way therein, in the manner and by the special proceedings prescribed in chapter thirty-two of the Re-
Rights as im-
provement com-
pany.
Rights in survey-
ing for lines.
Power of con-
demnation.
 visal of one thousand nine hundred and five, regulating electric companies.

SEC. 25. That any county, township, city or town along or near the line of railroad herein authorized to be built and constructed may subscribe to the capital stock of said company in the following manner: Upon presentation, in writing, signed by not less than fifty voters of the county, township, city or town, to the board of county commissioners of said county or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, the board of commissioners of said county or proper authorities of said city or town shall, within thirty (30) days, order an election to be held in such county, township, city or town, and to submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which elec-
Subscriptions by
municipalities.
Procedure for
subscription.
Ballots.
 tion all those qualified to vote who are in favor of said subscription shall vote a ballot on which is written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such
Law governing
election.
Notice of election.

Returns.	election shall be held, after thirty (30) days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said county
New registration.	or proper authorities of said city or town. That the said county commissioners or municipal authorities, as the case may be, are hereby authorized and required to order a new registration of the qualified voters of said county, township, city or town for said election.
Effect of election.	SEC. 26. If a majority of the qualified voters vote "For Subscription," then the proper authorities of said county or township or
Bonds to be issued.	the proper authorities of said city or town shall immediately make such subscriptions and shall issue coupon bonds to the amount of said subscriptions, in order to pay the same, and the bonds shall upon their face indicate on account of what county, township,
Denominations.	city or town they are issued. They shall be in denominations of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), and shall run for such period of years and bear such rate of interest as the petition and order of said election shall indicate; they shall be executed in the form required by law, and the proper authorities of such county or town-
Payment of subscription.	ship or the proper authorities of such city or town may either sell said bonds and pay for its subscription to the capital stock of the said company, in cash, or deliver said bonds for like amounts of capital stock in full payment therefor, at the election of the board of directors of said company.
Special taxes.	SEC. 27. The county commissioners in any county voting for subscription or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes, in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said
Levy and collection of tax.	county, township, city or town, and shall also levy a sufficient tax to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they were levied and collected, and for no other. The sinking fund shall be
Investment of sinking fund.	invested as may be directed by the board of commissioners of the county issuing said bonds or in which there is a township issuing such bonds or by the proper authorities of the city or town issuing said bonds: <i>Provided</i> , that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act, at a price not exceeding the par value
Proviso: investments in bonds.	

thereof. In the event that the properties, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other company, the board of commissioners of any county making such subscription or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

SEC. 28. For the purposes of this act, all the townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of the company, as provided by this act, shall be and are hereby declared to be, respectively, bodies politic and corporate and vested with full power to subscribe as provided in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective Townships and counties declared corporate. Corporate agents, counties in which any such township is located are declared to be corporate agents of said townships so incorporated and situated within the limits of the said counties, respectively, for the purpose of issuing the bonds of said township or townships and to provide for the levy and collection of taxes on property and polls to pay the principal and interest of such bonds, and to provide for the sinking fund hereinabove mentioned.

SEC. 29. It shall be lawful for the said Pee Dee Valley Railway Company chartered by this act to issue from time to time coupon bonds, in such denominations and running for such a time and bearing interest at such a rate and payable at such a time and place as the board of directors may direct, to be issued and sold or hypothecated at such prices and on such terms as may be determined by the board of directors of said company; and to secure the payment of the same the company is authorized to execute a mortgage or mortgages, to such person or corporation as the company may select, on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road be divided and built in sections, which the said company is authorized to do, such mortgage or mortgages may be placed upon such separate sections and in such manner as the company may direct. Company to issue bonds.

SEC. 30. That the stockholders of said company, whether public, private or municipal, shall not be personally liable for the debts of said company. Liability of stockholders.

SEC. 31. That said corporation shall have the power and authority to do all and anything necessary, suitable or proper for Further powers.

the accomplishment of all or any of the purposes or attainment of any or all of the objects and powers herein enumerated, or which shall at any time appear to the stockholders conducive, expedient or proper for the protection or benefit of the said corporation.

SEC. 32. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 33. This act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, A. D. 1909.

CHAPTER 106.

AN ACT TO AMEND CHAPTER 11 OF THE PRIVATE LAWS OF 1905, RELATING TO THE GRADED SCHOOL IN THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Board of graded school trustees.

SECTION 1. That section two of chapter eleven of the Private Laws of North Carolina, session one thousand nine hundred and five, be stricken out and the following be inserted in lieu thereof:

Trustees classified,

"Sec. 2. That for the purpose of this act, there is created a board of graded-school trustees of the town of Kernersville. Said board shall consist of five members, divided into two classes, the same to be appointed by the board of commissioners of the town of Kernersville; the first class to consist of two members, whose term of office shall be two years from the first Monday in July, one thousand nine hundred and nine; the second class to consist of three members, whose term of office shall be one year from the first Monday in July, one thousand nine hundred and nine. All vacancies, by death or resignation, shall be filled by the town commissioners for the unexpired term. At the expiration of the term of each class, as aforesaid, appointments shall be made for a term of two years."

Terms of first class.

Terms of second class.

Vacancies.

Appointments of successors.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 107.

AN ACT TO ALLOW THE TOWN OF EAST SPENCER TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the board of aldermen of the town of East Spencer is hereby authorized and empowered to issue bonds, in the name of the town of East Spencer, in such denominations and forms as it may determine, to an amount not exceeding twenty-

Amount.

five thousand dollars (\$25,000), payable at such times and at such places as the board of aldermen may prescribe: *Provided*, Proviso: maturity, that the time of payment of such bonds shall be not less than twenty (20) nor more than fifty (50) years from date of issue.

SEC. 2. That the said bonds shall bear interest at no greater Interest, rate than six per centum per annum, and that the interest shall Bonds not sold be made payable semiannually, and that the said bonds shall in below par, no case be sold, hypothecated or otherwise disposed of for less than their par value and accrued interest.

SEC. 3. That said bonds shall be signed by the mayor, attested Authentication, by the town treasurer and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, which Coupons receivable for town taxes, said coupons shall be receivable in payment of town taxes, and which said coupons shall bear the engraved or lithographed signature of the town treasurer; that for the purpose of paying said Special tax, bonds at maturity, and the coupons as they become due, it shall be the duty of the board of aldermen, and it is hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and in the manner and at the same time as other taxes are collected under said charter: *Provided*, that the taxes collected under Proviso: specific appropriation, this act for the payment of said bonds and interest coupons, as aforesaid, shall be used for no other purpose: *Provided further*, Proviso: cancellation of coupons and report, that the town treasurer, as said coupons are paid off and taken up, shall cancel them and report the numbers and amounts of the coupons so canceled not less than twice a year to the board of aldermen.

SEC. 4. That the said board of aldermen shall not issue said Election to be held, bonds, nor any of them, nor levy nor collect said taxes until it shall have been authorized and empowered to do so by a majority of the qualified voters of the town, at an election to be held at Time and place of election, such time and place as said board shall appoint, of which election Notice of election, notice shall be given for twenty days in some newspaper published in the county, at which election those favoring the issue of said bonds and the levy and collection of said taxes for the payment of said bonds and coupons shall vote "Issue," and those Ballots, opposing it shall vote "No Issue": *Provided, however*, that the said board of aldermen may, at any election for the purpose of Proviso: new registration, this act, in its discretion, order a new registration of voters, a majority of which voters so registered, if they cast their votes in favor of said bonds at said election by voting "Issue," shall authorize and empower said board to issue the said bonds and levy the said taxes as aforesaid.

SEC. 5. That the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same proposition to the said voters at any other time or times that the board of aldermen may appoint, in accordance with the preceding section. Further election.

Purpose of bond issue.

Proviso: notice of election.

Proviso: specific appropriation.
Proviso: responsibility of purchasers.

SEC. 6. That the said bonds may be issued for the purpose of erecting waterworks, operating a sewerage system and electric lights; *Provided, however*, that the said board of aldermen shall, in the resolution calling the election and in the notice to the people of the said election, state the amount of bonds to be issued under said election and the purpose for which bonds are to be issued; *Provided further*, that said bonds shall be used for no other purpose; *Provided further*, that the purchasers of said bonds shall not be required to look to the application of the purchase money.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 108.

AN ACT TO ENABLE THE TOWN OF HILLSBORO TO FUND ITS EXISTING INDEBTEDNESS, TO PROVIDE FOR THE PAYMENT OF ITS FUTURE INDEBTEDNESS FOR NECESSARY EXPENSES AND TO ASSESS PROPERTY OWNERS FOR THE IMPROVEMENT OF ITS SIDEWALKS.

Preamble.

Preamble.

Whereas the town of Hillsboro has heretofore contracted indebtedness for necessary expenses to the amount of three thousand dollars (\$3,000); and whereas its annual income is not sufficient to pay this debt and to meet its further obligations for the necessary expenses thereof, but said annual income is sufficient at present to pay the interest upon and to maintain an adequate sinking fund for the bonds herein authorized; now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

Amount.

Purpose of issue.

SECTION 1. That the board of commissioners of the town of Hillsboro be and it is hereby authorized to issue bonds, to an amount not exceeding ten thousand dollars (\$10,000), par value, for the purpose of funding the present indebtedness of the town contracted for the necessary expenses thereof, to wit, for macadamizing Charlton Street (said indebtedness of three thousand dollars being now due the Bank of Orange), and for the further purpose of continuing the work of street and sidewalk improvement in said town. The bonds authorized by this act, both principal and interest, must be payable in gold coin of the United States or its legal equivalent, and may be payable at such times and places and bear such legal rate of interest and may be either negotiable coupon or registered bonds, in such form and in such denomination as the board of commissioners of said town may determine; *Provided, however*, that the total issue of bonds authorized by

Payable in gold coin.

Interest.

Denominations.

Proviso: limit of amount.

this act shall not exceed the sum of ten thousand dollars. Said Authentication, bonds shall be signed by the mayor, countersigned by the treasurer and sealed with the corporate seal of the town, and the coupons, if any, on the said bonds shall bear the engraved or lithographed signature of the treasurer. The bonds shall be sold at not less than their par value, after public advertisement for thirty days for bids for the same; and the proceeds of said bonds, including any premium received from the sale thereof, shall be applied only to the present or future indebtedness of the town, contracted for the necessary expenses thereof; but the purchaser of said bonds shall not be held responsible for the application of the money derived from the sale of said bonds.

Sale of bonds at not less than par.
Specific appropriation of proceeds.
Responsibility of purchaser.

SEC. 2. The resolution authorizing the issue of said bonds may be introduced and passed at any regular meeting of the board of commissioners of said town by a majority of all the commissioners present at such meeting. No other or further proceedings shall be necessary for the issuance of said bonds, and all issued in accordance with the provisions of this act shall be valid and legal obligations of the said town, notwithstanding any previous or present act, either general or special, limiting the amount of indebtedness of said town, or otherwise; and all laws or parts of laws inconsistent with this act are hereby repealed, so far as they are inconsistent with this act.

Proceedings for issuance of bonds.

SEC. 3. The board of commissioners of the town of Hillsboro, out of the fund arising from the sale of the bonds herein provided for (as well as from the current revenue), after the payment of the aforesaid debt of three thousand dollars, shall have full power and authority to grade, pave, macadamize and otherwise improve for travel and drainage the streets of said town, and to construct, grade and pave sidewalks or otherwise improve them, so as to make them more fit for foot passengers.

Powers of town commissioners.

SEC. 4. In order more effectually to carry out the authority now existing and by this act delegated to improve the streets and sidewalks of said town, the board of commissioners shall have the right to assess not exceeding one-half of the cost of grading, paving or otherwise improving the sidewalks of said town, including the necessary curbing of the same, on the real estate abutting on the streets and on the side of the street on which the sidewalk is so improved, and each lot shall be charged with its ratable proportion of said assessment according to its foot frontage.

Assessment on abutting property.

SEC. 5. The amount of the assessment for such sidewalk improvement on each piece of real estate or lot shall be a lien on such real estate, and the amount of such lien and such assessment against all property abutting on said street or streets, as aforesaid, shall become due as follows, to wit: one-third in three, one-third in six, and one-third in nine months from the date of the service of a written notice, either through the mail or personally, of such assessment upon the owner of said lot or his agent; and in case

Assessments a lien on property.
Installments.

Enforcement of
collection.

of failure to pay any of said installments within thirty days after its maturity, then all shall become due at once and enforceable against property on which a lien is authorized by a civil action instituted by the board of commissioners of said town in the Superior Court of Orange County. In such action the defendant may deny the whole or any part of the amount claimed to be due by the town, plead any irregularity in the assessment of the property and any fact that impeaches its legality, and the issues raised shall be tried according to the course and practice of the court.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 20th day of February, A. D. 1909.

CHAPTER 109.

AN ACT TO CHANGE THE BOUNDARIES OF THE TOWN OF STOKESDALE, IN THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Boundaries.

SECTION 1. That the boundaries of the town of Stokesdale, in the county of Guilford, shall be as follows: Beginning at a stone west of the junction of the Mt. Airy and Madison Railroad (this being eighty-four poles from the Stokesdale Commercial Bank), running thence northeast on a degree line eighty poles to a stone; thence southeast on a degree line one hundred and sixty-four poles to a stone; thence southwest one hundred and sixty poles to a stone; thence northwest one hundred and sixty-four poles to a stone; thence north eighty poles to the beginning.

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 force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 110.

AN ACT TO AUTHORIZE J. B. CARRINGER, TOWN TAX COLLECTOR OF BRYSON CITY, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

Collection
authorized.

Years.

SECTION 1. That J. B. Carringer, tax collector of Bryson City, be and he is hereby authorized to collect all unpaid town taxes due the town of Bryson City for the years one thousand nine hundred and seven and one thousand nine hundred and eight.

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

SEC. 3. That this act shall take effect from and after its ratification and remain in force until the first Monday in May, one thousand nine hundred and ten.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 111.

AN ACT TO INCORPORATE THE TOWN OF WAKE FOREST.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Wake Forest, in the county of Wake, be and the same is hereby incorporated, under the name and style of town of Wake Forest, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary and expedient.

Town incorporated.

Corporate name.
Corporate powers.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stone at the intersection of Oak Avenue and Main Street, said stone is the following courses and distances from the southwest corner of the Administration building of Wake Forest College: south thirty-one west forty and eighty-three one-hundredths chains; south thirty-one west eight chains; north fifty-nine west five and eighty-one one-hundredths chains; thence along Oak Avenue south fifty-nine east fifteen and forty-three one-hundredths chains to the western boundary of the Seaboard Air Line right of way; thence along the western boundary of the Seaboard Air Line right of way north fifty-nine east twenty-six and sixty one-hundredths chains; thence south thirty-one east eleven and twenty-one one-hundredths chains; thence south twenty-seven and one-half west thirty and twenty-eight one-hundredths chains; south twelve and one-half west thirty-six chains; south twenty-one and one-fourth west thirty-four and eighty one-hundredths chains to a red oak; thence north eighty-one and one-half west fifty-five and fifty one-hundredths chains to the Forestville road; thence north fifty-nine west nineteen and fifty one-hundredths chains, north sixteen west twenty-one and thirty-eight one-hundredths chains, north thirty-one east one hundred and seven chains to Harris' Road; south sixty-three east twenty-nine and ninety-two one-hundredths chains to a stone, south thirty-one west fifteen and twenty-five one-hundredths chains to the beginning.

Corporate limits.

SEC. 3. That the officers of the town shall consist of a mayor and five commissioners, and the following-named persons shall fill

Town officers.

- the said offices from the date of the ratification of this act until the first Monday in May, one thousand nine hundred and nine, or until their successors are duly elected and installed into office, to wit: Sol. J. Allen, mayor; C. E. Brewer, Z. V. Peed, O. K. Holding, F. W. Dickson and C. E. Gill, commissioners; and a constable and clerk and treasurer, to be chosen by the board of commissioners immediately after its organization.
- First officers named. Town elections. SEC. 4. That there shall be an election held for the offices of mayor and commissioners of said town on the first Monday in May, Anno Domini one thousand nine hundred and nine, and every two years thereafter, under the same rules and regulations that govern municipal elections. All persons qualified to vote for members of the General Assembly who have resided ninety days within the corporate limits of the town with intent to make Wake Forest the place of their permanent residence shall be allowed to register and vote in the town election.
- Voters. License and privilege taxes. SEC. 5. That the board of commissioners of said town shall have the authority to levy and collect all such license and privilege taxes as are allowed by chapter seventy-three of the Revisal of one thousand nine hundred and five and the laws amendatory thereof, and to assess and collect annual taxes for municipal purposes on all persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt, not to exceed fifty cents on the one hundred dollars valuation of property: *Provided*, that the basis between persons and property shall be the same as established by the Constitution of the State.
- Property and poll tax. Rate. Proviso: basis. Ordinance. SEC. 6. That the board of commissioners of the town may pass all ordinances for the good government, quiet, peace, health and safety of the town and the effectiveness of this charter, not inconsistent with the Constitution and laws of the State and of the United States, that they may deem necessary.
- Violation of ordinances a misdemeanor. Punishment. SEC. 7. That the violation of any ordinance of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty days.
- Bonds for public improvements. SEC. 8. The board of commissioners of the town of Wake Forest shall have power to issue bonds for municipal purposes, such as maintaining a municipal lighting plant, and to advertise the same and sell to the highest bidder, for cash. Such bonds shall be issued in the name of the town of Wake Forest and signed by the mayor, the treasurer and the clerk of the board of commissioners. For the payment of such bonds the board of commissioners may appropriate so much of the revenue of the town of Wake Forest as they may deem wise, not to exceed one-half of the town's revenue in any one year.
- Authentication. Appropriation for payment of bonds. SEC. 9. In addition to the power provided in section eight, the board of commissioners shall have power to issue bonds for municipal purposes.

nicipal purposes and to levy a special tax to provide for payment of interest and principal of the same, as allowed by the laws of North Carolina.

SEC. 10. The board of commissioners shall have power to elect a commissioner of the sinking fund, who shall be elected annually by a majority vote of the commissioners, and shall give such bond as they may require. Commissioner of sinking fund.

SEC. 11. The commissioner of the sinking fund shall, from time to time, when he shall have sufficient money in his hands, advertise for ten days in three public places within the town of Wake Forest, and in a daily newspaper published in Wake County, for sealed proposals for the purchase of bonds of the town issued under the provisions of this charter. Bids shall be opened in the presence of the mayor and treasurer, and such bids as are most advantageous for the town shall be accepted; but said officers, in their discretion, may refuse to accept any bids made and advertise for additional proposals. Bonds of the town so purchased shall be canceled by them. Proposals for redemption of bonds.

SEC. 12. If after reasonable diligence none of said bonds can be purchased at their value, or less, then the commissioners shall in like manner purchase any other bonds of the town, which bonds shall be payable to the commissioner of the sinking fund, in trust for the town of Wake Forest, and shall be held by him in trust for the holders of the bonds authorized by this charter, or shall make such investment of the funds in his hands as the commissioners of Wake Forest shall approve. Investments in other bonds of town.

SEC. 13. The said commissioner of the sinking fund shall make a report to the board, annually, at their meeting in the month of May, of the condition of the fund and of his action since the last report. Other investments.

SEC. 14. The commissioner may be removed from office at any time for misbehavior or neglect in office; and if he shall fail to give the bond required by the board, his office shall, *ipso facto*, be vacant. Reports of sinking fund.

SEC. 15. The commissioner of the sinking fund of the town of Wake Forest shall keep the money that he may have on hand from time to time belonging to the sinking fund deposited in some banking institution located in Wake County, North Carolina, that pays interest on deposits; and *Provided*, that this act shall in no manner release or affect the bond given by the commissioner of the sinking fund to the town of Wake Forest for the safe-keeping and management of the funds belonging to said sinking fund. Removal of commissioner.

SEC. 16. The board of commissioners shall have power to acquire and to control and to manage and protect by proper ordinance any lands that may be acquired by the town of Wake Forest within Wake Forest Township, Wake County. Deposits of sinking fund.

Proviso: liability of commissioner.

Lands acquired by town.

Regular meetings
of commissioners.
Special meetings.

SEC. 17. The board of commissioners shall meet regularly the first Thursday night in each month, and they shall meet in special meetings upon written request of two members and approved by the mayor.

Forfeit for non-
attendance.

SEC. 18. Any commissioner of Wake Forest who shall fail, neglect or refuse to attend any regular meeting of the board or any special meeting called by a majority of the board in which he joined, or who, having had written notice, by mail or otherwise, of a special meeting of the board called by the mayor, or by a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting or to give to the board on or before the next ensuing regular meeting thereof a satisfactory excuse therefor, shall forfeit and pay to the chief of police, to the use of the town, the sum of three dollars for each offense: *Provided*, that if any commissioner be absent from three successive regular meetings of the board without a satisfactory excuse therefor, it shall be the duty of the board of commissioners to declare his office vacant and to proceed to elect his successor.

Proviso: absence
from three meet-
ings to create
vacancy.

Creation of debt
forbidden.

SEC. 19. Any commissioner or other officer of the town who shall vote for, support or contract any debt against the town for purposes other than the necessary current expenses of the town, without the money in the treasury available for its payment, or who shall make any appropriation, donation, gift, sale, transfer or payment, directly or indirectly, of any money, paper or credit of the town for any use or purpose other than for the exclusive use and benefit of the town of Wake Forest and of the people resident therein, unless herein otherwise provided, shall be guilty of a misdemeanor, in the discretion of the court, and shall be liable to an action at law for the recovery of the whole amount so unlawfully contracted or misappropriated, paid or transferred.

Appropriations
forbidden.

Misdemeanor—
punishment.

Jurisdiction of
mayor.

SEC. 20. The mayor of said town, within the limits thereof, and also within the limits of Wake Forest Township, shall have and exercise the jurisdiction and powers of a justice of the peace in civil and criminal matters, and also such jurisdiction and powers as are now or may hereafter be conferred by the laws governing cities and towns; and he shall submit annual reports to the board of commissioners of the conduct of his office, the condition of the town, etc., on the first Monday in April in each year; and the constable of said town shall, within the corporate limits thereof, and also within Wake Forest Township, Wake County, have and exercise all the authority, rights and powers which are now or may hereafter be conferred by law on constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable.

Annual reports.

Powers of
constable.

Collection of
taxes.

SEC. 21. That the town constable, or whomsoever the board of commissioners shall designate, shall collect and pay over to the treasurer monthly all taxes imposed by the board of commission-

ers, all fees, fines and cost, when execution is issued to him for that purpose, and return the same in due time to the treasurer. He shall see that the ordinances of the town are enforced, and report all breaches to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence, apprehending the offenders and taking them before the mayor, or, if they are intoxicated or in any way not in condition to be brought before the mayor, he may confine them until they are in condition to be brought before the mayor. He shall execute all precepts directed to him by the mayor within the limits of said town, and make due return thereof, and in the execution of his duties he may call to his aid such assistance as he may deem necessary; and whenever the board of commissioners may deem it necessary they may appoint as many additional constables as they see proper. Said constables shall have such compensation as the board of commissioners may allow.

Duties of constable.

Execution of precepts.

Power to summon aid.
Additional constables.

SEC. 22. The Clerk shall act as clerk of the board of commissioners. He shall preserve the books, papers and articles committed to his care, issue notices of special meetings and perform such other offices as the board of commissioners may require of him. He shall be present at all meetings and make and preserve a faithful record of all proceedings.

Duties of clerk.

SEC. 23. The treasurer of the board of commissioners shall call on all persons who may have in their hands money or securities of the town to make payment to him, and he shall keep a strict account of all money coming into his hands from any and all sources whatsoever belonging to the town, and pay the same out only upon order of the board of commissioners, signed by the mayor and the clerk, and no claim shall be paid except upon such order, and at the expiration of his term of office shall turn over to his successor all books, papers and money and other property belonging to said town; and for his services he shall receive such compensation as the board of commissioners may allow.

Duties of treasurer.

Compensation.

SEC. 24. The treasurer, before entering upon the duties of his office, shall enter into a bond, conditioned upon the faithful performance of his duties, in such sum as the commissioners shall deem sufficient, payable to the State of North Carolina, with surety, to be approved by the board of commissioners; and the town constable shall enter into a like bond before entering upon the duties of his office; and the board of commissioners, upon the breach of said bonds, shall institute suit in the Superior Court of Wake County, in the name of the town of Wake-Forest upon the relation of the State of North Carolina, and all amounts recovered by said suits, after paying the court costs, shall go into the treasury of said town.

Bond of treasurer.

Bond of constable.

Suits on bonds.

SEC. 25. The clerk, the treasurer and the constable, respectively, shall submit to the board of commissioners, on the first Thursday

Reports of officers.

Publication of reports.	in April in each year, a report of the conduct of their offices, and the board of commissioners shall make public, either by publishing in a formal publication or in a town meeting, duly appointed by ten days' posted notice in four parts of the town, a report embracing these reports and a statement of their conduct, together with such recommendations as they may deem proper.
Commitments by mayor.	SEC. 26. That the mayor shall have power to commit any person who is sentenced for a misdemeanor or violation of the town ordinances, or for contempt of the mayor's court, or upon failure to pay fine and cost, to the common jail of Wake County; and the sheriff and jailer shall receive such persons as are committed by the mayor, and shall receive the same fees as in cases of other prisoners, for which said town shall be liable, unless paid by said prisoner; or the mayor shall have power, under such rules and regulations as the board of commissioners may adopt, to require any person who commits a misdemeanor or violates a town ordinance, or who fails to pay fines and costs, or who fails to pay costs in a case where judgment may be suspended, to work on the streets of the town until the fines and costs are paid, at such prices per day as the board of commissioners may determine; and the town constable is authorized to use a ball and chain upon persons working the streets for the nonpayment of such fines and costs.
Power of mayor to sentence to road work.	
Ball and chain.	
Qualification of mayor.	SEC. 27. That the mayor, immediately after the ratification of this act, and upon each election thereafter, before entering upon the duties of his office, shall, before a justice of the peace, take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to law.
Qualification of commissioners.	SEC. 28. That each commissioner, before entering upon the duties of his office, shall take, before the mayor or some justice of the peace, the oath as prescribed for public officers and an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment.
Terms of mayor and commissioners.	SEC. 29. That the mayor and commissioners shall hold their offices, respectively, until the election to be held in one thousand nine hundred and nine, as hereinbefore provided, and until their respective successors shall be qualified and inducted into office.
Terms of constable and clerk and treasurer.	The constable and clerk and treasurer shall hold their offices, respectively, at the will of the commissioners only. The mayor, when present, shall preside at the meetings of said board of commissioners, but shall not be entitled to a vote upon any question, except in case of a tie. In the absence of the mayor, the board may appoint one of their number <i>pro tempore</i> , who shall discharge all the duties of the mayor in his absence. The said board shall also have power to fill all vacancies which may occur in the board.
Mayor pro tem.	
Vacancies.	
Powers as to streets.	SEC. 30. That the board of commissioners of said town shall have the power from time to time to establish and extend the

streets now open, and to open out any new street or alley within the limits of said town, by paying the owner through whose lands the said streets and alleys may run the damages, if any there be: *Provided*, that if the said commissioners and owners of said land cannot agree as to the price of the same it shall be left to three disinterested persons, to be selected as follows, viz.: The commissioners shall select one and the owner of the land one; the two thus selected shall select a third man, and these persons thus selected, or any two of them, shall assess the damages; and if the owner of the land will not select a man, then the commissioners shall select two men, and the men thus selected shall select a third man, and the three thus selected, or any two of them, shall assess the damages of the land; and the men thus selected, or any two of them, shall make and sign a report of their action, in writing, in duplicate, one copy of which shall be delivered to the clerk and treasurer of the town and the other to the owner of the land. The title to said land shall at once vest in the said town for the purpose of streets: *Provided*, that either party, being dissatisfied with the decision of the persons thus selected, by giving bond in the sum of fifty dollars to secure the payment of the costs, may appeal to the Superior Court of Wake County, where the same shall be entered upon the civil-issue docket and be heard and determined before a jury *de novo*: *Provided further*, that notice of said appeal shall be served, in writing, on the other party, and bond executed by appellant and delivered to the Clerk of the Superior Court of Wake County within ten days from the filing of the report of the jury appointed to assess the damages, as aforesaid; and when the clerk and treasurer of said town shall receive notice from the clerk of the Superior Court that the appellant has complied with the foregoing requirements as to appeal, he shall immediately transmit to said clerk of the Superior Court a certified copy of all the proceedings in said condemnation matter, which shall constitute the record in the case in the said Superior Court of Wake County.

Proviso: arbitration for assessment of damages.

Title to vest in town.
Proviso: right of appeal.

Bond on appeal.

Proviso: notice of appeal.

SEC. 31. That said commissioners may prohibit the running at large of mules, horses, cattle, hogs, dogs, sheep, jacks, jennets, goats, geese and other fowls, and live stock in the corporate limits of said town, and are hereby empowered to make such rules and regulations for impounding and sale of all animals, fowls and stock mentioned in this section, as well as other live stock, fowls and animals not mentioned, found roaming at large within the corporate limits of said town contrary to the ordinance thereof.

Animals running at large.

SEC. 32. That it shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of, for gain, any spirituous, vinous or malt liquors, or intoxicating bitters within said town, except by druggists, as prescribed by the laws of the State and county, and any person violating the provisions of this section shall be guilty of a misdemeanor, and

Sale of liquors.

Misdemeanor.

Punishment.

upon conviction shall be imprisoned not exceeding six months or fined not exceeding two hundred dollars, or both, in the discretion of the court, but it shall not affect the laws forbidding the sale of intoxicating liquors within five miles of Wake Forest College.

Action on ordinances and resolutions.

SEC. 33. All ordinances and resolutions, when introduced before the board of commissioners, shall be referred to the proper committee, and shall not be acted upon until the next succeeding monthly meeting of the board: *Provided*, that the board, by a unanimous vote, may suspend the operation of this section and take action upon any ordinance or resolution at the meeting at which the same is introduced.

Proviso: unanimous vote.

Assessment districts.

SEC. 34. That the said board of commissioners may from time to time, for the purpose of grading, paving and otherwise improving the streets of the town, create and establish "assessment districts" within said town, and they may require every owner of real estate abutting the streets in any of the said districts to pave one-fourth of the street fronting such lot, in such manner and with such material as the board of commissioners of said town may designate. They shall at the same time pave one-half thereof (and to enforce such requirement by proper fines and penalties), and upon the failure of such owner to do such paving, after twenty days' notice given by the mayor to said owner or, if he be a non-resident of Wake County, to his agent, or if such nonresident have no agent in said county, or if personal notice cannot be served on the owner or agent, then, after publication of a notice by the mayor for ten days in some newspaper published in Wake County notifying said owner to do such paving, the town of Wake Forest may have the same done, and the cost thereof may be assessed upon said property and entered upon the tax list of said town against

Proportion assessed on abutting property.

Assessment a lien.

said property for the current year, and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by action instituted in the name of the town of Wake Forest against said owner, in the Superior Court of Wake County, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said town from the owner thereof, as aforesaid.

Process for enforcement.

Lot owners to improve sidewalks.

SEC. 35. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established and graded, shall improve, in such manner as the commissioners may direct, such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the mayor to said owner or, if he be a nonresident of the county of Wake, to his agent, or if such nonresident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then, after publication of a notice by the mayor for ten days in some newspaper in

On failure work done by town.

the county calling on the owner to make such repairs, the aldermen may cause the same to be repaired, either with brick, stone or gravel or other material, at their discretion, and the cost thereof may be assessed upon said property and entered upon the tax list of said town against said property for the current year; and the said assessment so entered on said tax list shall constitute a lien on said property, and the same may be collected either in the same manner that other taxes are collected or by any action instituted in the name of the town of Wake Forest against said owner, in the Superior Court of Wake County, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said town from the owner thereof, as aforesaid.

Cost assessed on lot.

Assessment a lien on property.

Procedure for enforcement.

SEC. 36. That they may levy a license tax not exceeding one dollar a year upon each and every surface privy within the corporate limits of said town, and enforce the payment thereof by the occupants of the lot or premises upon which such surface privy is maintained and used by proper fines and penalties: *Provided*, that such occupant shall be thereby relieved from any and all liability as to the cleaning and condition of such surface privy, and the same shall be cleaned in a regular, systematic and sanitary manner by the town of Wake Forest, under such laws, ordinances, rules and regulations as may be prescribed by the board of commissioners.

Tax on surface privy.

Proviso: liability of owner released.

SEC. 37. That they may from time to time, whenever the health of the town may demand the same, establish and create, anywhere in the town of Wake Forest or within one-half mile thereof, such sanitary district or districts as they may deem expedient; and the provision of the foregoing section, as well as all sanitary laws, ordinances, rules and regulations as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of the lots within said sanitary districts established as aforesaid, as if the same were within the corporate limits and said occupants or householders residents of said town.

Sanitary districts.

SEC. 38. That they may require and compel the abatement of all nuisances within the town or within one mile of the town limits, at the expense of the person causing the same or the power or tenant of the ground whereon the same shall be; they may also prevent the establishment within the town or within one-half mile of the town limits, and may regulate, if allowed to be established, any slaughterhouse or place, or the operation within the town or within one-half mile of the town limits of any dangerous, offensive or unhealthy trade, business or employment.

Abatement and prevention of nuisances.

SEC. 39. That they may establish and regulate the market, and prescribe at what time and place and in what manner within the corporation marketable articles may be sold; in what manner, whether by weight or measure, may be sold grain, meal, flour (if not packed in barrels), fodder, cotton, tobacco, cotton seed, un-

Establishment and regulation of markets.

Scales and weighmaster.

baled hay or oats in straw: may erect scales to weigh the same, appoint a weighmaster and fix his fees, and direct by whom they shall be paid; appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating.

Keeper of market.

Public buildings and fire permits.

SEC. 40. That they may establish all public buildings necessary and proper for the town, and prevent the erection or establishment of wooden buildings in any part of the town where they may increase the danger by fire.

Building permits.

SEC. 41. That they may require the owner or lessee of any lot or premises within the town who shall desire to erect a building thereon, or to add to, remodel or alter any building or buildings already built thereon, or make other improvements on the same, if said buildings, additions, alterations or other improvements shall cost the estimated sum of one hundred and fifty dollars, to take out a building permit before the clerk of said town, for which a fee not exceeding twenty-five cents may be charged, under such rules and regulations as may be prescribed by ordinances, and enforce the same by proper fines and penalties against said owner or lessee.

Building inspectors.

SEC. 42. That they may appoint a board of building inspectors, to consist of not less than two freeholders of the said town, to which the mayor shall be added as chairman *ex officio*, and prescribe the duties of said board of building inspectors, and provide by ordinances such rules and regulations concerning the construction of buildings within the corporate limits of said town, electric light wiring and apparatus and plumbing and draining of same, with a view of protecting life and health, in case of fire, accident or other causes, as they may deem necessary, and enforce the same by proper fines and penalties; and this section of the charter shall apply to buildings already constructed.

Building regulations.

Graveyards.

SEC. 43. That they may provide graveyards in or near the town, and regulate the same; may appoint and pay a keeper, and compel the keeping and return of bills of mortality.

Quarantine.

SEC. 44. That they may take such measures as they may deem effectual to prevent the entrance into the town or of the spreading therein of any contagious or infectious diseases; may stop, detain and examine for that purpose every person coming from places believed to be infected with such diseases; may establish hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease, and in case any person shall be removed to the hospital the corporation may

recover of such person before the mayor the expense of his removal, support, nursing and medical attendance, and burial expenses in case of death.

SEC. 45. That all moneys arising from taxes or any other sources whatsoever shall be the property of the town, and shall be paid into the treasury, where it shall remain until lawfully appropriated by a majority of the board of commissioners, in specific items, for the exclusive use and benefit of the town and the people resident therein, unless otherwise expressly provided in this act. Moneys the property of town.

SEC. 46. That in the collection of the town taxes upon property or polls the general law of the State regulating attachment and garnishment shall be applicable, and the mayor and constable shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case. Collection of taxes.

SEC. 47. Any person who shall shoot any gun or other firearm, fire any rocket, popcracker or other fireworks or any combination of gunpowder in any part of the town, or blow any steam whistle unnecessarily long or for purposes other than legitimate business or in case of fire, shall be fined ten dollars or imprisoned thirty days for each offense: *Provided*, nothing herein contained shall prohibit the exhibition of fireworks on occasions of public rejoicing, upon written permission of the mayor or chief of police. Fireworks and explosives.
Steam whistles.
Punishment.
Proviso: occasions of public rejoicing.

SEC. 48. That any person who shall keep in the town of Wake Forest or in Wake Forest Township a bawdyhouse, a disorderly house, a house of ill fame or houses in which prostitution, lewdness or illicit sexual intercourse is permitted shall be guilty of a misdemeanor, and upon conviction thereof shall for every offense be fined not less than one hundred dollars or imprisoned not less than sixty days, and each day for which such house is so kept shall constitute a distinct and separate offense. Keeping bawdy-houses or other disorderly house a misdemeanor.
Punishment.
Separate offenses.

SEC. 49. Every owner of any real property in said town or township or any estate therein, or agent of such owner who shall lease, use or permit the use of the same for a bawdyhouse, disorderly house, house of ill fame or as a place where prostitution, lewdness or illicit sexual connection is carried on or allowed, or shall continue to lease the same to any tenant who uses the same or permits its use for any of said purposes, or shall knowingly suffer any person or persons to use it for any of said purposes, when it is within his right and power to prevent such use, shall be guilty of a misdemeanor, and upon conviction shall for every offense be fined fifty dollars or imprisoned thirty days, and each day for which the same is so used or permitted to be used shall be and constitute a distinct and separate offense. Lease of house for forbidden uses a misdemeanor.
Punishment.
Separate offenses.

SEC. 50. That all penalties or forfeitures imposed under the provisions of this act, or imposed for the violation of any ordinance, by-laws, rule or regulation of the board of commissioners, unless herein otherwise provided, civil in their nature, shall be recoverable before the mayor of Wake Forest in a civil action in the name Recovery of penalties and forfeitures.

Warrants of entry of the town of Wake Forest, and all such penalties or forfeitures into premises used for forbidden purposes. incurred by any minor over the age of twelve years shall be recovered from the parent, guardian or master of such minor.

Arrest of persons and seizure of property. SEC. 51. If the constable or if any two or more householders shall report, in writing, under his or their signatures, to the mayor that there are good grounds (stating the same) for believing any house, room or premises within said town to be kept or used as a gambling house, gaming room or gaming premises for therein playing for wagers or money at any game of chance, or to be kept or used for lewd and obscene purposes or amusements, or as a house of ill fame or bawdyhouse, or deposit or sale of lottery tickets or lottery policies, or the sale of intoxicating liquors, it shall be lawful for the mayor to authorize, in writing, the constable to enter the same, who may forthwith arrest all persons found therein and seize all implements of gaming and lottery tickets or lottery policies or packages or vessels of liquor, and convey all persons so arrested before the mayor and bring the article so seized to the mayor's office. It shall be the duty of the said constable to cause such arrested persons to be rigorously prosecuted and such articles seized to be destroyed, as the orders, rules and regulations of the board of commissioners may direct.

Prosecution of persons and destruction of property.

Safe-keeping of persons arrested.

SEC. 52. That upon demand, the mayor, sheriff or jailer of the county of Wake is hereby required, without a *mittimus*, to receive into the jail of the county as prisoner any person taken up by the constable, and to keep such person safely until the time of trial, when the offender shall be taken before the mayor and be lawfully dealt with, and for such service the jailer and the county shall be entitled to such fees as in other like cases.

Encroachments on sidewalks forbidden.

SEC. 53. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any sidewalks; nor shall any veranda, piazza, platform entrance, stairway, passage, building or other projection or construction whatsoever be permitted to occupy any space on or over any sidewalk in the town whereby the free passage of persons may be hindered, obstructed, delayed or in anywise endangered, unless permission be granted by the board of commissioners by resolution or ordinance.

Books and records open to inspection.

SEC. 54. That all books, records, documents and papers of every name and nature belonging to the town government, or to the officers thereof in the performance of their official duties, shall be open to the inspection of any citizen and taxpayer of the town during ordinary business hours.

Time of annual reports.

SEC. 55. That on the first Monday in April of each year all of the officers of the town shall make out and file with the town clerk an accurate transcript of all receipts and disbursements in the departments over which they preside. All officers of the town

having any property of the town in their charge shall report an inventory of the same, and each committee of the board of commissioners shall submit annual reports.

SEC. 56. That no mayor or commissioner or other officer of the town shall directly or indirectly become a contractor for work to be done or materials to be purchased by the town. Officers not to contract with town.

SEC. 57. That the mayor and commissioners named in this charter shall hold said offices, with all the powers, privileges, rights and responsibilities which this charter confers, until their successors are elected, qualified and duly inducted into office. Term of officers named.

SEC. 58. That in addition to the rights, franchises and immunities conferred by the foregoing section, the town of Wake Forest shall have and be subject to all the provisions contained in the Revisal of North Carolina of one thousand nine hundred and five, and statutes amendatory thereto, not inconsistent with this act, including subchapter eleven, chapter seventy-three, Laws of one thousand nine hundred and five. Rights and powers under former laws.

SEC. 59. That all laws and parts of laws in conflict with this act are hereby repealed, in so far as the same may apply to the town of Wake Forest.

SEC. 60. That this act shall be in force from and after its ratification.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 112.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of North Wilkesboro shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the town of North Wilkesboro, and as such have perpetual succession, and under such name and style shall have all the franchises, powers, property and rights of property which now belong to said corporation under any other name or names heretofore, and be subject to all its present liabilities heretofore assumed, by bond issue or by reason of any election heretofore held authorizing a bond issue, or any other legal and valid liability; and by this name may acquire and hold all such estates as may be devised, bequeathed, sold or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of same, and under this name shall have power to contract and Town corporation continued.
Corporate name.
Corporate rights and liabilities.

- be contracted with, to sue and be sued, and shall have all the powers, rights, privileges, franchises and immunities necessary or belonging to or usually appertaining to municipal corporations.
- Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the center of the Yadkin River, one and one-fourth miles east of the east end of the Northwestern North Carolina Railroad depot (as originally located and built), measured on center line of said railroad; thence north 27° and $27'$ west, crossing a stone corner, and thence to and crossing the said center line at or near station three thousand eight hundred and sixty-five, as per the survey of said railroad, one mile from the center of said river to a stake; thence south 62° and $33'$ west, crossing the Trap Hill Road, to Hopper's Branch; thence down said branch to its mouth, at Reddie's River; thence down the center of said river to a point in the center of the Yadkin River; thence down the center of the Yadkin River to the point of beginning.
- Town officers. SEC. 3. That the governing body of said town shall consist of a
 Town elections. mayor and five commissioners, who shall be elected on the first Monday in May, one thousand nine hundred and nine, and biennially thereafter, by the qualified voters of said town, which election shall be held and conducted in the manner prescribed by law for holding municipal elections. Said officers shall qualify within
 Qualification of officers. five days after their election; and if any person so elected as
 Forfeit for refusal to qualify. mayor or commissioner shall refuse to qualify and act, he shall forfeit and pay the sum of twenty-five dollars, one-half to the person who shall sue for the same and the other half to the school fund of Wilkes County.
- Mayor pro tem. SEC. 4. That if any person who shall be elected mayor shall fail or refuse to qualify, or if there be a vacancy in the office from any cause, the board of town commissioners shall elect some qualified voter of the town to fill such vacancy; or if the mayor shall be temporarily absent from the town or be unable to discharge the duties of his office, from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore*; and likewise, in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some qualified voter of the town to fill the vacancy.
- Vacancy in commissioner-ship. SEC. 5. That the mayor, commissioners and every other officer of the town of North Wilkesboro (whether elective or appointive), before entering upon the duties of his office, shall take, subscribe and have entered upon the minute book of the town commissioners the following oath of office:
- Oath of office. "I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina, not inconsistent there-
- Form of oath.

with, and that I will faithfully perform the duties of the office of on which I am about to enter, according to the best of my skill and ability: so help me, God."

"Subscribed and sworn to before me, this day of 19..."

SEC. 6. That the mayor, as a peace officer, shall, within the corporate limits of the town, have all the powers and authority of a justice of the peace, and, as a judicial officer, all the powers, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the town, and to impose penalties upon any adjudged violation thereof; to fine and imprison, either in the guardhouse of the town or in the common jail of Wilkes County, and to execute all laws and ordinances made and promulgated by the commissioners for the government and regulation of the town. He shall keep a correct minute or docket of all precepts issued by him and of all judicial proceedings thereon. Judgments rendered by him shall have all the force, virtue and validity as of a judgment rendered by a justice of the peace. He shall preside at all meetings of the commissioners, but shall not be entitled to vote, except in case of a tie, when he shall cast the deciding vote.

Power of mayor as peace officer.

Jurisdiction as judicial officer.

Minutes.

Judgments.

To preside at meetings of commissioners.

SEC. 7. The mayor shall be entitled to the same fees as a justice of the peace in like cases, and such additional compensation or salary for his administrative services as the board of commissioners may see fit to allow.

Fees and salary of mayor.

SEC. 8. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners. Within five days after their election they shall convene for the transaction of business, and shall hold stated meetings during their term of office on Tuesday after the first Monday of each and every month during their said term. Special meetings may be held on the call of the mayor or a majority of the commissioners, and of every such special meeting those not joining in the call shall be notified, in writing, if within the town at the time of such call, said notice to be served by the town policeman. At their first meeting they shall elect a clerk and treasurer, also a chief of police and such assistant policemen as they may deem necessary. Each of said officers and policemen shall be a qualified elector of the town and shall serve for the term of the mayor and board of commissioners or until his successor is elected and qualified, unless he or they are sooner removed by the board of commissioners for cause, of which the said board shall be the judge.

Commissioners to form one board. Quorum.

Stated meetings.

Special meetings.

Clerk and treasurer. Chief of police and policemen. Officers to be electors. Terms of office.

Removal for cause.

SEC. 9. That the board of commissioners for said town is hereby fully authorized and empowered to do and to perform the following acts:

Powers of commissioners.

(1) To make and publish all needful ordinances, rules and regulations for the peace, good order and government of the town.

Ordinances.

Nuisances and sanitary regulations.

(2) To suppress and remove nuisances and to make all necessary rules and regulations to preserve the health of the inhabitants of the town from contagious, infectious or other diseases.

Laying out streets and sidewalks. Drainage.

(3) To lay out and open new streets and sidewalks and to provide for the proper drainage of the town.

Improvement of streets and sidewalks.

(4) To extend, widen, straighten, grade or otherwise improve any street or sidewalk now existing in said town (but so as not to materially change or interfere with the plan of streets as now laid out and shown on the Winston Land and Improvement Company's map and supplemental map of said town, as heretofore platted and published), and to this end it shall have power and authority to remove or cause to be removed any and all obstructions in or on said streets and sidewalks, no matter whether such obstructions be of a temporary or permanent kind, or caused by porches, sheds, fences, buildings or parts of buildings erected in, on, upon or over any of said streets or sidewalks.

Discontinuance of streets.

(4½) And they shall have power at any time to discontinue any street or streets or any part of any street or streets or public alley or any part thereof, the commissioners being the sole judges of the necessity therefor.

Fire apparatus.

(5) To contract for, purchase, keep in repair and provide for the use of all such engines, hose or other apparatus or appliances for the prevention and extinguishment of fires as the board may deem needful and proper.

Light and water supply and sewerage.

(6) To adopt such plans and methods and to make such contracts or take such action as it may deem best for lighting the streets and sidewalks of said town or to provide a water supply and the necessary sewerage therefor.

Markets.

(7) To prescribe the places and regulate the manner in which the business of marketing shall be carried on in the town, and to make necessary provisions for the proper inspection of all foods and feed stuffs offered for sale in said markets or in the town.

Inspections.

(8) To prohibit, regulate or restrict the sale or use of fire-crackers, roman candles, bombs, torpedoes or other explosives in said town.

Powder and other explosives.

(9) To regulate the sale and keeping of powder or other explosives within the corporate limits of the town.

Speed on streets.

(10) To regulate the speed of riding or driving on the streets and other public places of the town.

Prevention of animals running at large.

(11) To prohibit and prevent dogs, horses, hogs, domestic fowls and other animals from running at large in the town.

Guardhouse.

(12) To build or establish a guardhouse in which to secure or confine offenders against the town ordinances.

Public buildings.

(13) To erect and maintain such buildings as may be necessary and proper for the use of the town, and prevent the erection and establishment of wooden buildings in any part of the town where they may increase the danger by fire.

Fire limits.

Cemeteries.

(14) To provide public graveyards or cemeteries in or near the town, and regulate the management of the same.

(15) To employ such labor and to purchase such machinery and materials and make such contracts and do such things as may be necessary to put and keep the streets and sidewalks, public wells, pumps, tanks, reservoirs and other town property in proper condition. Labor and machinery for public works.

(16) To execute and employ all other powers and functions as are now or may be conferred by the general laws of the State upon boards of commissioners, councilmen or aldermen of cities and towns which may not be herein specifically mentioned. General powers.

SEC. 10. That when it shall become necessary to condemn real property for streets, drainage, sewerage, water mains, reservoirs, sites or other public uses, the board of commissioners shall designate and describe the property to be condemned, and if the board and the owner or owners of said property cannot agree upon the damages, then the board shall appoint one arbitrator, the owner or owners of the property one, and a third shall be named by the Clerk of the Superior Court of Wilkes County: but if any of the owners of the property are minors and without a general guardian, then the board of commissioners shall file a petition before the Clerk of the Superior Court of Wilkes County, setting out the facts, and the said clerk shall appoint some suitable person to represent such infant or infants, and such guardian *ad litem* shall appoint the arbitrator to represent such minors and report the name of the person so selected to said clerk, who shall make a record of these proceedings, which shall, when approved by said clerk, be as conclusive against said minors so made of record as if they were of full age. The three arbitrators chosen, as provided for in this section, shall take an oath, before entering upon their duties, to do even and exact justice between the town and the owners of the property to be condemned, to the best of their ability. The board shall deliver to the arbitrators a description of the property sought to be condemned, and thereupon the arbitrators shall view the property, hear the testimony, if any may be offered, estimate the damages, if any, after deducting the benefits that in their opinion may accrue to said property by reason of the proposed work, and then make and sign their award, a copy of which shall be filed with the board and a copy with the Clerk of the Superior Court of Wilkes County and a copy to be delivered to the owners, said copies for the clerk and owners to be made from the report filed with the board by the arbitrators and certified by the clerk, under the seal of the town, as a true copy of the report so filed by said arbitrators. The award, when signed by a majority of the arbitrators, shall be final and conclusive as to all parties, in case there is no appeal. If the town or the owners of the property be dissatisfied with the said award, either may appeal to the Superior Court of Wilkes County, in term time, by giving ten days' notice of such appeal to the opposite party, and giving a bond, to be approved by the clerk of the Superior Court, to secure the cost of such appeal. The notice

Procedure for condemnation of real property.

Right of appeal.

Bond on appeal.

Notice of appeal.

Trial on appeal.	<p>shall state the ground of appeal, and to be effective must be served within ten days after the award is filed with the board and a copy delivered to the owner. If the appeal be on a question of law, the Judge of the Superior Court shall render his decision thereon; if it be on the amount of the damages, then that question shall be tried by a jury. Upon the payment to the owner of the amount found by the arbitrators, if there be no appeal, the board of commissioners may proceed with the contemplated improvements for the public convenience in the use of the property so condemned: <i>Provided, however,</i> that no appeal, either to the Superior or Supreme Court, shall hinder or delay the town or board in opening such streets or in erecting such improvements as are contemplated in such proceedings.</p>
Proviso: appeal not to delay action.	
Offenders subject to street work.	<p>SEC. 11. That the board of commissioners shall have authority to put and keep at work on the streets of the town any person or persons who may fail or refuse to pay any fine, cost, penalty or forfeiture which may have been imposed upon such person or persons by the mayor; and the said board shall have authority to make such rules and regulations for the control and management of such persons until such fines, penalties and costs are paid, under such rates for labor as they may fix.</p>
Advertisement of ordinances.	<p>SEC. 12. That no ordinance of the board of commissioners shall be in force until the same has been advertised at three public places in the town for a period of five days.</p>
Taxing power.	<p>SEC. 13. That in order to raise a fund for the expenses incident to the proper government of the town and for meeting interest on its bond issues and provide a sinking fund for the redemption of any bond issue or issues that have heretofore or may hereafter be made, the board of commissioners may, at their meeting in June of each and every year, levy and provide for collecting the following taxes, namely:</p>
Property tax.	<p>(1) On real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly <i>ad valorem</i>, except incomes, a tax not exceeding one dollar on every hundred dollars in value.</p>
Poll tax.	<p>(2) On all taxable polls, not exceeding two dollars, who may be residents of the town on the first day of June in each and every year.</p>
Special license taxes.	<p>(3) Special license taxes upon any and all subjects taxed by the laws of the State (unless specifically exempted from municipal taxation), such tax as it may see fit, not exceeding the amount of the State tax levied upon such subjects: <i>Provided</i>, the foregoing rates of taxation shall be independent of the taxes that the town of North Wilkesboro is required to annually levy and collect for the graded schools of said town in accordance with chapter three hundred and fifty-nine of the Private Laws of North Carolina, session of one thousand nine hundred and five.</p>
Proviso: school taxes.	

SEC. 14. All taxes of said town shall be listed, levied, assessed and collected, except as in this chapter otherwise provided, in the same manner, under the same rules and regulations and subject to the same penalties as are provided by law for the listing, levying, assessing and collecting State and county taxes.

Listing, levy and collection of taxes.

SEC. 15. That at the regular meeting of the board of commissioners in the month of April of each and every year it shall appoint some fit and suitable person to list the taxable property of the town for the ensuing year, and such list taker shall, thirty days before the first day of June, advertise notice to the taxpayers that he will on and after the said first day of June proceed to list such taxes, giving notice of the place and the hours at which he will meet the taxpayers for said purpose.

Election of list taker.

Advertisement for testing.

SEC. 16. That the town clerk shall keep a correct record of all the proceedings of the board of commissioners, attest all papers and contracts made and entered into between the commissioners and other parties on behalf of and for the benefit of the town; preserve all papers, bills, contracts, records and other documents pertaining to the town or proceedings of the board in neat and permanent form, in some safe place of deposit, so as to have same open to the inspection of the board or other person or persons authorized to have access to them, and perform such other duties as may be required and prescribed by the commissioners.

Duties of town clerk.

SEC. 17. That the tax collector shall be elected or appointed by the board of commissioners, and when so elected and qualified by taking the oath of his office he shall collect all taxes that may be levied by the commissioners, and shall pay the same over to the treasurer once a month before the meeting of the board in regular monthly session, and take the treasurer's receipt for such payments so made, and shall make such other reports and settlements as may be required by the commissioners: *Provided, however*, that before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in a sum double the amount of the taxes levied for the preceding year, which bond shall have sufficient sureties, duly justified, and shall be subject to the approval of the commissioners. The board of commissioners may pay the tax collector a salary or commissions not exceeding five per centum of the amount of taxes collected by him.

Election of tax collector.
Duties of tax collector.

Proviso: bond of tax collector.

Pay of tax collector.

SEC. 18. That the treasurer shall receive all moneys due the town, and pay out same only upon the order of the board of commissioners, signed by the mayor and countersigned by the clerk. Before entering upon the discharge of his duties he shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in an amount to be fixed and approved by the commissioners. At the end of the fiscal year he shall make to the board a full report, showing the financial condition of the town, and cause same to be published in some newspaper published in the town, and from time to time make

Duties of treasurer.

Bond of tax collector.

Annual report.

Compensation.	such other reports as the board shall require. His compensation shall be fixed by the board of commissioners, and he shall serve for the term of the commissioners or until his successor is elected and qualifies; <i>Provided, however,</i> that in the discretion of the board of commissioners the town clerk may by virtue of his office act as treasurer.
Proviso: town clerk may act as treasurer.	
Duties of policemen.	SEC. 19. That it shall be the duty of the policemen to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose they shall have the power and authority vested in sheriffs and constables. They shall have the same fees on all processes and precepts executed and returned by them as are allowed by law to sheriffs on like processes and precepts, and also such other compensation as the commissioners may allow. They shall, at the end of every month, pay to the town treasurer all fines, penalties and forfeitures collected by them, and report the same to the commissioners, under oath; said fines and penalties to be by the treasurer turned over to the county treasurer for school purposes. They may execute all warrants and other processes delivered to them by the mayor anywhere in Wilkes County. Before entering upon the discharge of their duties the commissioners may require them to enter into bond for the faithful performance of their said duties, in such sum as the commissioners may deem proper.
Power and authority. Fees.	
Other compensation. Monthly settlement.	
Execution of process.	
Bonds of policemen.	
Bond issues.	SEC. 20. That the board of commissioners are authorized and empowered to issue bonds in such amounts as it may deem necessary, not to exceed ten per centum of the assessed valuation of the real and personal property of said town (including the fifty-thousand-dollar bond issue heretofore voted, and the total issue at no time to exceed the amount of ten per cent of the assessed valuation of the real and personal property of said town); said bonds to be issued in the name of the town of North Wilkesboro and in such denominations and forms and payable at such times and places, but running not less than ten nor more than forty years, and bearing interest at no greater rate than six per cent per annum; and the money arising from the sale of these bonds shall be used for public improvements, consisting of a system of waterworks, sewerage, an electric light and power plant, graded-school buildings and grading and macadamizing the streets and placing concrete, granolithic or other standard sidewalks in said town, and for such other improvements as within their sound discretion the board may deem for the best interests of the town, as well as for purchasing the necessary property and acquiring all rights, privileges and powers necessary for the proper maintenance, usage and operation of such improvements.
Limit.	
Denominations and form. Maturity. Interest.	
Use of proceeds.	
Power to furnish water, lights and power.	SEC. 21. That the said board of commissioners shall have the power to purchase, acquire, hold, lease, manage, control and operate, and to sell, lease and dispose of to such person or persons,

corporation or corporations, and for such price or prices and on such terms and conditions as the commissioners may deem proper, water, electricity, water rights, power privileges and appropriations for milling, manufacturing, domestic and other uses and purposes; and to develop, control, generally deal in and dispose of to such person or persons, firm or firms, corporation or corporations as to the commissioners may appear proper, electrical and other power, for the generation, distribution and supply of electricity for light, heat and power, and for any other uses and purposes to which the same are adapted; and to this end all purchases of property within or without the corporate limits which have heretofore been made or which may hereafter be made for these purposes are hereby ratified and authorized.

Purchases of property ratified.

SEC. 22. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election, to be held at such time or times and under such regulations as the board of commissioners may prescribe, at which election or elections those favoring the proposed issue of bonds shall vote a written or printed ballot with the word "Issue" on it, and those opposing shall vote a written or printed ballot with the words "No Issue" on it; *Provided, however,* that when a bond issue has been voted for a specific purpose and the said issue shall prove to be insufficient for the purposes for which said bonds were voted, then the board of commissioners may in their discretion issue a sufficient amount of bonds to complete the purpose for which said bonds were issued.

Issue of bonds to be approved by voters.

Ballots.

Proviso: power to increase issue.

SEC. 23. That said board of commissioners shall have full power and authority under their ordinances to grade, pave, macadamize and otherwise permanently improve for travel and drainage any street, sidewalk and public alley of said town, to put down curbing, cross drains and crossings on the same.

Powers in improvement of streets.

SEC. 24. That the board of commissioners of said town shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets and sidewalks for permanent improvement within said town, and of equalizing assessments on real estate to pay the cost of paving such sidewalks as may be so improved, not to exceed fifty per centum of the cost of paving said sidewalk; and in order to more fully carry out the duties imposed by the provisions of this act, said board of commissioners shall have power to pass ordinances assessing not to exceed one-half the cost of paving said sidewalks within any such district or section laid out for improvement on the real estate abutting on such sidewalk; *Provided, however,* that such sidewalk is built along business or residence property which has been or may be allotted for said purposes.

System of permanent street improvement.

Assessments on abutting property

Proviso: location of sidewalks.

SEC. 25. That said one-half of the cost of paving the said sidewalks, as above provided for, shall be taxed against the property

Assessment a charge on property.

Assessment payable in installments.

owners owning lots abutting on said sidewalks according to the frontage of said lots, and shall be a direct charge in favor of the town of North Wilkesboro against said lots; and the owners of such lots shall pay to said town in five annual installments, with interest added, at the same rate the town shall have to pay on the bonds issued for such improvements, and be recorded in a book kept for that purpose by the town clerk and placed on the town tax books annually as taxes against said property, and to be collected as other taxes are collected in said town.

Present officers continued.

SEC. 26. That the present mayor and board of commissioners and all other officers of said town shall hold their several offices under this charter (with powers of resignation, election and appointment as provided in the general law) until their successors are elected and qualified as provided in this charter.

SEC. 27. That from and after the passage of this act the same shall be and remain the charter of the town of North Wilkesboro; and all laws or parts of laws heretofore enacted in relation thereto and not heretofore repealed, which are inconsistent with this act, are hereby repealed.

Ratified this the 20th day of February, A. D. 1909.

CHAPTER 113.

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF 1899, RELATING TO THE CHARTER OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten, chapter one hundred and fifteen of the Private Laws of the General Assembly of North Carolina of the year one thousand eight hundred and ninety-nine, be amended by striking out the word "mayor," in line two of section ten, and adding after the word "judge," in line seven of said act, the Election of mayor, following words: "And there shall be elected, at the same time and in the same manner as the members of the board of aldermen of said town are elected, some suitable person as mayor of said town, whose term of office shall continue for the term of two years or until his successor shall have been duly elected and qualified, and whose term of office shall begin on the first day of July next after his election."

SEC. 2. That section thirteen of chapter one hundred and fifteen of the Private Laws of the General Assembly of North Carolina of the year one thousand eight hundred and ninety-nine be amended by adding after the word "clerk," in line two of section thirteen

of said act, the following: "*Provided*, the annual salary of the mayor, said mayor shall not be less than three hundred dollars nor more than nine hundred dollars."

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 114.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORGANTON, NORTH CAROLINA (SECTION 55, CHAPTER 120, PRIVATE LAWS OF 1885).

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-five (55) of chapter one hundred and twenty (120) of the Private Laws of one thousand eight hundred and eighty-five (1885) be amended by striking out all of said section after the words "to wit," in line four of said section, and inserting in lieu thereof the following: "Beginning at the east corner of R. K. Presnell's home square, at the intersection of Green and Queen streets, and runs thence with Green Street north 50° west one hundred and fifty (150) feet; thence south 40° west, parallel with Queen Street, through R. K. Presnell's lot, and with the line between the Presbyterian Church property and the property of Dunavant and T. L. Hemphill to Mrs. M. R. Collett's line; same course through Mrs. Collett's lot to King Street, at a point two hundred and thirty-five (235) feet from Queen Street; thence with King Street to the east corner of Miss Laura Avery's home place; thence with the alley between Miss Laura Avery's and the old Methodist Church property south 40° west three hundred (300) feet; thence to Union Street, at the east corner of I. I. Davis' yard, so as to include the vacant lot of I. I. Davis, lying between his residence and Dr. C. E. Ross'; thence south 50° east, parallel with King Street, across the Tate home square, to Meeting Street; thence with Meeting Street, crossing King Street, Sterling Street and Green Street, to Water Street, known as Break Neck; thence with Water Street to its intersection with Avery Avenue and Queen Street; thence with Queen Street to the beginning: *Provided*, that the commissioners of said town shall have the power in their discretion to grant a permit to any person owning a frame or wooden building within said limits, situate seventy-five (75) feet or more from the nearest building, and which was built for and is used exclusively as a dwelling, to repair or enlarge the same of wood: *Provided further*, that the enlargement so made

Fire limits.

Proviso; permits for repair or enlargement of dwellings.

Proviso; distance from other buildings.

Acts declared
misdemeanors.

shall not reduce the distance between the building so enlarged to less than seventy-five (75) feet from the nearest exposed building. Any person erecting a frame or wooden building within the limits above described shall be guilty of a misdemeanor, and any person repairing or enlarging any frame building within the limits above described without first obtaining the consent of the Board of Commissioners of Morganton shall likewise be guilty of a misdemeanor."

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 115.

AN ACT TO ENABLE THE CITY OF CHARLOTTE TO FUND ITS FLOATING INDEBTEDNESS, PROVIDE FOR THE PAYMENT OF ITS FUTURE INDEBTEDNESS FOR NECESSARY EXPENSES, AND TO AUTHORIZE THE CITY TO LEVY TAXES TO MEET THE PAYMENT OF THE SAME.

Preamble.

Whereas the city of Charlotte has heretofore contracted indebtedness for necessary expenses to the amount of one hundred and seventy-five thousand dollars; and whereas it is apparent that the current revenue of the city will not be sufficient to meet its obligations for the necessary expenses thereof; and whereas the said city further desires to procure authority to levy taxes to pay the interest on the bonds issued under the authority of this act, and to provide a sinking fund to meet the principal when it shall become due; now, therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

Bond issue
authorized.
Amount.

Purpose of issue.

SECTION 1. That the board of aldermen of the city of Charlotte be and it is hereby authorized to issue bonds, to an amount not exceeding one hundred thousand dollars, par value, for the purpose of funding the present indebtedness of the said city contracted for the necessary expenses thereof, and for the further purpose of funding any future debt of said city which may be contracted for the necessary expenses thereof. The said bonds authorized by this act may be either negotiable coupon bonds or registered bonds, in such form and such denomination, and may be payable, both principal and interest, in gold coin of the United States, payable at such time or times, and said bonds shall bear such legal rate of interest as the board of aldermen of said city

Bonds, coupon or
registered.

Interest.

may determine: *Provided, however,* that the total issue of bonds authorized by this act shall not exceed the sum of one hundred thousand dollars. Said bonds shall be signed by the mayor, countersigned by the clerk and treasurer and sealed with the corporate seal of the city; and the coupons, if any, on the said bonds shall bear the engraved or lithographed signature of the clerk and treasurer or be signed in his own proper handwriting, as the board of aldermen may determine. The said bonds shall be sold at public or private sale, with or without notice, as the board of aldermen of said city may determine, for not less than par value, with accrued interest; and proceeds of said bonds, including any premium received from the sale thereof, shall be applied only to the present or future indebtedness of the said city contracted for its necessary expenses; and the purchaser of the said bonds shall not be held responsible for the application of the moneys derived from the sale of said bonds.

Proviso: limit of amount.
Authentication.
Sale of bonds at not less than par.
Application of proceeds.
Responsibility of purchaser.

SEC. 2. The resolution authorizing the issue of the said bonds may be introduced and passed at any regular meeting of the said board of aldermen by a majority of all the aldermen present at such meeting. That no other or further proceedings shall be necessary for the issuance of such funding bonds, and all bonds issued in accordance with the provisions of this act shall be valid, and legal obligations of the said city, notwithstanding any previous or present act, either general or special, limiting the amount of the bonded indebtedness of the city, or otherwise; and all laws or parts of laws inconsistent with this act are hereby repealed, so far as the same are inconsistent with this act.

Proceedings for authorizing issue.

SEC. 3. That the board of aldermen of the city of Charlotte is hereby required and directed to levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls in the said city of Charlotte sufficient to pay the interest on the said bonds as the same becomes due; and also, on and before the time when the principal of said bonds shall become due, to levy and collect a further special tax to pay for same or to provide for the payment thereof. The tax levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and property to be in proportion, as required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time as other taxes upon the property and polls in the city.

Special taxes.

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

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 116.

AN ACT TO AUTHORIZE THE TOWN OF WAKE FOREST, WAKE COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF ESTABLISHING AN ELECTRIC-LIGHT PLANT.

The General Assembly of North Carolina do enact:

Purpose of issue.	SECTION 1. That for the purpose of providing an electric-light
Bond issue authorized.	plant for the town of Wake Forest, the commissioners of the town of Wake Forest, in the county of Wake, are hereby authorized and empowered to issue bonds, to an amount not exceeding
Amount.	in the aggregate fifteen thousand dollars, in such denomination
Denominations.	and form as said commissioners may determine, bearing interest
Interest.	from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semiannually, at such times and at such place or places as said commissioners may determine; said bonds to be of such form and tenor and transferable in such a way and the principal thereof payable or
Maturity.	redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said commissioners may determine.
Specific appropriation.	SEC. 2. That none of the bonds provided for in the above section, or their proceeds, shall be used for any other purpose than that declared in said section.
Bonds and coupons relieved from town tax.	SEC. 3. That the bonds authorized to be issued by section one hereof, and their coupons, shall not be subject to taxation by the said town until after they become due and tender of payment shall have been made by the said commissioners, and the coupons shall be receivable in payment of town taxes or other town dues for any fiscal year in which said coupons become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time that they have been outstanding after maturity.
Coupons receivable for town taxes.	
Authentication.	SEC. 4. That the said bonds shall be numbered and shall be signed by the mayor of said town and countersigned by the clerk and treasurer of said town, and shall express upon their face the purpose for which they are issued, and shall be sealed with the corporate seal of said town. The clerk of said town shall keep a book in which he shall keep an account of the number and denomination of said bonds issued, as aforesaid, and to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise canceled, so that by inspection of said book the true status of the bonded debt of the said town herein provided for may be readily ascertained. The said book shall be open at all times, as provided for in the charter of said town, to the inspection of any taxpayer of the said town.
Accounts to be kept by clerk.	
Books open for inspection.	

SEC. 5. That as soon as the said bonds are issued, signed and countersigned as herein provided, the said commissioners shall place the same in the hands of the treasurer of said town, who shall countersign the same and deliver them to the purchaser or purchasers thereof; and the said treasurer shall make out and return to the said commissioners an accurate account of the number and denomination of the said bonds and to whom and when delivered; and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold said proceeds, subject to the order and direction of said commissioners, and be responsible for the safe custody and keeping of said proceeds, as by law it is now provided he shall be responsible for the custody and keeping of the moneys of said town as treasurer thereof. The said commissioners may require of the said treasurer such additional bond for the discharge of his duties under this act as they shall deem advisable, and they may fix the amount of the compensation which he shall receive therefor.

Sale and delivery
of bonds.

Responsibility of
treasurer.

Additional bond.

SEC. 6. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the commissioners of said town shall, annually, and at the time of levying other town taxes, levy a particular tax on all such persons and subjects of taxation upon which the said commissioners are now or may hereafter be authorized to lay and levy taxes for any purpose whatever, not exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents upon the poll. Said tax shall be so levied and laid as to raise a sum sufficient to pay the interest upon said bonds as it becomes due, and to provide for the payment of the principal of said bonds at maturity. The said special tax shall be collected in the manner and at the times that other town taxes are collected, and shall be paid over by the constable or other tax collector of said town to the treasurer or as is provided for in the charter of said town, and the said constable or tax collector charged with the collection of said tax shall give a good and sufficient bond for the collection and paying over of said tax, and the bond of said treasurer shall be liable for the safe-keeping and proper disbursement of said tax, as for other town taxes paid to him, and his said bond shall be fixed by the said commissioners in a sum sufficient to cover the amount of said special tax, in addition to other town taxes.

Particular tax.

Rate.

Collection of tax.

SEC. 7. That the taxes levied and collected under the authority of this act shall be kept separate and distinct from all other taxes, and shall be used only for the purposes for which they were levied and collected; and any mayor, commissioners, treasurer, tax collector or other officer of said town, or any other person who shall use or appropriate said special tax, or any part thereof, for any other purpose than that declared in this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned.

Specific appropri-
ation.

Misappropriation
of tax a misde-
meanor.

Punishment.

Misappropriation of bonds a misdemeanor.	in the discretion of the court; and any officer of said town, or any other person who shall use or appropriate the bonds authorized to be issued by this act, or the proceeds thereof, for any other purpose than that declared herein shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court.
Punishment.	
Question submitted to voters.	SEC. 8. That before any of the bonds herein authorized shall be issued, the question of issuing the same shall be first submitted to the qualified voters of said town, at an election to be held in said town within six months from the ratification of this act; and the said election shall be advertised for thirty days prior to the day of election in a newspaper published in the county of Wake and at four or more public places in said town, and the notice of said election shall specify for what purpose the funds arising from the sale of the bonds are to be expended and the maximum amount of bonds which it is proposed to issue. The said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as elections for municipal officers in said town, under the law governing the same at the time when said special election shall be held. At the said election those qualified voters approving the issue of the bonds and the levy of a special tax, as herein provided, shall deposit in the ballot box a printed or written ticket with the words "For Bonds" thereon, and those disapproving the same shall deposit a like ticket with the words "Against Bonds" thereon. The result of said election shall be ascertained by the officers appointed to hold the same, and they shall certify the result thereof to the commissioners of said town, who shall record the same in the minutes of the town. If a majority of the qualified voters of said town at such election shall vote "For Bonds," then the commissioners of said town shall issue the same, not to exceed the amount voted for, and shall levy the special tax hereinbefore provided; but if a majority of the qualified voters of said town shall fail to vote "For Bonds," then this act shall be of no force and effect.
Time for election.	
Notice of election.	
Law governing election.	
Ballots.	
Ascertainment and certificate of result.	
Effect of election.	
Construction of light and power plant authorized.	SEC. 9. If at the election provided for in the next preceding section a majority of the voters shall vote for the issue of the bonds, then the commissioners of the said town of Wake Forest shall have full power and authority to establish and construct and at all times to maintain and operate an electric light and power plant, and to have entire supervision and control of same, and to employ all such agents and servants and employees as they may deem proper; and to secure the full benefit thereof to the said town and its citizens, said commissioners shall have power to charge or contract for rates for the use and privileges of said lights by any person or corporation who may desire to use the same; and the said town shall have the full power and right to purchase and hold such real and personal property as may be
Charges for lights.	
Power to purchase and hold property.	

necessary to enable it to construct, maintain and operate the said electric-light plant; and where it is desired to acquire any real estate, right of way or easement in lands for the aforesaid purposes, and the commissioners and the owner of such property cannot agree upon a price therefor, then the said town shall have the right to condemn the same to its use, in the manner now provided in the charter of said town for the condemnation of lands for street and other public purposes. Power of condemnation.

SEC. 10. All profits resulting to said town from the operation of said electric-light plant over and above the cost and expense of operation shall be held for the exclusive purpose of paying the interest and principal of the bonds above provided for. So much of the profits derived from the operation of said electric-light plant, and so much of the proceeds of said special taxes which shall be levied in pursuance of this act, or may be necessary to pay the interest on the bonds issued as the same may become due, and cannot be applied to the purchase or discharge of the said bonds, shall be invested by the town treasurer, under such rules and regulations as the commissioners may from time to time prescribe, so as to secure the payment of the principal of said bonds at the maturity thereof. Appropriation of profits.
Investment of surplus.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 117.

AN ACT TO ENABLE THE TOWN OF SANFORD, LEE COUNTY, TO ISSUE BONDS TO FUND ITS INDEBTEDNESS AND TO AUTHORIZE THE TOWN TO LEVY TAXES TO MEET THE SAME, AND TO SUBMIT TO THE QUALIFIED VOTERS OF THE SAID TOWN OF SANFORD THE QUESTION OF ISSUING \$25,000 IN SEWERAGE BONDS.

Whereas the town of Sanford has heretofore contracted indebtedness to meet the necessary expenses of perfecting and extending the waterworks system of said town to an amount in excess of twelve thousand dollars (\$12,000), and the said town desires to issue long-time bonds in a sum not exceeding twelve thousand dollars (\$12,000) for the purpose of funding a part of said indebtedness, and said town further desires to procure authority to levy taxes to pay the interest on the bonds so issued, and to provide a sinking fund to meet the principal when it shall become due: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.	SECTION 1. That the board of aldermen of the town of Sanford be and they are hereby authorized to issue bonds to an amount not exceeding twelve thousand dollars (\$12,000), par value, for the purpose of funding a portion of the debt of said town contracted for necessary expenses of perfecting and extending the
Purpose of issue.	
Bonds, coupon or registered.	
Interest.	waterworks system of the said town. Said bonds authorized by this act may be either negotiable coupon bonds or registered bonds, in such form and of such denominations, and may be payable, both principal and interest, in gold coin of the United States, payable at such time or times and place, and said bonds shall bear such legal rate of interest as the board of aldermen of the said town may determine: <i>Provided, however,</i> that the total issue of bonds authorized by this act shall not exceed the sum of twelve thousand dollars (\$12,000). Said bonds shall be signed by the mayor, countersigned by the treasurer and sealed with the corporate seal of the said town, and coupons on said bonds shall bear the engraved or the lithographed signature of the treasurer. The said bonds shall not be sold for less than their par value and accrued interest. The proceeds of said bonds, including any premium received upon the sale thereof, shall be applied only to the payment of the floating indebtedness of the said town contracted for its necessary expenses, and the purchaser of the said bonds shall not be bound to see to the application of the purchase money.
Proviso: limit of issue.	SEC. 2. The board of aldermen of the town of Sanford are hereby required and directed to levy and collect, in addition to all other taxes in said town, a tax on all the taxable property and the polls of the said town of Sanford sufficient to pay the interest on the said bonds as the same shall become due, and also, on or before the time when the principal of the said bonds becomes due, to levy and collect a further special tax to pay for the same or to provide for the payment thereof. The said tax so levied upon the property shall be an <i>ad valorem</i> tax, and the tax upon the polls and property shall be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time as other tax upon the property and polls of the town.
Authentication.	
Bonds not to be sold below par.	
Specific appropriation.	SEC. 3. That the board of aldermen of the town of Sanford are hereby authorized and empowered, and it shall be their duty, upon the petition of one-half of the qualified voters of said town, to cause an election to be held at the various polling places in said town, at such time as the said aldermen may appoint, within six months from the filing of said petition with the board of aldermen, and to submit to the qualified voters of said town the question of issuing bonds, to an amount of twenty-five thousand dollars, for the purpose of establishing and maintaining a sewerage
Responsibility of purchaser.	
Special tax.	
Tax ad valorem.	SEC. 4. That the board of aldermen of the town of Sanford are hereby authorized and empowered, and it shall be their duty, upon the petition of one-half of the qualified voters of said town, to cause an election to be held at the various polling places in said town, at such time as the said aldermen may appoint, within six months from the filing of said petition with the board of aldermen, and to submit to the qualified voters of said town the question of issuing bonds, to an amount of twenty-five thousand dollars, for the purpose of establishing and maintaining a sewerage
Constitutional equation.	
Levy and collection.	
Petition for election.	SEC. 5. That the board of aldermen of the town of Sanford are hereby authorized and empowered, and it shall be their duty, upon the petition of one-half of the qualified voters of said town, to cause an election to be held at the various polling places in said town, at such time as the said aldermen may appoint, within six months from the filing of said petition with the board of aldermen, and to submit to the qualified voters of said town the question of issuing bonds, to an amount of twenty-five thousand dollars, for the purpose of establishing and maintaining a sewerage
Election to be held.	
Time for election.	
Bond issue for sewerage—amount.	

system in said town, under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payment of the interest thereon and to provide for the payment of the principal of said bonds when they shall become due. The said election shall be advertised by the board of aldermen of the said town for thirty days prior to the said election in some newspaper published in said town, and held under the same rules and regulations prescribed for the election of aldermen in the charter of said town and the amendments thereto. Those who are in favor of issuing of said bonds and levying said tax shall vote a written or printed ticket with the words "For Sewerage Bonds" thereon; and those who are opposed shall vote a written or printed ticket with the words "Against Sewerage Bonds" thereon. The result of the said election shall be ascertained by the judges of election of the different wards, and certified and returned by them to the board of aldermen of the town of Sanford in two days from the day of election, who shall verify and also certify such result and cause the same to be recorded in their minutes, and shall also make return of said result, under the signature of the mayor and clerk of the said town, to the Register of Deeds of Lee County, who shall duly record the same.

Law governing election.

Tickets.

Certificates and return of result.

SEC. 4. All laws or clauses of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 118.

AN ACT TO INCORPORATE THE UNITED SONS OF HYDE LODGE, No. 1, HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Edward W. Jones, president; Samuel T. Brinn, vice president; Samuel D. Spencer, secretary; John O. Marshall, treasurer; James D. Gibbs, chaplain; Bennett Rose, warden; Ottoway T. Berry, marshal; S. S. Marshall, John M. Clayton, Benjamin L. Brinn, and such other persons as they may associate with them, be and are hereby constituted a body politic and corporate, under the name of the United Sons of Hyde Lodge, Number One, with its principal place of business at Englehard, North Carolina.

Corporate name.

Principal place of business.

Objects of corporation.

SEC. 2. That the object of said society shall be for charitable

Benefit fund.

and benevolent purposes, to educate the members thereof, socially and morally; to provide for the relief of sick and distressed members, and especially to provide for the decent burial of its members, in case of death; to establish a benefit fund, out of which, on satisfactory evidence of the death of a member of this association who has complied with its lawful requirements, to pay a sum of money to the widow of such deceased member or his beneficiaries, which sum of money shall be such an amount as may be derived from or produced by the levy of an assessment of not exceeding one dollar *per capita* upon each and every member in good standing with this association at the time of such death, or such an amount not exceeding one dollar for each and every member of this association who, within thirty days after the notice of the death of such deceased member and levy of assessment to pay the death loss has been mailed to him from the post office in Englehard, North Carolina, shall have paid into the treasury of this association the sum of one dollar; and when a member's wife shall die, each and every member of the United Sons of Hyde shall pay to the member the sum of fifty cents, and it shall be paid the same as the widow's dower.

Power to raise funds.

SEC. 3. That said society shall have power, under its constitution and by-laws, to raise funds to carry out its purposes, as above stated.

Right to hold real estate and personal property.
Further corporate powers.

SEC. 4. That said corporation shall have the power to purchase and hold real estate to the amount of ten thousand dollars, and personal property to the amount of five thousand dollars, to sue and be sued by its corporate name, to use a common seal and make such constitution and by-laws as may be necessary for its good government, not inconsistent with the Constitution and laws of North Carolina.

Officers.

SEC. 5. That the officers of said society shall consist of a president, vice president, secretary, treasurer, chaplain, warden, and marshal, who shall be elected annually.

Grand and subordinate lodges.

SEC. 6. That said society shall be governed by a grand lodge and by subordinate lodges, which shall hold their meetings at such times and places as fixed by the constitution and by-laws: *Provided*, that Lodge Number One shall constitute said grand lodge until five subordinate lodges are organized under it, and thereafter it shall be composed of two delegates from each subordinate lodge, who shall elect their own grand officers.

Liability of members.

SEC. 7. That the private property of the members of the corporation shall be exempt from the debts of the corporation.

Term of corporation.

SEC. 8. That this act shall be in force from and after its ratification and shall remain in force for ninety-nine (99) years.

Ratified this the 22d day of February, A. D. 1909.

CHAPTER 119.

AN ACT TO INCORPORATE ST. PAUL'S, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of St. Paul's, in the county of Robeson and the State of North Carolina, be and the same is hereby incorporated, by the name and style of St. Paul's, and, so far as may not be inconsistent with this act, shall have all the powers and be subjected to all the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five and acts amendatory thereto.

SEC. 2. That the corporate limits of said town shall embrace the following territory, viz.: beginning at a stake in a small branch, D. A. McGougan's corner and L. A. McGougan's, located one chain and fifty links due south of the west end of a small dam on said branch; also located by beginning at the point where the north line of Broad Street crosses the center of the main line of the Virginia and Carolina Southern Railroad, and running south 40° east fifty-four chains, and running thence as said McGougan and McGeachy line north 2° east fifty-one chains and fifty links to a stake at the edge of a large pocoson; thence north eighty west ninety chains to a stake in L. Shaw's field; thence south ten west twenty-eight chains to a stake west of Cumbo Branch; thence south 80° east forty chains to a stake in A. Odum's field; thence due south to the edge of the Great Marsh; thence down said marsh, on high-water line, to and up said small branch to the beginning.

SEC. 3. That the jurisdiction of the mayor of said town and the officers thereof, for the purpose of police regulations, shall extend in all directions one mile from the corporate limits. The officers shall be a mayor and four commissioners and a town constable, and shall have such other police officers as the mayor and commissioners shall appoint.

SEC. 4. That until the time of the first regular election and the qualification of the officers elected, the government of the town shall be vested in the following persons, to wit: L. L. McGougan, mayor; L. A. McGeachy, L. McInnis, L. Shaw and W. F. Townsend, commissioners.

SEC. 5. That this act shall be in force from and after the day of its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 120.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF THE TOWN OF ROCKINGHAM TO ISSUE BONDS TO
COMPLETE ITS SEWERAGE SYSTEM.*The General Assembly of North Carolina do enact:*Power to complete
and equip sewer-
age system.

SECTION 1. That the board of commissioners of the town of Rockingham shall have power to complete the laying, building and constructing of the sewerage system for said town, and to extend and further equip the same, and to protect and regulate the same by adequate ordinances, and in order to obtain proper outlets for said system may extend the same beyond the corporate limits of said town; and if in the construction, extension or maintenance of said system and the outlets thereof it shall become necessary to acquire lands, rights of way and easements,

Power to condemn
land for exten-
sion.

both within and without the corporate limits of said town, said board shall have power to condemn the same, in the same manner as is now provided by law for the condemnation of land for streets.

Sewer rentals.

SEC. 2. That said Board of Commissioners of Rockingham shall have power to charge and collect a sewer rental, in such reasonable amount and collectible at such periods as said board may prescribe for the use of said sewer, said rental to be based on the number of sinks and closets connected with the sewer, and may charge and collect such reasonable amount for connecting with said sewer as said board may prescribe; and said sewer rental and charge for connection, if not paid, shall become a lien upon the property with which connections are made, and may be collected in the same way as unpaid taxes, and with the same costs and penalties.

Charges for con-
nections.Charges a lien on
property.Bond issue
authorized.

SEC. 3. That in order to provide funds for the completion and extension of said sewerage system the Board of Commissioners of Rockingham are hereby authorized and empowered to issue coupon bonds, bearing interest, payable annually or semiannually, at a rate not exceeding six per centum per annum, to an amount not exceeding ten thousand dollars, in denominations of not less than five hundred nor more than one thousand dollars, payable not more than thirty years from the date of issue. Said bonds shall be signed by the mayor of the town and countersigned by the treasurer and sealed with the corporation seal of the town, and the coupons on said bonds shall bear the engraved or lithographed signature of the treasurer, and shall be made payable, both principal and interest, at such place or places as the board may determine. Said bonds shall be sold at public or private sale, with or without notice, or may be delivered to the contractor or contractors in payment for the completion and extension of said system, and may be issued from time to time as the work may

Interest.

Amount.

Denominations.

Maturity.

Authentication.

Sale of bonds.

progress; and the proceeds of said bonds shall be applied for the purposes herein set out, and no other, and the purchaser of said bonds shall not be bound to see to the application of the purchase money.

SEC. 4. The board of commissioners of the town of Rockingham is hereby authorized and directed to levy and collect a tax on all taxable property and polls in said town of Rockingham sufficient to pay the interest on said bonds as the same may become due, and also, before the principal of said bonds shall become due, to levy and collect a further tax to pay for the same or to provide a sinking fund for payment thereof. The tax so levied shall be an *ad valorem* tax, in the proportion required by the Constitution of North Carolina, and shall be levied and collected in the same manner and at the same time as other taxes upon property and polls of said town.

Application of proceeds.

Special tax for interest and sinking fund.

Levy and collection of tax.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 121.

AN ACT TO AMEND CHAPTER 432, PRIVATE LAWS OF 1901, AND CHAPTER 16, PRIVATE LAWS OF 1903, AND TO AUTHORIZE THE CITY OF CHARLOTTE TO LEVY A SPECIAL TAX FOR THE SUPPORT OF THE CARNEGIE PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of providing an adequate appropriation for the support of the Charlotte Carnegie Public Library (for white people), in the city of Charlotte, the board of aldermen of said city shall, annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which said board now are or may be hereafter authorized to lay and levy taxes for any purpose whatever, said particular tax not to be more than three cents on the one hundred dollars assessed valuation on property and not more than nine cents on each poll within said city. The taxes provided for in this act shall be collected in the manner and at the time other city taxes are collected, and shall be accounted for and kept separate from other taxes, and shall be applied by said board of aldermen to the purpose for which they are levied and collected.

Particular tax for support of library.

Rate.

Collection of tax.

Specific appropriation.

SEC. 2. That before any taxes herein provided for shall be laid and levied, the question of levying the same shall first be submitted to the qualified voters of said city, after thirty days' notice

Levy submitted to voters.
Notice of election.

in some newspaper published in said city, at an election to be held under the same rules and regulations as are prescribed by law for the election of mayor and board of aldermen for said city.

Registration.

SEC. 3. That unless said question shall be submitted at an election for municipal officers of said city, said board shall order a registration of the qualified voters of said city for the purpose of such election; and at the election so held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For Library Tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against Library Tax" upon it.

Ballots.

Duty of aldermen if tax voted for.

SEC. 4. That if a majority of the qualified voters shall vote at said election in favor of levying said tax, it shall be the duty of the board of aldermen of said city to so declare by an order duly adopted at their next regular meeting, and thereafter to appropriate annually and order the city treasurer to pay over the net proceeds of said tax, when collected, for the purpose aforesaid, in lieu of the fixed appropriation of two thousand five hundred dollars now authorized by law for said purpose, which in that event shall become of no effect.

Acceptance of donation authorized.

SEC. 5. That the trustees of said Charlotte Carnegie Public Library be and they are hereby authorized to accept a donation from the founder of said library for the erection of a lecture hall in connection therewith, and to maintain and operate the same as an adjunct to said public library.

Law repealed.

SEC. 6. That section twenty-two of chapter sixteen, Private Laws of one thousand nine hundred and three, be and the same is hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 122.

AN ACT TO INCORPORATE THE TOWN OF VAUGHAN, IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.
Corporate name.
Corporate powers.

SECTION 1. That the town of Vaughan, in the county of Warren, be and the same is hereby incorporated under the name and style of "Vaughan"; that the said town shall be subject to all provisions contained in chapter seventy-three of the Revisal of one

thousand nine hundred and five, and all the provisions of said chapter not inconsistent with the provisions of this act are hereby made a part of it.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the depot of the Seaboard Air Line Railroad as center, and running thence four straight lines north, east, south and west, respectively, each line one thousand yards long, and the corporate limits of said town be confined within a square included within four lines running at right angles to said lines and extending each way till they intersect each other, respectively.

SEC. 3. That the officers of said incorporation shall consist of a mayor, treasurer, constable and five commissioners, to enforce their ordinances, keep their records and otherwise aid in the conduct of the affairs of the town; that until Tuesday after the first Monday in May, one thousand nine hundred and nine, W. T. Carter is appointed to the office of mayor of said town; W. W. Pegram, treasurer; W. K. Hunter, constable; W. R. Vaughan, J. H. Harris, W. H. Fishel, J. T. Myrick and S. W. Bell are appointed commissioners thereof. That the said officers above named shall hold their offices until their successors are elected and qualified, as herein provided.

SEC. 4. That there shall be an election for officers mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and nine, and biennially thereafter, under the same restrictions and regulations under which State and county elections are held, and as provided by law for elections in cities and towns in North Carolina.

SEC. 5. That the said commissioners shall have the power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and United States, and levy and collect a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three cents on the one hundred dollars valuation of property, both real and personal, and impose fines and penalties and to collect the same; and the taxes, when collected, shall be expended in the payment of the current expenses of the said town, and for no other purpose.

SEC. 6. That it shall be the duty of the officers herein named, within ten days after the ratification of this act, to take the proper oaths of office and enter upon the duties as such officers.

SEC. 7. That chapter three hundred and forty-two, Private Laws of one thousand eight hundred and ninety-three, is hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 123.

AN ACT TO AUTHORIZE THE TOWN OF RAMSEUR TO
ISSUE BONDS FOR THE IMPROVEMENT OF STREETS
AND SIDEWALKS.*The General Assembly of North Carolina do enact:*

Call of election authorized.	SECTION 1. That the board of commissioners of the town of Ramseur is hereby authorized and empowered to submit to the qualified voters of said town, at an election as hereinafter provided for, the question of issuing bonds of the town of Ramseur in the amount of five thousand dollars, and of levying and collecting a special tax, as hereinafter provided, for the payment of the principal and interest of said bonds, for the purpose of working, improving and making streets and sidewalks in said town.
Question to be submitted. Amount.	Said bonds shall be ten in number and five hundred dollars each in amount. They shall bear interest from the date thereof at a rate not exceeding six per cent per annum, and the interest shall be payable semiannually. Said bonds shall be payable, one in three, one in six, one in eight, one in ten, one in twelve, one in fourteen, one in sixteen, one in eighteen, one in twenty, and one in twenty-two years, respectively. They shall have interest coupons attached. The bonds shall be numbered, and shall be executed on behalf of the town by the mayor, and attested by the clerk, and shall have the corporate seal attached, and shall be in all other respects of such form and tenor and payable at such dates and places as shall be determined by the board of commissioners and designated in the bonds themselves. None of said bonds shall be sold or disposed of for less than par, and a record shall be kept, showing to whom each and all of said bonds shall be issued.
Purpose of bond issue.	
Denominations.	
Interest.	
Maturity.	
Authentication.	
Bonds not to be sold below par.	
Specific appropriation.	SEC. 2. Said bonds or the proceeds thereof shall be used exclusively for the purpose of working, improving and making streets and sidewalks in the town of Ramseur.
Coupons receivable for town taxes.	SEC. 3. The said interest coupons, after the same shall become due, shall be receivable in payment of taxes and other public dues of the town of Ramseur; and if the holder of any of said bonds or interest coupons shall fail or neglect to present same for payment at the time or times or at the place or places specified therefor in said bonds, he shall not be entitled to any interest thereon for the time they shall have been outstanding after maturity.
Special tax.	SEC. 4. In order to pay said bonds and the interest thereon as the same shall become due, the board of town commissioners of said town is hereby authorized, empowered and directed to annually assess and levy, at the time of levying the other taxes of the town, a sufficient particular or special tax on the property and taxable polls of the town not exceeding twenty cents on the one
Rate.	

hundred dollars assessed valuation of property or sixty cents on each taxable poll. The said particular or special tax shall be collected at the time the other taxes of the town are collected, and shall be paid over by the collector to the treasurer of the town, and shall be kept separate and distinct from all other taxes and moneys and used only for the purposes for which same is levied and collected.

Collection of tax.

Specific appropriations.

SEC. 5. That the foregoing provisions of this act shall be submitted to the vote of the qualified voters of the town of Ramseur, at an election which shall be called and held at such time as the board of commissioners shall determine, not later, however, than December the thirty-first, one thousand nine hundred and ten. Upon the calling of an election under this act, a notice of the time and place of said election, containing a copy of the foregoing sections of this act, or a summary thereof, shall be published, for at least thirty days before the date for the holding thereof, in some newspaper published in Randolph County. Said election shall be held under and in accordance with the general election laws of North Carolina for towns and cities, as contained in sections two thousand nine hundred and forty-five to two thousand nine hundred and sixty-seven, inclusive, of the Revisal of one thousand nine hundred and five, and such acts amendatory thereof as have been or may hereafter be enacted. The result of said election, duly ascertained in accordance with law, shall be enrolled upon the public records of the town of Ramseur; and after thirty days from the date of such enrolling the same shall be deemed and held conclusive evidence of the facts therein recited. Those qualified voters approving the issuance of the bonds and the levying of the special tax, as herein provided, shall deposit a ballot having thereon the printed words "For Better Streets and Sidewalks," and those disapproving the same shall deposit a ballot containing the printed words "Against Better Streets and Sidewalks." If the majority of the voters at such election shall vote "For Better Streets and Sidewalks" it shall be deemed and held that a majority of the qualified voters of said town are in favor of the issuance of said bonds and the levy of said special tax, and the board of commissioners of said town shall be authorized and empowered to issue said bonds and to levy said special tax until said bonds shall be paid in full, including interest; but unless a majority of the qualified voters shall so vote, the board of town commissioners shall not be so authorized and empowered.

Time within which election to be called.

Notice of election.

Law governing election.

Enrollment of result.

Ballots.

Effect of election.

SEC. 6. The board of commissioners of the town of Ramseur is hereby authorized and empowered, without reference to the election hereinbefore provided for, or the result of same when held, to curb, grade, pave, cement or otherwise permanently improve the sidewalks of the town, and to assess and charge sixty-two and one-half cents per square yard of the cost thereof against

Power to improve sidewalks.

Assessments on abutting property.

Assessment a lien
on real estate.
Enforcement of
collection.

the real estate abutting on the side of the street on which the sidewalk is so improved, and the assessment shall constitute a lien thereon. If the assessment shall not be paid in sixty days after the property owner is notified of the amount thereof, the board of commissioners shall have the property sold, or so much thereof as may be necessary to pay the assessment and costs, by the town tax collector, under the rules and regulations provided for the sale of the real estate of delinquent taxpayers of said town, to pay said assessment and costs; the surplus, if any, to be paid to the person owning the property at the time of sale: *Provided*, the said board of commissioners may determine the time of sale, which shall be made at the mayor's office in said town.

SEC. 7. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A. D. 1909.

CHAPTER 124.

AN ACT TO INCORPORATE THE JOHN CHARLES MCNEILL MEMORIAL SOCIETY.

The General Assembly of North Carolina do enact:

Purpose of incorporation.

Corporators.

Corporate name.

Corporate rights.

SECTION 1. That for the purpose of perpetuating the memory of the late John Charles McNeill, and for the moral, intellectual and social improvement of the community which gave him birth, T. M. Watson, Captain Duncun McNeill, A. A. McMillan, John P. Livingstone, D. W. L. Smith, E. F. Murray and D. K. McRae, of Scotland County; E. B. Gresham, of Charlotte; Rev. Plato T. Durham, of Concord; R. C. Lawrence, of Lumberton; Prof. B. F. Sledd, of Wake Forest; Clarence H. Poe, of Raleigh; Archibald Johnson, of Thomasville, and Archibald Henderson, of Chapel Hill, their associates and successors, are hereby created a body corporate, under the name and style of the "John Charles McNeill Memorial Society," and by such name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal, and shall have and enjoy all the rights, privileges and immunities granted to corporations by the general laws of the State, as well as the rights, privileges and immunities specifically granted in this act.

Further enumeration of powers.

SEC. 2. The said corporation shall have power to establish, conduct or carry on a reading room or circulating library, and to build memorials, maintain scholarships in schools, colleges and universities, receive, hold and appropriate contributions and dona-

tions of both personal and real property for the moral, intellectual or social advantage of its members and the furtherance of the objects of this corporation.

SEC. 3. The said corporation may make by-laws for its govern-
ment, prescribe the necessary officers and the duties of each, pro-
vide the manner and time of electing said officers, and require
bonds of such of its officers as occupy positions of trust.

By-laws and
officers.

SEC. 4. The said corporation shall by its by-laws prescribe the
dues and assessments to be collected from its members.

Dues and assess-
ments.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 125.

AN ACT TO INCORPORATE THE TOWN OF ATKINSON, IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Atkinson, in the county of Pender,
be and the same is hereby incorporated, by the name and style of
"Atkinson," and it shall have all the provisions of law now in
existence in reference to incorporated towns and not inconsistent
with this act.

Town incor-
porated.

Corporate name.

Corporate powers.

SEC. 2. That the said town shall be incorporated according to
the plan of Atkinson made by the North State Improvement Com-
pany, and the town limit shall extend one-half mile in each direc-
tion from the middle of the railroad crossing on Main Street.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor,
three aldermen and a town marshal.

Town officers.

SEC. 4. It shall be the duty of said mayor and aldermen to make
such rules, regulations and by-laws as may be necessary and not
inconsistent with law for the proper government of said town.

Rules, regulations
and by-laws.

SEC. 5. That W. H. Lewis act as mayor of said town; that R. V.
Eakins be made marshal of said town, and that James H. Colvin,
D. T. Robinson and J. R. Hawes be made aldermen of said town,
to hold office until the first Tuesday after the first Monday in
May, one thousand nine hundred and nine, when a general elec-
tion for said officers shall be held and their successors elected,
and an election shall be held every two years thereafter for said
officers.

Town officers
named.

Term of office.

Town elections.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this the 23d day of February, A. D. 1909.

CHAPTER 126.*

AN ACT TO AMEND, ALTER AND CONSOLIDATE THE
CHARTER OF THE TOWN OF FARMVILLE, NORTH CARO-
LINA.*The General Assembly of North Carolina do enact:*

Corporation con-
tinued.
Corporate name.
Corporate powers.

SECTION 1. That the inhabitants of the town of Farmville shall be and continue, as heretofore, a body politic and corporate, and shall have the name and style of the town of Farmville, and under such name and style the said town is hereby invested with all the corporate and property rights which now belong to municipal corporations in this State; and in and by this name may sue and be sued and may plead and be impleaded, acquire and hold property, real and personal, for the use of said town, as its governing board may deem expedient and necessary.

Corporate limits.

SEC. 2. That the corporate limits of the said town, until otherwise ordered, shall be as follows: Beginning at a stake in the easterly right-of-way line of the Snow Hill branch of the Norfolk and Southern Railway, where said line is intersected by the southern boundary line of the said town of Farmville, which line divides the R. L. Davis and Whitehurst lands, said beginning stake being the southeast corner of the said town of Farmville; thence north $41^{\circ} 40'$ east along the said easterly right-of-way line of the said Snow Hill branch of the said Norfolk and Southern Railway 1,200 feet to a staked corner located about sixty feet south of the section house of the said Norfolk and Southern Railway; thence north $72^{\circ} 10'$ south 791.5 feet to a staked corner in the southerly right-of-way line of the said Norfolk and Southern Railway Company's main line running between Raleigh and Chocowinity; thence south $75^{\circ} 20'$ east along said southerly right-of-way line of the said Norfolk and Southern Railway's main line 756 feet to a staked corner, said corner being on a line dividing the lands of M. T. Horton and R. L. Davis; thence north $38^{\circ} 50'$ east along said dividing line between the M. T. Horton and R. L. Davis lands and crossing the said Norfolk and Southern main line, 600 feet, to a staked corner located at Pitt and Church streets, in the said town; thence north $42^{\circ} 5'$ east along the easterly line of said Pitt Street 1,676 feet to a staked corner located at Pitt Street and Horne Avenue; thence north $55^{\circ} 10'$ west along the northerly line of said Horne Avenue 500 feet to a staked corner located at Horne Avenue, Waverly Street; thence north $42^{\circ} 5'$ east along the easterly line of said Waverly Street, produced through the Murphey lands, 416.7 feet, to a staked corner in the Murphey lands; thence north $55^{\circ} 10'$ west through Murphey's lands and on a line parallel with Horne Avenue 416.7 feet to a staked corner in the easterly line of Greene Street; thence north $38^{\circ} 10'$ east along a line through the said Murphey lands 212.8 feet to

the southeasterly corner of the Farmville cemetery; thence north $41^{\circ} 50'$ east along the easterly line of said Farmville cemetery 420 feet to its northeast corner thereof, said northeast corner of said cemetery being the northeasterly corner of said town of Farmville; thence north $52^{\circ} 30'$ west along the north line of said cemetery 420 feet to said corner, being on the easterly line of Contentnea Street, produced, northwest corner thereof; thence south $41^{\circ} 50'$ west along the westerly line of the said cemetery 420 feet to its southwesterly corner thereof, said corner being on the easterly line of Contentnea Street, produced, and about five feet south of a ditch, dividing line between the Murphey and Horne lands; thence north $35^{\circ} 50'$ west 20 feet to a corner in Contentnea Street and marked on a small bridge over said mentioned ditch; thence north $52^{\circ} 30'$ west along said mentioned ditch, dividing line between the said Murphey and Horne lands, 418 feet, to the easterly side of Main Street; thence south $82^{\circ} 50'$ west, crossing said Main Street and through the Lang property, the Sheppard property and Belcher property, 1,557 feet, to a staked corner located at Belcher and George streets; thence north $48^{\circ} 10'$ west along the northerly line of the said Belcher lands, 1,353 feet to a staked corner in the east line of a small lane (leading from Wilson Street to the Belcher brickmaking plant), said above-mentioned corner being about fifty feet south of said Belcher brickmaking plant; thence north $75^{\circ} 10'$ west on a line through the Viscounte heirs' lands, and crossing the East Carolina Railroad main track 950 feet to a staked corner on the westerly side of said East Carolina Railroad main track and also on their right of way, said staked corner being near the center of Wilson Street and being the northwest corner of the said town of Farmville; thence south $9^{\circ} 30'$ west along the right-of-way lands of the said East Carolina Railroad, and crossing the said Norfolk and Southern Railway Company's main line again, 4,708 feet to a staked corner in R. L. Davis' lands, being the southwest corner of the said town; thence south $42^{\circ} 20'$ east, crossing the said East Carolina Railroad, and along a line through the R. L. Davis lands 464.4 feet to a staked corner on a line dividing the R. L. Davis and Whitehurst lands; thence south $73^{\circ} 20'$ east, on said line between the R. L. Davis and Whitehurst land, and crossing Main Street (formerly called the Marlborough Road) and the Snow Hill branch of the Norfolk and Southern Railway, 1,107 feet to a staked corner, the place of beginning at the southeast corner of the said town of Farmville, North Carolina.

SEC. 3. That on the first Tuesday after the first Monday in May, Town elections, one thousand nine hundred and nine, and on the first Tuesday after the first Monday in May biennially thereafter, there shall be elected by the qualified voters of the said town a mayor and five

commissioners, who shall hold their offices until their successors are elected and qualified, and whose duties shall be as hereinafter prescribed.

Law governing election.

SEC. 4. That the election for mayor and commissioners shall be held, conducted and the result declared in accordance with the general laws of the State regulating municipal elections, except so far as the same may be changed and modified by this act.

Mayor and commissioners elect to qualify.

SEC. 5. That the mayor and commissioners declared elected at said elections shall meet on the Tuesday, at twelve o'clock M., next succeeding the day of their election, and shall take and subscribe the oath prescribed by the laws for such officers, before some person duly authorized to administer oaths, which oaths shall be filed with the records of the said town. The persons thus qualified shall organize a board of commissioners of the said town and shall elect one of their number mayor *pro tem.*, who shall preside over their meetings in the absence of the mayor.

Organization.

Mayor pro tem.

Powers of commissioners.

SEC. 6. That the board of commissioners of the said town are hereby fully authorized and empowered to do and perform all things which they are authorized by the general laws of this State to do and perform, and especially to do and perform the following acts:

Ordinances, rules and regulations.

(1) To make and publish all needful ordinances, rules and regulations for the peace, good order and government of said town.

Levy and collection of taxes.

(2) To levy and to cause to be collected sufficient taxes for the efficient administration of the public affairs of said town upon the following subjects, to wit: A tax not to exceed sixty-six and two-thirds cents on each one hundred dollars' worth of real and personal property in said town, including money on hand, solvent credits and all other classes of property required to be listed as property by the laws of this State; a poll tax not to exceed two dollars on each poll within said town liable under the laws of this State to pay a poll tax; a license tax on druggists, merchants, hotels, boarding-house or restaurant keepers; on all opera houses or other halls used for hire or rent for exhibitions of any kind; on all traveling or theatrical companies giving exhibitions within the town; on all traveling concert or musical companies or persons giving exhibitions in said town; on all exhibitions of museums of waxworks or curiosities for profit; on every exhibition of a circus or menagerie; on each billiard or pool table kept for hire or public use; on each skating rink, bagatelle table, merry-go-round, hobbyhorse or stand or place for any other game or play used for profit; on every person or firm that keeps horses or mules for sale or hire; on every dray or other vehicle used on the streets for hire; on every lawyer, doctor or dentist practicing his profession in said town; on every bank, banker, broker or other persons or firms doing a banking or brokerage business of any kind in said

Property tax.

Poll tax.

License tax.

town; on every mercantile agency, association, person or firm which has for its business selling goods, wares or merchandise by samples; on all dogs running at large in said town, with power to enforce the payment of the tax by the owner or the killing of the dog; on all persons vending or advertising from a stand or vehicle any drugs, nostrums or medicines or goods, wares or merchandise of any kind, and on any and all other subjects taxed by the laws of this State, whether expressly herein enumerated or not.

(3) To extend, widen, straighten, grade or otherwise improve any street or sidewalk now existing in said town, and to this end the board shall have full power and authority to remove or cause to be removed any and all obstructions to any of the streets or sidewalks, no matter whether such obstructions be of a temporary or of a permanent kind, or caused by porches, sheds or buildings, or parts of buildings erected on, upon or over any of said streets or sidewalks.

(4) To lay out and open new streets and sidewalks in any part of said town.

(5) That the board of commissioners may require property owners to construct and keep in repair such sidewalks adjacent to their property in such manner as said board may direct; and should any owner of such property refuse or fail to so construct or repair such sidewalks after twenty days' notice, the board may have the same constructed or repaired, and the cost thereof shall be added to the taxes paid on said property on the tax list of the next succeeding year and collected as taxes upon property listed for taxation.

(6) To adopt such plans or methods and to make such contracts as the board may deem best for lighting the streets and sidewalks of said town.

(7) To adopt such plans or methods, to make such contracts and to take such action as the board may deem best to procure a water supply for said town.

(8) To contract for, purchase, keep in repair and provide for the use of all such engines, hose or other apparatus or appliances for the prevention or extinguishing of fires as the board may deem needful and proper.

(9) To suppress and remove nuisances, and to make all needful rules and regulations to preserve the health of the inhabitants of the town from contagious, infectious or other diseases.

(10) To make and enforce regulations for the due observance of the Sabbath, and to prescribe the hours at which billiard or pool rooms or other places where billiards or pool are played shall be closed at night: *Provided*, that such regulations shall not be in conflict with other provisions of this act or any law of the State.

Regulation of markets.	(11) To prescribe the places and regulate the manner in which the business of marketing shall be carried on in said town.
Speed regulations.	(12) To regulate the speed of driving or riding on the streets or other public places in said town.
Powder and explosives.	(13) To regulate the sale and keeping of powder or other explosives within the corporate limits of said town.
Fireworks.	(14) To prohibit, regulate or contract the sale or use of fire-crackers, roman candles, bombs, torpedoes or other explosives: <i>Provided</i> , that such prohibition, regulation or contract shall not conflict with other provisions of this act or any law of this State.
Proviso: limitation.	
Policemen.	(15) To elect all such policemen, guards or night watchmen, fix their compensation and prescribe their duties, as may be necessary to enforce the ordinances, preserve the peace and secure good government to the inhabitants of the town: and the policemen, guards or watchmen shall hold office and be subject to removal at the pleasure of the board.
Labor, machinery and material for street work.	(16) To employ such labor and to purchase such machinery and material and to make such contracts and to do all such things as may be necessary to put and keep the streets and sidewalks, public wells, tanks and reservoirs and other town property in proper condition.
Other powers.	(17) To execute and employ all other powers and functions conferred by the general laws of this State upon boards of commissioners, councilmen or aldermen of cities and towns, and which may not be herein especially mentioned.
Election of subordinate officers.	SEC. 7. That the commissioners, at their first meeting after their election, shall appoint a clerk, a treasurer, a tax collector, a town constable or chief of police and such other officers as they may deem necessary, who shall, respectively, hold their offices for such time as the board of commissioners may determine, subject, however, to be removed at any time and other officers appointed in their stead, as the board may determine. Before acting, each of the officers shall be sworn to the faithful discharge of his duties, and shall give bond, payable to the town of Farmville, in such sum as the board of commissioners may require.
Terms of office.	
Officers to qualify.	
Bonds.	
Records.	SEC. 8. That the clerk of the board shall keep a book in which shall be recorded the proceedings of said board, which shall at all times be under the control of said board and open to inspection by the citizens of the said town.
Books kept by treasurer.	SEC. 9. That the person chosen as treasurer shall keep a book in which he shall charge himself with all moneys that come into his hands, which shall show the source or sources from which derived, and on which he shall record the amount and date of all orders paid by him, the date of payment and to whom paid, and he shall pay out no money except upon order of the board. He shall make full report to the board at the end of each fiscal year.
Reports of treasurer.	

which shall show the financial condition of the said town, and he shall make such other reports from time to time as the board may require.

SEC. 10. That the tax collector shall collect and account for all taxes due the town under the direction and supervision of the board of commissioners, and shall pay the same over to the treasurer from time to time as the board may direct, and he shall make his report to the board at the end of each fiscal year, which shall show the amount paid him and the source from which received and the time when paid and the amount paid to the treasurer. In addition to this report, he shall make such other reports as the board may require.

Duties of tax collector.

SEC. 11. That the mayor, in addition to his other duties, shall attend the meetings of the board of commissioners and preside over the said meetings, but he shall have no vote on any question, unless the board be equally divided, in which case he shall cause record to be made of that fact, and record his vote and declare the result. In case of the absence of the mayor at any meeting, the president *pro tem*, shall preside, but he shall have no casting vote in case of a tie, if he has already voted, and in that case he shall declare the question lost. In the absence of both the mayor and the president *pro tem*, any member of the board may preside.

Mayor to preside at meetings of commissioners.

Mayor pro tem.

SEC. 12. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of said town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violations thereof, and to enforce and execute the ordinances, by-laws, rules and regulations made by the board of commissioners; and the mayor shall further be a special court, within the corporate limits of said town, to arrest and try all who are charged with misdemeanors for violating any ordinance, rule or regulation of the town, and if the accused be found guilty he shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, at the discretion of the mayor or court trying the case. If the accused is dissatisfied with the judgment of the mayor, or court, he may appeal to the Superior Court in like manner as appeals may be taken from judgments of a justice of the peace. He shall also have all the authority of a justice of the peace to cause the arrest of any person charged with any criminal offense, and to detain, try and deal with them, within the corporate limits of said town, in like manner as a justice of the peace might do.

Mayor constituted inferior court.

Jurisdiction.

Special court.

Jurisdiction.

Right of appeal.

SEC. 13. That if for any cause a vacancy shall occur in the office of either the mayor, treasurer, clerk or tax collector, the board

Vacancies.

shall fill such vacancy, and the appointee shall hold for the unexpired term, and an absence of five days from the town without special permission from the board shall be deemed a vacancy.

Acting mayor.

SEC. 14. That in the absence of the mayor from the town, or in case of his inability to act, the president *pro tem.* of the board of commissioners shall be acting mayor during such absence or inability, and while so acting he shall have all the authority and power herein given to the mayor.

Warrants and process of mayor.

SEC. 15. That the mayor may issue his warrant or other process to any policeman of the town, or to such other officer to whom a justice of the peace might direct his warrant or other process anywhere in the county of Pitt.

Minutes of proceedings.

SEC. 16. That the mayor shall keep a faithful record or minute of all warrants or other processes issued by him, and of all the judicial proceedings, and all judgments rendered by him shall have the same force as if rendered by a justice of the peace, and may be enforced anywhere in the county of Pitt, in the same manner and by the same means as if rendered by a justice of the peace.

Fees and costs.

SEC. 17. That the fees and costs in the mayor's court shall be the same as the fees and costs in a justice's court for like services, and the fees and costs shall be collected and accounted for as the board of commissioners may direct.

Persons subject to street work.

SEC. 18. That the board of commissioners shall have authority to put and keep at work on the streets any person or persons who may fail to pay any tax, fine, costs, penalty or forfeiture which may have been imposed on such person or persons by the mayor; and the said board shall have the authority to make such rules and regulations for the control and management of such persons until said fines, penalties and costs are paid, under such rates for labor as they may fix.

Control and management.

Use of fireworks and explosives prohibited.

SEC. 19. That the exploding of firecrackers, roman candles, bombs, torpedoes or other explosives within the corporate limits of said town, being dangerous to property and a nuisance to its citizens, is hereby prohibited, and it shall be unlawful for any person to sell any such explosives in said town, no matter by what name called, without first having obtained a license from the board of commissioners and paid a tax to the town tax collector, to be fixed by the said board, which shall not be less than ten dollars nor more than two hundred and fifty dollars for carrying on said business twelve months.

License for sale.

Claims against town.

SEC. 20. That all claims against said town shall be presented to the board of commissioners, to be examined, passed upon and audited, and the board shall cause a record to be made of all claims allowed by them, and shall cause an order to be issued upon the treasurer therefor, which order shall state what it is for, and be signed by the presiding officer and countersigned by the clerk.

Orders.

SEC. 21. That the citizens of the town of Farmville and others Tax listing.
 liable to be taxed under the charter shall, on the days prescribed
 for listing State and county taxes, render on oath to the clerk
 of the town, who is hereby constituted a commissioner of affidavits
 for that purpose, on a blank to be prepared and furnished
 by the board of commissioners, a list of property and subjects for
 which they may be liable to be taxed, under all the rules and
 penalties prescribed for listing State and county taxes and as pre-
 scribed in this charter. The list shall state the age of the party,
 with reference to his liability to a poll tax, and shall also contain
 a verified statement of all real and personal property and such
 interests and estates therein as are taxable, and that all persons
 who are liable for a poll tax to the said town and shall willfully
 fail to give themselves in, and all persons who own property or
 whose duty it is to list property, and who willfully fail to list it
 within the time allowed by law, shall be guilty of a misdemeanor
 to the same extent as for failure to list State and county taxes,
 and on conviction thereof before the mayor of the town or a jus- Failure to list
 tice of the peace of Farmville Township shall be fined not more taxes a misde-
 than ten dollars or imprisoned not more than ten days, and it meanor.
 shall be the duty of the tax collector of the said town to prosecute
 offenders against this section. Punishment.

SEC. 22. That as soon as the tax list can be completed by the Levy of tax.
 clerk and turned over to the board of commissioners they shall
 proceed to levy the tax on such subjects of taxation as they shall
 determine, and shall place the tax list in the hands of the tax col-
 lector for collection, who shall proceed forthwith in the collection,
 and shall complete the same on or before the first day of Decem-
 ber next ensuing, and shall pay the moneys as they are collected
 to the treasurer of the town, and the tax collector shall receive
 for his compensation not more than five per centum on the amount
 collected, as the board of commissioners shall determine; that if
 any person liable to taxes on subjects directed to be listed shall
 fail to pay them within the time prescribed for collection, the
 collector shall forthwith proceed to collect the same by distress
 and sale, all sales to be made after public advertisement for the
 space of ten days in some newspaper published in the county of
 Pitt if the property be personal, and twenty days if the property
 be realty; and the said collector shall have the right to levy upon
 and sell any personal property situated outside the limits of the
 town and within the county of Pitt belonging to the delinquent
 taxpayer of the town, in order to enforce the payment of taxes due
 the town by the said delinquent. Collection of
 taxes.
 Compensation of
 tax collector.
 Collection by
 distress.

SEC. 23. That when the tax due on any lot or other land (which Sale of real estate
 is hereby declared to be a lien on the same) shall remain unpaid for taxes.
 on the first day of December, the tax collector shall either pro-
 ceed to collect the same by levy and sale of personal property be-

longing to the owner of said lot or shall report the fact to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold before the mayor's office door in the town of Farmville by the collector. The collector shall, before selling the same, make a full advertisement of the said real estate at the mayor's office door and two other public places in said town for twenty days, and shall also serve upon the owner thereof a written notice of the taxes due and the day of sale, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the town, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the county of Pitt, and the collectors shall sell a portion of said real estate or the whole.

Collector to return account of proceedings.

SEC. 24. That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided, and the purchaser thereof and the prices of each, which shall be entered on the book of proceedings of the commissioners; and if there should be a surplus after paying the said taxes, the same shall be paid into the town treasury, subject to the demands of the owner.

Right of redemption.

SEC. 25. That the owner of any land sold under the provisions of this charter and amendments, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Conveyance of unredeemed property.

SEC. 26. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser.

Power to create debt.

SEC. 27. When the board of commissioners shall find it necessary to improve the streets, or secure a larger supply of water for protection against fire or for sewerage purposes, or a better supply of water for drinking and domestic purposes, or secure a better system of lighting for the streets, and shall find the revenue of the town insufficient to meet the expenses of such improvements, the board may in its discretion borrow money and issue script, notes or bonds therefor, to run for such time as the board may determine and for a rate of interest not exceeding six per cent: *Provided*, that the aggregate of the indebtedness created under this section shall not exceed ten per cent of the assessed value of the taxable property of the town. That the board may in like manner purchase for the protection of the property of the town such fire engines, fire extinguishers or other apparatus as may be proper, and pay for the same in like manner as above set forth.

Proviso: limit of amount.

Purchase of fire apparatus.

SEC. 28. That when it shall become necessary to straighten, widen or enlarge any street now in use, or to lay out and construct new streets across the private property of any person, and the board is unable to procure a title to such property from such person, the board may enter upon such property and proceed to take and use such property for the purpose of enlarging and building such streets; and if the owners of such property and the board are unable to agree upon the value of the property taken and used for public purposes and the damage done to said owner by such taking, then the board or such owner may file a petition before the Clerk of the Superior Court of Pitt County for the appointment of three disinterested freeholders commissioners to value such property so taken, and assess the damages done to the owner thereof. Said petition shall set out the public street to be opened or enlarged and a full description of the property so taken or to be taken, and shall be verified by the oath of the persons filing the same. A copy of said petition shall be served upon the adverse party, with notice to appear before the clerk of said court within ten days and make answer thereto: and if it shall appear to the said clerk that any minor without guardian is interested in said land, he shall appoint some suitable person to act as guardian *ad litem* and protect the interest of said minor in said matter. The clerk of said court shall appoint three disinterested freeholders commissioners to view the property thus taken for public uses, and assess the value of the same. Said commissioners shall take an oath to do exact and equal justice between the parties, and shall file with the clerk of said court a written report of their proceedings within ten days from the notice of their appointment. That the said clerk shall, upon application of the said board, issue an order authorizing the said board to proceed with such public improvements if the board shall be notified by the landholder not to enter upon said land, and these proceedings shall not have the effect to hinder or delay the said board from proceeding to consummate and complete said improvements. Either party may appeal to the Superior Court, in term time, from the final order of the clerk confirming or refusing to confirm the report of the commissioners, but said appeal shall not have the effect to hinder and delay the board of commissioners from proceeding with the work. The proceedings in the Superior Court, upon such appeal, shall be as the appeals in other cases from the judgments of the clerk of the Superior Court.

Power to condemn lands.

Procedure for condemnation.

Proceedings not to delay action.

Right of appeal.

Proceedings on appeal.

SEC. 29. That this act shall take effect from and after its ratification, and shall contain the charter of the town of Farmville: and all acts and parts of acts chartering or amending the charter of said town inconsistent herewith are hereby repealed and abrogated.

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 127.

AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO
ISSUE BONDS IN THE SUM OF \$25,000.*The General Assembly of North Carolina do enact:*

Bond issue
authorized.
Amount and
maturity.
Interest.
Purpose of issue.

SECTION 1. That the board of aldermen of the city of New Bern are hereby authorized to issue bonds in the sum of twenty-five thousand dollars (\$25,000), payable in ten years, with interest at five per cent per annum, payable semiannually, for the purpose of raising money to pay off the debt of the city incurred in the improvement and care of its streets and its water, light and sewer plant.

Tax for interest.

SEC. 2. That the board of aldermen of the city of New Bern are hereby authorized, annually, to levy sufficient taxes, in addition to other taxes authorized, to pay the interest on said bonds.

SEC. 3. That all laws in conflict with this act are hereby repealed.

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 128.

AN ACT TO INCORPORATE THE TRUSTEES OF McKIN-
ZIE'S GROVE AFRICAN METHODIST EPISCOPAL ZION
CHURCH AND CAMP GROUND, IN THE COUNTY OF CA-
TAWBA.*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Thomas Lowrance, David Wilson, John Kale, Wesley Covington and Alfonzo Abernathy and their successors shall be and are hereby declared a body politic and corporate, in deed and in law, by the name and style of the "Trustees of McKinzie's Grove Camp Ground," in the county of Catawba, and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same, by gift or otherwise; shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court of this State having competent jurisdiction, and may have and use a common seal and have power to elect such officers as they shall deem necessary.

Corporate name.

Corporate powers.

Vacancies.

SEC. 2. That in case of death or refusal to act, or removal, or from any other cause, there becomes a vacancy, the remaining trustees shall have power to fill the same: *Provided*, their number shall not be less than five nor more than fifteen.

Proviso: number
of trustees.

SEC. 3. That it shall not be lawful for any person to give away Sale of liquors forbidden.
or dispose of spirituous liquors at or within one mile of McKinzie's Grove Camp Ground, and any person violating the provisions Misdemeanor.
of this section shall be deemed guilty of a misdemeanor, and upon
conviction thereof shall for each offense be fined not more than Punishment.
fifty dollars or imprisoned not more than thirty days.

SEC. 4. That it shall be a misdemeanor for anyone to exhibit Drunkenness a
himself drunk at or within one mile of McKinzie's Grove Camp misdemeanor.
Ground while the church or camp ground is being occupied for
worship, and anyone violating this section shall upon conviction Punishment.
be fined for each offense not more than fifty dollars or imprisoned
not more than thirty days.

SEC. 5. That it shall be unlawful for anyone to sell anything at Selling any article
or within one mile of McKinzie's Grove Camp Ground, in the during meeting
county of Catawba, while the church and camp ground is being forbidden.
occupied for worship, except by permission of the board of trustees or a majority of them, and anyone violating this section, upon Punishment.
conviction, shall be fined not more than fifty dollars or imprisoned
not more than thirty days.

SEC. 6. That it shall be unlawful for anyone to use loud and Disorderly conduct forbidden.
profane language or loud and indecent language, or quarrel in a
loud and angry manner, in the hearing of those assembled in the
limits of this incorporation for worship, whether divine service
is going on or not at the time, and for each and every offense, on Punishment.
conviction, the offender shall be fined not more than fifty dollars
or imprisoned not more than thirty days.

SEC. 7. That it shall be unlawful for anyone to fire off a gun or Other acts
pistol within the limits of the incorporation while occupied for declared illegal.
divine worship, or to give away or to buy any intoxicating liquors
within the limits of the incorporation while occupied for worship;
or willfully to throw any rock or other missile of any kind against,
in or upon any tent within the limits of the incorporation while
the same is being occupied for worship; or to make any loud
noises under the arbor where divine worship is usually held,
whether divine service is going on or not; or to upset any wagon,
vehicle or tent, or destroy, injure or pull down the same, in the
limits of this incorporation; or to destroy any harness, saddle or
bridle or willfully injure the same; or to throw any rock or other
missile in the arbor where divine service is usually held; or to
willfully injure or render impure any spring within the limits of
the incorporation; or to bring any lewd woman, knowing her to
be such, within the limits of the incorporation; or to utter loud
or unusual noises in the nighttime within the limits of the incor-
poration, whereby those who are occupying the said camp ground
for worship are disturbed, provided that offenses described in this
section be committed while the church and camp ground is occu-

Punishment. pied for worship; and anyone violating said section, upon conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Injury to build- SEC. 8. That it shall be unlawful for anyone to willfully destroy, ings forbidden. injure, deface or pull down any tent in the said McKinzie's Grove Camp Ground, or to destroy, injure, deface or pull down the arbor or any outhouse, shed or other appurtenances to a tent, whether the said camp ground is then being occupied for worship or not; and anyone violating the provisions of this section, upon conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Punishment. SEC. 9. That the Trustees of McKinzie's Grove African Methodist Episcopal Zion Church and Camp Ground and their successors in office may enact all ordinances for the good government and protection of the church and camp ground and people there assembled, while occupied for worship, and for the protection of their property which they may have with them, and enforce the same, provided that such ordinances are not inconsistent with the Constitution and laws of this State.

Power to enact SEC. 10. That the church and camp ground shall be considered ordinances. as occupied for worship from the arrival of the first vehicle to the departure of the last at any encampment.

Church and camp SEC. 11. This act shall be in force from and after its ratifica- ground occupied tion. for worship.

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 129.

AN ACT RELATING TO THE WESTERN CAROLINA POWER AND TRANSPORTATION COMPANY.

The General Assembly of North Carolina do enact:

Time for SECTION 1. That the Western Carolina Power and Transporta- beginning. tion Company, incorporated by chapter five hundred and eleven of the Private Laws of one thousand nine hundred and seven, be and it is hereby allowed two years from the ratification of this act within which to begin the use of its corporate privileges and powers, without forfeiture or impairment of any of the powers, privileges, rights or franchises conferred upon said corporation by said act.

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 130.

AN ACT TO ALLOW THE CITY OF RALEIGH TO LEASE A
PUBLIC AUDITORIUM.*The General Assembly of North Carolina do enact:*

SECTION 1. That the city of Raleigh be and the same is hereby authorized and empowered to enter into a contract with any person or corporation to lease for a term of years some suitable and commodious building or auditorium within the corporate limits of the city of Raleigh for the use of its citizens and the public generally, and to pay the rental thereof out of the general funds of said city.

Contract authorized.
Payment of rental.

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

Ratified this the 24th day of February, A. D. 1909.

CHAPTER 131.

AN ACT TO AMEND CHAPTER 409 OF THE PUBLIC LAWS
OF 1899 AND CHAPTER 573 OF THE PUBLIC LAWS OF
1903, RELATING TO THE ESTABLISHMENT OF PUBLIC
SCHOOLS IN THE CITY OF WASHINGTON, NORTH CAR-
OLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of aldermen of the city of Washington are hereby required to submit to the qualified voters in said city, at the regular municipal election in said city to be held on the third day of May, one thousand nine hundred and nine, the question whether the annual tax now levied in said city for the support of public schools in said city shall be increased over and above thirty cents on the one hundred dollars' worth of property and ninety cents on the poll, as heretofore authorized; and the said election shall be held under the same rules and regulations as govern the election of municipal officers in said city.

Election to be ordered.
Date.
Question to be submitted.
Law governing election.

SEC. 2. That at the election held under the provisions of this act those favoring the levying of such increased tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to the levying of such increased tax shall vote a printed or written ballot with the words "Against Schools" upon it; that said election shall be advertised by said board of aldermen for thirty days prior to the date of said election in one or more newspapers in said city, and the said election shall be held under the supervision of inspectors and poll holders or judges of

Ballots.
Advertisement of election.
Officers of election.

	election appointed by said board of aldermen, and who shall be the same as shall be appointed to hold the regular municipal election; and the returns of the result of said election shall be made and certified by the said election officers to the board of aldermen.
Canvass of result.	and the result thereof shall be canvassed by the said board of aldermen and duly declared; that the same registration of voters in the regular municipal election shall be applicable to this election; that when the result of said election shall be canvassed and declared, as aforesaid, the same shall be taken as <i>prima facie</i> evidence of the regularity of said election and shall be deemed conclusive of the fact therein stated as to whether a majority of the qualified voters of said city shall have voted in favor of the said
Certificate to secretary of state.	proposition: that the result of said election shall be certified by the mayor and the clerk of said board of aldermen, under the corporate seal, to the Secretary of State, who shall receive and file and record the same in his office.
Special tax to be levied.	SEC. 3. That if a majority of the qualified voters in said city shall vote at said election in favor of levying such increased tax for the support of the public schools in said city, it shall be the duty of the board of aldermen of said city and their successors to levy for the year one thousand nine hundred and nine, and annually thereafter, a special tax of not exceeding forty-five cents on the one hundred dollars valuation of real and personal property and other property taxed by the laws of North Carolina in said city and not exceeding one dollar and thirty-five cents upon each poll, observing the constitutional equation. Within the limitation
Limit of rate.	above recited, the board of aldermen shall levy such a rate of tax upon property and polls as may be directed by the board of school trustees of the city of Washington, and said board of school trustees shall annually determine the amount of revenue necessary to be raised for school purposes, and the rate of taxation, and certify the same to the said board of aldermen prior to the regular time
Constitutional equation. School board to determine rate.	for levying said taxes. Said taxes shall be levied and become due and be collected annually by the city tax collector as and at the same time as other general taxes are levied and are due and collectible.
Levy and collection.	
Further election.	SEC. 4. That if at such election the majority of qualified voters of said city shall not vote in favor of said increased tax for schools, then the mayor and board of aldermen shall, upon the petition of one-fourth of the qualified voters of said city, order an election to be held on the first Monday in May, one thousand nine hundred and ten, under the same rules and regulations as are
Notice. Ballots.	herein prescribed or prescribed by law for the election of mayor and aldermen of said city, and shall give thirty days' public notice thereof, and at such election the ballots shall be as hereinbefore provided; and if at such election a majority of qualified voters in said city shall vote in favor of such increased tax for

public schools, as aforesaid, and the result shall be declared as Effect of result.
aforesaid, then the said increased tax shall be levied and collected
as herein provided.

SEC. 5. That chapter four hundred and nine, Public Laws of one Laws to remain
thousand eight hundred and ninety-nine, ratified on the sixth day in force.
of March, one thousand eight hundred and ninety-nine, and chap-
ter five hundred and seventy-three of the Public Laws of one
thousand nine hundred and three, ratified on the ninth day of
March, one thousand nine hundred and three, shall be and remain
in full force and effect, except as modified by this act.

SEC. 6. That all laws and clauses of laws in conflict herewith
are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 132.

AN ACT TO INCORPORATE THE TOWN OF NEBO, IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Nebo, in McDowell County, be Town incor-
and the same is hereby incorporated, under the name and style Corporate name.
of "Nebo," and shall be subject to all the provisions of chapter Corporate duties.
seventy-three of the Revisal of one thousand nine hundred and
five not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as fol- Corporate limits.
lows: Beginning at a stake one-half mile west of the depot of the
Southern Railway Company in said town, and runs south one-
half mile to a stake; then east one mile to a stake; then north
one mile to a stake; then west one mile to a stake; then south one-
half mile to the beginning.

SEC. 3. That the officers of said town shall consist of a mayor, Town officers.
five commissioners, or aldermen, and a marshal; and the follow- First officers
ing-named persons shall fill said offices until the first Monday in named.
May, one thousand nine hundred and ten, to wit: J. L. Wilson,
mayor; J. F. Wilson, J. L. Padgett, W. N. Giles, G. M. Annis and
J. K. Craig, commissioners, or aldermen.

SEC. 4. There shall be an election held for officers mentioned Town elections.
in this act on the first Monday in May, one thousand nine hun-
dred and ten, and every year thereafter, under the same rules and Law governing
regulations that govern State and county elections; and the mayor election.
and commissioners shall appoint a registrar and two judges to Registrar and
judges.

- Registration. conduct such elections and provide for a registration of the voters
Voters. in the corporate limits of the town. All persons qualified to
vote for members of the General Assembly who have resided ninety
days within the corporate limits of the town shall be allowed
to register in the town election.
- Ordinances. SEC. 5. That the mayor and commissioners of said town, or a
majority of them, may pass all such ordinances as they may deem
best for the general welfare and good government of said town,
not inconsistent with this act or the Constitution and the laws
of the State and of the United States.
- Violation of SEC. 6. That any person violating any ordinance of said town
ordinance a mis- shall be guilty of a misdemeanor, but the punishment in no case
demeanor. shall exceed a fine of fifty dollars or imprisonment for thirty days.
Punishment.
- Jurisdiction of SEC. 7. That the mayor of said town, within the limits thereof,
mayor. shall have and exercise the true jurisdiction and powers which
are now or may hereafter be conferred by the laws governing
cities and towns; and the constable or marshal of said town shall,
within the corporate limits thereof, have and exercise all the au-
thority, rights and powers which are now or may hereafter be
conferred by law on constables or marshals, including the right
and authority to arrest any person without warrant who commits
a breach of the peace or violates a town ordinance in the presence
of such constable or marshal.
- Taxing power. SEC. 8. The board of commissioners of said town shall have
authority to assess and collect annually taxes for municipal pur-
poses from all persons and property within the corporate limits
which are taxed for State and county purposes, under such rules
and regulations as they may adopt, not to exceed two dollars on
each poll, and property of the assessed value of three hundred
dollars shall pay a tax equal to that paid by one poll.
- Tax limit.
- Collections by SEC. 9. That the town constable or marshal shall collect and
constable. pay over to the treasurer of said town all taxes imposed by the
board of commissioners, all fines and costs, when execution is
issued to him for that purpose, and return the same in due time
to the treasurer.
- Fees of marshal. SEC. 10. The marshal of said town shall have the same fees for
his services as are allowed the sheriff for similar services, and
such additional compensation as the board of commissioners may
allow. He shall, before entering upon the duties of his office,
enter into bond, in such sum as said commissioners may deem
sufficient, for the faithful performance of his duties, payable to
the State of North Carolina, with surety, to be approved by said
commissioners; and the treasurer of said town, to be elected by
the board of aldermen from their own body, shall also enter into
like bond before entering upon the duties of his office.
- Treasurer to give
bond.
- Officers to qualify. SEC. 11. That the mayor, commissioners and marshal, before
entering upon the duties of their office, shall take before the mayor
or some justice of the peace the oath as prescribed for public

officers, and they shall hold their office, respectively, until the Terms of office, next ensuing election and until their respective successors shall be qualified.

SEC. 12. In case of a vacancy in the office of mayor, commissioner Vacancies, or marshal, the board of commissioners shall elect some qualified elector to fill said vacancy during that term; and the said com- Mayor pro tem, missioners may elect one of their number mayor *pro tem.*, to act in the absence of the mayor.

SEC. 13. The salary of the mayor shall be fixed by the board of Salary of mayor, commissioners, and as an additional compensation he shall re- Fees, ceive the same fees as a justice of the peace.

SEC. 14. Any person refusing to qualify as mayor, commissioner Forfeit for refusal or marshal, after being duly elected, shall forfeit and pay to said to qualify, town twenty-five dollars, except for cause of sickness, inability or removal from said town.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 133.

AN ACT TO INCORPORATE THE ELIZABETH CITY AND ALBEMARLE RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. H. Robinson, D. G. Wilson, D. B. Bradford, Corporators, J. B. Flora, J. H. LeRoy, G. M. Scott, N. R. Parker, J. T. McCabe, T. J. Markham, H. H. Lavenstine, Walter L. Cohoon, H. T. Greenleaf, D. O. Newberry, Dr. L. S. Blades, J. Q. A. Wood, J. C. Thompson, Clifton Sawyer, J. F. Brothers, John H. Sawyer, E. W. Lister, C. L. Lister, Elisha Lister, S. I. Pool, R. H. Dozier, J. A. Kramer, J. H. White and C. Wilson Hollowell and their associates, successors and assigns be and they are hereby created a body politic and corporate, by and under the name of the Elizabeth City and Corporate name, Albemarle Railway Company, and by that name shall exist for Duration, ninety-nine years, with the right to have and use a common seal, Corporate rights, to sue and be sued, to plead and be impleaded, defend and be defended in all courts, whether in law or equity; to contract and be contracted with: to purchase or acquire, by gift or devise, property, real and personal and mixed; to hold, lease and sell the same, as the interest of the said company may require, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of North Carolina.

SEC. 2. The said company shall have and it is hereby given the Power to construct, maintain and operate railroad, right and power to locate, construct, equip, maintain and operate,

Terminals and route.	by steam power, electric power or gasoline or kerosene oil power, or power in any form, now or hereafter in use for driving cars or propelling carriages, a railroad, or any part thereof, upon one or more tracks, standard gauge or otherwise, from some point on the Albemarle Sound, in Pasquotank County, North Carolina, through the county of Pasquotank, by way of Weeksville or its vicinity, to or near Elizabeth City, in Pasquotank County; and it may also
Branch lines.	construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion
Further enumeration of rights.	and operation of such railroad; and for these purposes it shall have the power to construct dams, culverts, trestles and bridges over and across streams and depressions, and it shall have the right to cross any navigable stream on its route; and it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may be hereafter constructed in this State upon the ground or right of way of such other companies at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the object of its construction or operation; and may, in making any intersections with any other road, have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of the Revisal of one thousand nine hundred and five or any act of the General Assembly amendatory thereof. Said company shall have the right to locate such station or stations along its railroad and arrange such schedule or schedules for the running of its passenger or freight cars or trains as it may think proper.
Stations and schedules.	
Survey of route.	SEC. 3. That in order to carry into effect the purpose of this act, said company may survey such route for its line or lines of railroad and for its ways and means of transmission of power as may be deemed practicable; and if any lands of individuals or corporations, or any easement, privilege or right of way shall be found necessary for the construction and operation of the said line or lines of railway, its branches or sidings, of standard width, and its wires and cables for the purpose of transmission and distribution of power, and if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the land or to an easement, privilege or right of way therein, in the manner and by the special proceedings prescribed by chapter sixty-one, volume one, Revisal of one thousand nine hundred and five, entitled "Railroads."
Power to condemn land.	
Right to use roads and streets.	SEC. 4. Said company shall have the right and authority to use any public road or highway of Pasquotank County, or any streets of any town or village in or through which it may run, for the construction and operation of its railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling said roads, highways or streets shall upon application of the company prescribe.

SEC. 5. Said company, its successors or assigns shall have exclusive right to carry and transport passengers and freight over and along said road and its branches at such rate as such company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property and make and collect charges therefor; and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.

Right to carry passengers and freight.

Tolls and charges.

SEC. 6. The capital stock of the said railway company shall be fifty thousand dollars, which may be increased from time to time by a vote of the shareholders to an amount not exceeding one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each: *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in sections one thousand two hundred and thirty-two and one thousand two hundred and thirty-five of chapter twenty-one of Revisal of one thousand nine hundred and five for increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and five thousand dollars shall be the minimum subscription on which said company may be organized. The company may receive cash, labor, material, bonds, stock contracts, real or personal property in payment of subscription to the capital stock.

Capital stock.

Increase of capital.

Proviso: procedure for increase of capital.

Stock votes.

Minimum subscription.

Payment of subscriptions.

SEC. 7. That when the sum of five thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of at least three of the incorporators above named to call a general meeting of the corporators and subscribers for stock of said company, of which meeting ten days' notice of the time and place thereof shall be given to each corporator and to each subscriber for stock; and if the majority of the stock then subscribed for shall be represented in person or by proxy at said meeting, such stockholders shall proceed to elect a board of directors, to consist of five stockholders, which may at any time be increased to nine; and the said directors shall thereupon, at said meeting or thereafter, proceed to elect one of their members president, and shall also elect such other officer or officers as the by-laws may prescribe, and may do and perform all other acts necessary to the complete organization of the said company.

Meeting for organization.

Notice of meeting.

Election of directors.

Election of president and other officers.

SEC. 8. That for the purpose of creating capital stock for said company, any three of the incorporators above named may open books of subscription to said capital stock, at such times and places as they may appoint, and keep the same open for such time as they may determine, under such rules and regulations as the majority of such corporators may prescribe.

Books of subscription to be opened.

Power to purchase other companies.	SEC. 9. The said company shall have power to take, by purchase, lease or otherwise, any railroad franchise and property or turnpike now constructed or that may be hereafter constructed in this State. It shall have power to consolidate its franchise or property with any other road, under such name as may be agreed upon. It may assign or lease its property or franchise, or any part thereof, to any other railroad, and the road so leasing and purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased, as though they had been originally held and constructed by the railroad so leasing or purchasing the same, and the road so leasing or purchasing the same shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: <i>Provided</i> , that nothing in this act shall be construed to allow the said railroad to become the channel through which any competing railroad company shall consolidate. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State, or elsewhere, and hold shares in same. It shall have power to use any section or portion of this road before the whole of the same shall have been completed, and charge for the transportation of passengers and freight thereon.
Power of consolidation.	
Power to sell or lease.	
Proviso: competing roads.	
Subscriptions to other companies.	
Power to use sections of road.	
Powers as improvement company.	SEC. 10. That said company shall have the right and power to purchase, acquire, rent, lease, own, hold, improve and develop real property in such quantities as may be deemed expedient; to lay out and plat any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms, and to lay out, plat and dedicate to the public use, or otherwise, streets, avenues, alleys and parks.
Steamboats and other vessels.	SEC. 11. That said company shall have the right to construct, acquire, own and operate steamboats, gas boats, sailing vessels or other boats for the transportation of passengers and freight over any of the navigable waters of this State, subject only to the general laws regulating such traffic.
Power to borrow money.	SEC. 12. That said company is also given power and authority to borrow such sums of money as may be necessary for its purposes from time to time, and for such loans to issue its bonds, bearing legal rate of interest; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereupon by a deed of trust and mortgage, conveying its roadbeds, property and franchises, in whole or in part. It shall be lawful for the said company chartered by this act to issue coupon bonds in such denomination and running for such a time and bearing interest at such a rate and payable at a time and place as the board of directors may direct, to be sold or hypothecated by the directors of said company; and to secure payment of the same the company is authorized to execute a mortgage, to such person or corporation as the company may select, on
Power to issue bonds.	

all real or personal estate of said company, together with all its franchises and privileges, or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate section and in such manner as the company may direct.

SEC. 13. The stockholders of said company, or board of directors under a resolution of the stockholders, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and places as the stockholders and board of directors may respectively prescribe.

SEC. 14. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of its election and until its successors are elected and qualified, and it shall choose from among its number a president, vice president, secretary and treasurer, but one or more of said offices may be held by the same person.

SEC. 15. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or acts of the corporation, and no stockholder shall be liable to pay for more stock than he has subscribed for.

SEC. 16. That the principal office of said corporation shall be at Elizabeth City, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe.

SEC. 17. That the conductors and drivers and other agents and servants of said company, while in the active service of said company or in the discharge of duty connected therewith, are vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State, as provided by chapter sixty-one, Revisal of one thousand nine hundred and five; and in addition to the general power conferred upon such officers and agents, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fares of said drunken, disorderly or profane person or persons have been paid or not, and the said company shall not be liable or responsible in damages therefor, and such agents or officers shall not be liable, civilly or criminally, therefor, unless he use greater force than may be necessary to eject such person or persons.

SEC. 18. That any county in which or through which the railroad may run may subscribe to the capital stock of the said company or for bonds issued by same, in the manner prescribed for

By-laws, rules and regulations.

Election of stockholders.
Annual meetings.
Term of office.

President and other officers.

Stockholders not individually liable.

Principal office.
Branch offices.

Power of conductors and other agents and servants.

Removal of disorderly persons.

Subscriptions by counties.

the subscription of counties to the capital stock of a railroad in chapter sixty-one of the Revisal of one thousand nine hundred and five.

Beginning of construction.

SEC. 19. That said company shall be authorized and empowered to begin construction and operation of said railroad at any place or places along its route, and may have three years from the ratification of this act in which to begin the construction of said railroad.

Time allowed for beginning.

SEC. 20. This act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 134.

AN ACT TO INCORPORATE THE TOWN OF GLENWOOD, IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Town incorporated.
Corporate name.
General law to apply.

SECTION 1. That the town of Glenwood, in McDowell County, be and the same is hereby incorporated, under the name and style of "Glenwood," and shall be subject to all the provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five not inconsistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning on the southwest corner of the Glenwood School lot, and runs nearly north to T. W. Wilson's dwelling house; then to the trestle of the Southern Railway across Muddy Creek, north of Glenwood; then to E. G. Goforth's dwelling house; then to the trestle of the Southern Railway over Glade Creek, south of Glenwood; then to H. B. Conley's dwelling house; then direct course to the beginning.

Town officers.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, or aldermen, and a marshal; and the following-named persons shall fill said offices until the first Monday in May, one thousand nine hundred and ten, to wit: E. G. Goforth, T. W. Wilson and G. R. Morris, aldermen; T. W. Brackett, mayor, and C. Y. Mode, marshal.

Town elections.

SEC. 4. There shall be an election held for said officers mentioned in this act on the first Monday in May, one thousand nine hundred and ten, and every two years thereafter, under the same rules and

Election officers.

regulations that govern State and county elections; and the mayor and commissioners shall appoint a registrar and two judges to conduct such elections and provide for a registration of the voters in the corporate limits of the town. All persons qualified to vote for

Registration.

Voters.

members of the General Assembly who have resided within the corporate limits of the town for ninety days shall be allowed to register in the town election.

SEC. 5. That the mayor and commissioners of said town, or a majority of them, may pass all such ordinances as they may deem best for the general welfare and good government of said town, not inconsistent with this act or the Constitution and laws of the State and of the United States.

SEC. 6. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment in no case shall exceed a fine of fifty dollars or imprisonment for thirty days.

Violation of
ordinances a
misdemeanor.
Punishment.

SEC. 7. That the mayor of said town, within the limits thereof, shall have and exercise the true jurisdiction and powers which are now or may hereafter be conferred by the laws governing cities and towns; and the constable or marshal of said town shall, within the corporate limits thereof, have and exercise all the authority, rights and powers which are now or may hereafter be conferred by the law on constables or marshals, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable or marshal.

Jurisdiction of
mayor.

Rights and powers
of constable.

SEC. 8. The board of commissioners of said town shall have the authority to assess and collect annually taxes for municipal purposes from all persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt, not to exceed two dollars on the poll, and property of the assessed value of three hundred dollars shall pay a tax equal to that paid by one poll.

Taxing power.

Limit.

SEC. 9. That the town constable or marshal shall collect and pay over to the treasurer of said town all taxes imposed by the board of commissioners, all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the treasurer.

Collection of
taxes.

SEC. 10. The marshal of said town shall have the same fees for his services as are allowed the sheriff for similar services, and such additional compensation as the board of commissioners may allow. He shall, before entering upon the duties of his office, enter into bond, in the sum of five hundred dollars, for the faithful performance of his duties, payable to the State of North Carolina, with surety, to be approved by the said board of commissioners; and the treasurer of said town, to be elected by the board of commissioners from their own body, shall also enter into bond, in a sum to be fixed by said board and approved by them, before entering upon the duties of his office.

Fees of marshal.

Bond of marshal.

Bond of treasurer.

SEC. 11. That the mayor, commissioners and marshal, before entering upon the duties of their office, shall take before the mayor or

Officers to qualify.

Terms.	some justice of the peace the oath as prescribed for public officers, and they shall hold their office, respectively, until the next ensuing election and until their respective successors shall be qualified.
Vacancies.	SEC. 12. In case of a vacancy in the office of mayor, commissioner or marshal, the board of commissioners shall elect some qualified elector to fill said vacancy during that term; and the said commissioners may elect one of their number mayor <i>pro tem.</i> , to act in the absence of the mayor.
Mayor pro tem.	
Salary of mayor.	SEC. 13. The salary of the mayor shall be fixed by the board of commissioners, and as an additional compensation he shall receive the same fees as justices of the peace.
Fees.	
Penalty on officer refusing to qualify.	SEC. 14. Any person refusing to qualify as mayor, commissioner or marshal, after being duly elected, shall forfeit and pay to said town twenty-five dollars, except for cause of sickness, inability or removal from said town.
	SEC. 15. That this act shall be in full force from and after its ratification.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 135.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Additional territory.	SECTION 1. That the charter of the town of Mount Airy be amended so as to include within the corporate limits of the town the following additional territory, to wit: Beginning at a reference stone planted on the present corporation line and about three hundred feet below the old tanyard, and running north 4° the same course with the west edge of a new street, about twelve hundred feet in all, to an angle in said new street; thence crossing said new street and running north $53\frac{1}{4}^{\circ}$ east four hundred and forty-five feet to twin poplars on the Galloway and Moore line; thence following said line north $53\frac{1}{2}^{\circ}$ west about seven hundred and fifty feet to the west side of Main Street; thence continuing with said street $72\frac{1}{2}^{\circ}$ west eight hundred and fifty-five feet; south 82° west about six hundred and forty-four feet to Lebanon Street; thence continuing same course and with said old Galloway and Moore line seven hundred and fifty-four feet to J. C. Council's northwest corner; thence following the old hillside ditch and branch as it meanders, passing near the city system, to the center of the right of way of the Southern Railway (Virginia grade); thence with said right of way to the present corporate line, and thence with
Boundary.	

said corporate line as it now stands to the beginning. (Magnetic meridian of one thousand nine hundred and three for the old Gal-loway line; magnetic meridian of one thousand nine hundred and seven for the other lines.)

SEC. 2. That the western boundary of the town of Mount Airy be amended as follows, to wit: The water race, or canal, as now owned by Mrs. A. B. Sides, beginning where said race leaves Lovill Creek; thence following the north edge of said race, going southward, passing the present flouring mill of Mrs. Sides, to said Lovill Creek, shall be and the same is the western limits of the town of Mount Airy, as described, and no other change in the said limits as now located. Western bound-
ary.
Courses and
distances.

SEC. 3. That all acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 136.

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Forest City is hereby authorized and empowered to issue bonds, in the name of the town of Forest City, in such denomination and form as may be determined, to an amount not exceeding twenty-five thousand dollars (\$25,000), bearing no greater rate of interest than five per cent per annum, which shall be paid semiannually on January the first and July the first, and such bonds shall be made payable at such time and place as shall be determined by the board of commissioners: *Provided*, that the time of payment shall be fixed at not less than twenty (20) years nor more than fifty (50) years. Bond issue
authorized.

Denomination and
form.
Amount.
Interest.

Proviso: maturity.

SEC. 2. That the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value, and all moneys arising from the sale thereof shall be used for the purpose of establishing and maintaining a waterworks and electric-light system for said town, and for no other purpose whatever. Bonds not sold
below par.

Application of
proceeds.

SEC. 3. That the said bonds shall not be issued until so authorized by a majority of the qualified voters of said town at a public election, to be held at such time and place as the said board shall appoint, of which election notice shall be given for twenty days Issue to be
authorized by
voters.

Notice of election.

Ballots.	in some newspaper printed in the town or in the county of Rutherford, and at said election those favoring the issue of bonds shall vote "Issue," and those opposing it shall vote "No Issue": <i>Provided</i> , that the said board, in their discretion, may order a new registration of the voters of the said town; and if a majority of the qualified voters of said town shall vote to issue said bonds, the
New registration.	
Authentication.	board of commissioners shall issue same, which shall be signed by the mayor, attested by the treasurer of the town and sealed with the corporate seal of the town and have interest coupons attached thereto.
Special tax to be levied.	SEC. 4. That for the purpose of paying said coupons as they become due, it shall be the duty of the board of town commissioners, and they are hereby empowered so to do, to levy and collect a sufficient special tax each year upon all property subject to taxation, including poll tax, which is now or may hereafter be embraced in the subject of taxation under the charter of said town, which taxes, when so collected, shall be used for no other purpose than those enumerated in section two of this act; and it shall be the duty of the town treasurer, when said coupons are paid off and taken up, to cancel the same, and he shall report to the board of town commissioners the number and the amount of the coupons so canceled not less than two times each year.
Specific appropriation. Cancellation of coupons.	
Rates and charges.	SEC. 5. That the said board of town commissioners shall have power to fix a schedule of rates and charges for annual use by any person or persons using electric light or waterworks to be established: <i>Provided</i> , these rates shall not apply to lights furnished for street purposes in the town of Forest City.
Management and installation of systems.	SEC. 6. That the management and installation of the said electric-light and waterworks system shall be managed and controlled by a board of governors, composed of the following gentlemen, viz.: Dr. G. E. Young, Dr. George P. Reid, Dr. T. C. McBrayer, W. W. Hicks and J. T. Fortune; and they are hereby empowered to make all rules and regulations necessary to the establishment and maintenance of the aforesaid electric-light and waterworks system, and it shall be the duty of the aforesaid board of governors to serve until the electric-light and waterworks system has been thoroughly and fully established, without any compensation or remuneration for any service so rendered; and in case of the resignation or death or removal, by any cause, their successors shall be elected or appointed by a majority of the said board of governors. It is further provided that immediately upon the completion and installation of said electric-light and waterworks system the aforesaid board of governors shall be relieved of further duty, and the control and full management of said electric-light and waterworks system shall revert to and be under full control of the board of town commissioners of the town of Forest City, North Carolina.
Powers.	
Duties.	
Election of successors.	
Control and management after completion.	

SEC. 7. That the Treasurer of Forest City shall be allowed such Compensation for collecting and paying out said bond money as of treasurer. may be allowed by the board of town commissioners, and no more.

SEC. 8. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 137.

AN ACT TO AMEND THE CHARTER OF RICHFIELD, NORTH CAROLINA, STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section two of chapter three hundred and forty-one, Private Laws of one thousand eight hundred and ninety-nine, by striking out all the words between the word "running," in line five, and the word "each," in line five, and insert in lieu thereof the words "eight hundred and eighty"; strike out all words between the word "streets," in line six, and before the word "forming," in line seven, and strike out all the words following the word "square," in line eight.

SEC. 2. Amend section four by striking out all words in line three after the word "and" and before the word "thereafter," and insert in lieu thereof the word "biennially."

SEC. 3. Strike out, in section five, line five, the words "sixteen and two-thirds" and insert in lieu thereof the words "thirty-three and one-third."

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

Ratified this the 25th day of February, A. D. 1909.

CHAPTER 138.

AN ACT TO INCORPORATE THE DENVER AND LINCOLN- TON RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That Edward W. Shedd, J. W. Mullen, D. E. Rhyne, Corporators, J. A. Abernethy, R. M. Roseman, R. S. Reinhardt, W. W. Motz, J. K. Cline, J. A. Goode, G. S. Mullen, H. P. Killian, W. C. Proctor, H. N. Abernethy, W. H. Sigmon, J. F. Killian, R. H. W. Barker,

Corporate name.	David Cherry, J. A. Nixon, J. F. Reinhardt, I. C. Lowe and E. M. Lowe, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, under the name of the "Denver and Lincolnton Railway Company," and by such name they and their successors and assigns shall have corporate succession and existence for a period of ninety-nine years, and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal and change the same at pleasure, and shall have power to purchase, hold and convey lands, tenements, goods and chattels, when necessary or expedient for the purposes of the incorporation; and shall have power to make such by-laws, rules and regulations as may be necessary for its government or which its directors may deem proper and expedient, not inconsistent with the laws of the State or of the United States; and shall enjoy all the rights, powers, franchises, immunities and privileges properly incident to and connected with said corporation and necessary for the control and transaction of its business and granted by the general laws of the State.
Term. Corporate rights.	
Power to construct, maintain and operate railroad.	SEC. 2. That said company is hereby authorized and empowered to lay out, construct, maintain, equip, use and operate a railroad, with one or more tracks, standard gauge or otherwise, by such route as may be by the directors deemed most advantageous and expedient, from, at or near the town of Lincolnton, in the county of Lincoln, State of North Carolina, to the town of Denver, in the county of Lincoln, State of North Carolina; thence to Lowesville, in the county of Lincoln, State of North Carolina; and may also construct, operate and maintain such branch lines and extensions as may be necessary and advantageous to the extension, completion or successful operation of said railroad, not to exceed twenty-five miles in length for any of said branch roads; and may also construct, operate, lease and maintain telegraph and telephone lines and do an electric and power business along its line. Said railway company may use electricity, steam or any other motive power; and may equip, use and operate any part or parts of said line, whether constructed, leased or purchased, without waiting to complete said line or railroad; and said board of directors shall have the right and authority to construct the said railroad at either or both of the terminal points of said line or at any intermediate points, and to operate the same for transportation of freight and passengers, for hire and reward. Said railway company may also condemn and hold during its corporate existence all lands within fifty feet of the center of the track of said company, on either side, and may purchase and hold such other tracts of land as may be needed by said corporation for railroad purposes or to increase the amount of freight shipped over its road; and said company shall have power and authority to construct dams, culverts, trestles and bridges over and across streams, falls and depressions, and to cross at, over and under grade; to intersect, join or unite its railroad
Termini.	
Branch lines and extensions.	
Telegraph and telephone lines.	
Motive power.	
Partial completion of line.	
Power to condemn lands.	
Further enumeration of powers.	

with any other railroad in the State, upon the lands of such other company, at any point in its route, and to build all necessary turn-outs, switches and other conveniences required for the successful operation of said road; and said corporation may acquire, by purchase or lease, or may consolidate with any other transportation companies or lines, and assume its corporate name, or may sell or lease any part thereof or the whole of its lines to any other company; and if it shall lease or sell a portion or the whole of its line to any company, then the company purchasing shall take the line or lines so purchased, with all the franchises herein granted, and may manage the same under its own corporate name; *Provided*, that nothing contained in this act shall be construed so as to authorize the consolidation of this company with any other company operating a competing railroad.

Power to purchase or lease other lines.
Power to sell or lease line.

Provide: consolidation with competing road forbidden.

SEC. 3. That the capital stock of said company shall be two hundred thousand dollars, divided into twenty thousand shares, of the par value of ten dollars each. The Secretary of State is authorized to amend this charter, increasing the capital stock from time to time, as the board of directors of the company may desire, upon the payment to him of the taxes and fees as provided by law. The board of directors shall have the right to divide said capital stock into common and preferred stock, and said preferred stock shall be issued upon such terms and conditions and in such manner, form and designation as shall be prescribed by the board of directors. The capital stock of said company may be created by subscriptions by individuals, corporations, counties, cities, towns and townships, and said subscriptions may be paid for in money, labor, land, materials, cross-ties, stocks, bonds or other securities, or in any other way that may be agreed upon between the corporation and the subscribers, and the corporation may receive donations of any kind of property, both real and personal, and labor.

Capital stock.
Shares.
Increase of capital.
Common and preferred stock.

Subscribers to stock.
Payment of subscriptions.
Donations.

SEC. 4. That when any right of way may be required by the company for the purpose of constructing their roads, and for want of agreement, for any cause, it cannot be purchased from the owner, the same may be condemned and taken, as provided for by the general law (chapter sixty-one, Revisal of one thousand nine hundred and five); and the right of the company to condemn land, as aforesaid, shall extend to the condemnation of one hundred feet on each side of the main track of the railroad, measuring from the center of the same; and the company shall have power to condemn and appropriate, in like manner, for the building and erection thereon of depots, warehouses, shops and houses for the servants, employees and other purposes, not exceeding ten acres in any one lot or place; and it shall be lawful for any officer, agent, surveyor, supervisor or employee of the company to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or doing anything necessary or proper for laying out the route of said railroad and locating the same, and to erect all necessary works and

Procedure for condemnation of land.
Extent of land to be condemned.

Entry on lands for survey.

Claims barred after two years.	buildings required in their behalf, doing no unnecessary injury to private property. All claims or demands of damages for lands or rights of way condemned under this act shall be forever barred from collection, unless an action for their recovery shall be commenced within two years from the date of condemnation of said land or right of way.
Meeting for organization.	SEC. 5. That when the sum of one thousand dollars shall have been subscribed to the capital stock of said corporation, the said corporators, or a majority of them, shall within a reasonable time
Notice of meeting.	appoint a time and place for the meeting of said stockholders, of which fourteen days' notice shall be given in some newspaper
Election of president and directors.	selected by them; and at said time and place the said stockholders may proceed to the organization of said company by the election of
Term of office.	a president and not less than six nor more than nine directors, who shall hold their offices for one year and until their successors are
Subsequent elections.	selected, and at the first meeting said corporators may in their by-laws prescribe the time and manner of holding their subsequent annual elections for president and directors.
Books of subscription.	SEC. 6. That for the purpose of raising the capital stock of said company it shall be lawful to open books for private subscription, at such times and places and under the direction of such persons as the said corporators or a majority of them may appoint.
Counties and townships may subscribe to stock.	SEC. 7. That the commissioners of Lincoln County or any other county or any township through which said railway may pass shall have full power and authority to subscribe to its capital stock, on behalf of the respective counties or townships in which any part of said railroad or its branch lines may pass, to the amount they shall be authorized by said county or townships, respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns, respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by their directors and members; and to enable them to borrow money to make such subscriptions, they may issue bonds or other evidences of debt. When such subscriptions are made they shall be as binding on the county, township or other corporation making them as individual subscriptions are upon those by whom made; and in all cases where a township shall make a subscription the county commissioners shall be authorized to represent such township and to make such subscription, when authorized by vote, as herein provided.
Cities and towns may subscribe to stock.	
Other corporations may subscribe to stock. Bond issues.	
Subscriptions binding on corporations.	
County commissioners to represent townships.	
Commissioners of Lincoln county to call election.	SEC. 8. That the Board of Commissioners of Lincoln County, in which county said railroad is authorized to build its main line, and which will pass through Lincolnton Township, Ironton Township and Catawba Springs Township, in said county, are hereby authorized and required to submit to the qualified voters of Catawba Springs Township, Ironton Township and Lincolnton Township a proposition to subscribe to the capital stock of said company, and said board of county commissioners are hereby directed and au-
Townships in which question submitted.	
Catawba Springs township.	

thorized to submit to the qualified voters of Catawba Springs Township the proposition of subscription to said company of forty thousand dollars, and to submit to the qualified voters of Ironton Township the proposition of subscription to said capital stock of said company of thirty thousand dollars, and to submit to the qualified voters of Lincolnton Township the proposition to subscribe the sum of thirty thousand dollars to the capital stock of said company; and to that end, that the qualified voters of said townships may pass upon the question of subscribing said amounts, the county commissioners of Lincoln County are hereby directed and authorized, at their meeting to be held on the first Monday in March, one thousand nine hundred and nine, to call and order an election to be held in Catawba Springs and Ironton townships, at the proper voting places in said townships, on the twelfth day of April, one thousand nine hundred and nine, of which thirty days' notice of said election shall be given by the board of county commissioners, by advertisement at the courthouse door in Lincolnton and the various voting places in said townships; and at said meeting so held on the first Monday in March, one thousand nine hundred and nine, the said board of county commissioners will also order an election to be held in Lincolnton Township on the seventeenth day of April, one thousand nine hundred and nine, of which thirty days' notice shall be given, by advertisement at courthouse door and various voting places in said township, at which election herein directed and ordered to be held in said townships of Catawba Springs, Ironton and Lincolnton the question of subscription of the sum of forty thousand dollars to the capital stock of said company shall be submitted to the voters of Catawba Springs Township, and the proposition of subscribing thirty thousand dollars by Ironton Township shall be submitted to the voters of Ironton Township, and the question of subscription of thirty thousand dollars by Lincolnton Township to the capital stock of said company shall be submitted to the voters of Lincolnton Township, at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed the words "For Railroad," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Railroad." The said election shall be held in the manner provided by law for the election of members of the General Assembly, except as provided differently in this act. There shall be a new registration of the voters of said Catawba Springs Township, Ironton Township and Lincolnton Township for said election, and the registration books shall be open for said new registration on the twelfth day of March, one thousand nine hundred and nine, at noon, and shall be closed on the third day of April, one thousand nine hundred and nine, at sundown, Sundays excepted. The registrar and judges of each precinct shall meet on the ninth day of April, one thou-

Lincolnton township.

Election in Catawba Springs and Ironton townships.

Date of election.

Notice of election.

Lincolnton township.
Date of election.

Notice of election.

Question to be submitted.

Ballots.

Law governing elections.

New registration.

Opening and close of registration.

Challenge day.

Day for hearing.	said nine hundred and nine, at nine A. M., and shall hear any complaint for refusal of registration, and also all challenges which may be made against persons admitted to registration, but no names shall be erased from the registration list without notice to the said person and a hearing. Said hearing may be had any day after the registration books have closed, to and including day of election. The registrar and judges of election shall be appointed by the commissioners of Lincoln County at their meeting held on the first Monday in March, one thousand nine hundred and nine, and the list of persons so appointed shall be published for two weeks in some newspaper published in Lincoln County during the month of March, one thousand nine hundred and nine. There shall be appointed one registrar and two judges of election for each precinct, and if practicable to do so the commissioners shall appoint one judge of election favorable to road-bond issue and one opposed thereto, and the said registration and election shall be held in all respects like elections for the General Assembly are held, except as may be provided otherwise in this act. At the close of the election in each precinct the votes shall be counted and returned, over the signatures of the registrar and judges of election, to the board of county commissioners.
Appointment of registrar and judges.	Abstracts or blanks for this purpose shall be prepared by the board of county commissioners and furnished each precinct, and the registrar or one judge of election shall be chosen as a messenger to transmit the said returns to the board of county commissioners. On Monday, the nineteenth day of April, one thousand nine hundred and nine, the commissioners of Lincoln County shall meet as a canvassing board, and shall receive the returns of said election in Catawba Springs Township, Ironton Township and Lincolnton Township, canvass and judicially pass upon the same, and declare the result of the election in each of said townships: and if a majority of all the qualified voters in Catawba Springs Township shall be "For Railroad," then the subscription so authorized, of forty thousand dollars to the capital stock of this railway company, shall be made for said township by the chairman of the board of county commissioners; and if a majority of the qualified voters of Ironton Township shall have voted "For Railroad," then the subscription of thirty thousand dollars to the capital stock of said railroad company for said township of Ironton shall be made by the chairman of county commissioners; and if a majority of the qualified voters of Lincolnton Township shall have voted "For Railroad," then the subscription of thirty thousand dollars to the capital stock of said railroad company for said township of Lincolnton shall be made to the capital stock of said company for Lincolnton Township by the chairman of the county commissioners. Any person who shall not have been entitled to registration while the registration books were open for registration and shall have become entitled to
Count and return of votes.	
Blanks.	
Messenger.	
Canvass of returns.	
Effect of result.	
Registration on election day.	

registration, after said books have closed, on or before the day of election, shall be entitled to register on the day of election and vote.

SEC. 9. If a majority of the qualified voters in Catawba Springs Township, Ironton Township, Lincolnton Township, either one of said townships, or all of them, shall fail to vote "For Railroad," as provided in section eight, as the election therein permitted and allowed and directed, then at any time after the expiration of six months from the date of said election, as held under the provisions of section eight of this act, another election upon the question of subscription to the capital stock of said railway company may be submitted to the qualified voters of Catawba Springs Township, Ironton Township and Lincolnton Township, or either of said townships, in the same manner as provided by section ten of this act for subscription to be submitted in any township or county in which any branch line of said railroad may pass. Further elections.

SEC. 10. That the board of county commissioners of any county through which any of the branch lines of said railroad may pass are respectively authorized and required, whenever as many as fifty qualified voters of any township or as many as fifty voters residing within said township shall petition the board of county commissioners in which said township may be situated, in writing, to have submitted to the qualified voters of said township a proposition to subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township, at the proper voting places or place therein, after thirty days' notice of said election by advertisement at the courthouse door of said county and four or more public places in said township, and to submit to the qualified voters of such township the question of subscribing to the capital stock the sum of money specified in the written request of the voters calling for said election as aforesaid, at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed the words "For Railroad," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Railroad." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same; and if a majority of all the qualified voters in said township shall be for railroad, then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners; and the commissioners shall have power to order a special registration for the election herein provided for, under the law governing elections, and they shall also appoint a registrar and two judges of said election, and the registration books shall be kept open for the registration of qualified voters for twenty days prior to such election. Petitions for elections in townships.

Election to be held.

Notice.

Question submitted.

Ballots.

Returns.

Canvass of returns.

Effect of result.

Special registrations.

Appointment of registrar and judges.

Registration.

Townships declared corporate.	SEC. 11. That for the purposes of this act all the townships along the line of said railroad and its branches, or which are interested in its construction, including Catawba Springs Township, Ironton Township and Lincolnton Township, are hereby
Corporate powers.	declared bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective townships sub-
Corporate agents.	scribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties, respectively.
Bonds in payment of subscriptions.	SEC. 12. That in payment of any subscription made by Catawba Springs Township, Ironton Township or Lincolnton Township, or any subscription made in pursuance of section ten above, the board of county commissioners wherein such township may be situated shall issue bonds to an amount not exceeding the sum so subscribed by said township, and said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable thirty years after the first day of January next after the years in which they are issued, except the bonds issued for and on account of Catawba Springs Township, Ironton Township and Lincolnton Township, if issued under section eight of this act, which shall be payable thirty years after the first day of July, one thousand nine hundred and nine; but in event said bond issue should fail at the election held in April, one thousand nine hundred and nine, as to Catawba Springs Township, Ironton Township and Lincolnton Township, and another election is held under the provisions of sections nine and ten of this act, then and in that event the issue of bonds for Catawba Springs, Ironton and Lincolnton townships shall be payable thirty years after the first day of January next after the years in which they are issued. That the said bonds herein mentioned shall have attached coupons and be known as coupon bonds and bear interest at the rate of five per cent per annum, interest payable on the first day of January in each year by the treasurer of the county in which said township is situated. The said bonds shall be signed by the chairman of the board of county commissioners and the treasurer of the county, and the coupons by said chairman and treasurer, or in lieu thereof his or their facsimile signature may be printed thereon.
Maturity.	
Coupon bonds.	
Interest.	
Authentication.	
Special tax.	SEC. 13. That to provide for the payment of the interest on said bonds issued as aforesaid, and their redemption at maturity, the board of county commissioners of the county in which the township subscribing is situated and bonds issued shall, in addition to other taxes, each year, compute and annually levy upon the proper subjects of taxation in such township so issuing and subscribing bonds a sufficient tax to pay the interest on said

bonds so issued by said township, and such an additional amount sufficient to provide each year a sum sufficient to pay one-thirtieth part of said principal of said bonds, preserving the constitutional equation of taxation, for a sinking fund, which said taxes shall be levied at the time of levying county and other taxes by the board of county commissioners, and shall annually be collected by the sheriff of such county, under the same rules and regulations as are provided for collecting other taxes, and he shall be liable upon his official bond to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over the State and county taxes. The sheriff shall pay said taxes, when collected, to the treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment; and said money shall be invested by him, by direction of the board of county commissioners of said county, in the purchase of said bonds at a rate not above par. That it shall be the duty of said commissioners to annually invest any and all moneys from the special taxes for a sinking fund in the purchase of any of said bonds at a price deemed advantageous to said county by said commissioners, but in case said bonds cannot be purchased said commissioners may invest said sinking fund in North Carolina four-per-cent bonds as collateral security for said loan, or may loan same upon approved and satisfactory security, bearing interest, which said interest shall be placed to the credit of said sinking fund.

Levy of tax.

Collection of tax.

Liability of sheriff.

Taxes paid to treasurer.

Payment of interest.
Investments in bonds.

Investments of sinking fund.

SEC. 14. That the commissioners or aldermen of any city or town in any of the counties through which said railroad or any of its branches may be constructed shall be authorized and required, when one-fourth of the qualified voters in said city or town shall, in writing, request that a proposition to subscribe a specific amount to the capital stock of said company may be submitted to the qualified voters of such city or town, to cause an election to be held therein, under the same rules and regulations, including a special registration, as are prescribed hereinbefore for the election in townships, except that the returns of the election shall be made to the commissioners or aldermen of the city or town, who shall canvass the same; and if a majority of all the qualified voters of said city or town shall vote "For Railroad," then the mayor of the city or town shall make the subscription to the capital stock of said railroad company. For the purpose of this act the meaning of "qualified voters," whenever it occurs, shall include only those voters who have registered under the special registration provided for. And in payment of any subscription the aldermen or commissioners of such city or town shall order the issue of bonds of the same denomination and character, bearing the same interest and having the same time to run, as is provided hereinbefore for township subscriptions;

Petition for election in cities and towns.

Election to be held.

Special registration.
Returns.Canvass.
Effect of result.

Qualified voters defined.

Bonds in payment of subscriptions.

Additional tax.	and in addition to the other tax upon the subjects of taxation in said city or town the said aldermen or commissioners shall levy tax sufficient to pay the interest on said bonds and such amount of the principal as the commissioners shall have deemed necessary to be levied to form a sinking fund for said bonds.
Collection of tax.	The tax levied under the provisions of this section shall be collected by the constable or other tax collector of such city or town, in the same manner as the other taxes of said city or town are collected, and subject to the same rules and regulations and with the same penalties and remedies against the constable or tax collector and his sureties for failure to collect and account for the same. When collected, said taxes shall be paid by the constable or tax collector to the treasurer of said city or town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par; and in event same cannot be purchased at par, then the said aldermen or commissioners may invest said fund in North Carolina four-per-cent bonds, or may loan said fund, with approved security, and all interest added to said fund.
Tax paid to treasurer.	
Payment of interest.	
Investment of balance.	
Alternative investment.	
Authentication of bonds.	SEC. 15. The bonds issued under the provisions of this act to secure subscription to the capital stock of said railroad company by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, and by the clerk of said board, and the coupons shall also be thus signed. The bonds issued by any city or town under the provisions of this act shall be signed by the mayor and the treasurer of said city or town, and the coupons shall be signed by the treasurer of such city or town, or in lieu thereof his fac-simile signature may be printed thereon.
Bonds or stock refunded.	SEC. 16. The bonds or stock issued under the authority of any election by any town, township, city or county may be refunded by the authorities of such town, township, city or county, at or before maturity, at the same or lower rate of interest: <i>Provided</i> the holder of any such stocks, bonds or securities consent to such refunding, changing or reduction in the rate of interest.
Proviso: consent of owner.	
Bonds delivered as road is completed.	SEC. 17. That in event the subscription and bond issue to the capital stock of this company by Lincolnton Township, Ironton Township and Catawba Springs Township are authorized by the election and vote of the qualified voters in said township at the election to be held therein, said bonds shall only be delivered to said company as the road is being graded and completed; that one-half of the bonds authorized by said townships shall be delivered to said company as the grading is completed, and shall be delivered by the Board of County Commissioners of Lincoln County in the following manner only: That as each and every mile of said road is graded and the grading completed, each mile shall stand relative to the whole number of miles of said road, as contemplated in this charter, in the same <i>pro rata</i> share and man-
Installments.	

ner, one-half of said bonds shall be delivered to the said company; and as the road is completed by the laying of cross-ties, iron or rails, and ready for the running of cars, the remaining half of said bonds shall be delivered to said company.

SEC. 18. That it shall be lawful for any officer, agent, surveyor, engineer or other employee of said corporation to enter upon the lands for the purpose of exploring, leveling, surveying or doing anything necessary or proper to be done for the laying-out of said railroad and locating same; and upon the locating and construction of said road or any part thereof, if no agreement with the owners of the land through which the road shall be constructed shall have been made by the corporation, for a width of one hundred feet shall be vested in said corporation, and the proceedings for the condemnation of said lands and for the recovery by the owners for the value thereof shall be the same as prescribed by the Revisal of one thousand nine hundred and five, and shall have the right to use and occupy the right of way under the same power of condemnation.

Entry on lands for laying-out and locating railroad.

Land vested in railroad.

Proceedings for condemnation and recovery.

SEC. 19. That the said corporation shall have power and is authorized to issue bonds, debentures or certificates of indebtedness, either coupon or registered, to any amount necessary, not exceeding twenty thousand dollars per mile for every mile of track completed or owned by said corporation, and to secure their payment by executing a mortgage or mortgages or deeds of trust upon any or all of its property and the franchise of said corporation, on such terms as the directors may prescribe; and such conveyances, when registered in the counties in which said property is situated, shall constitute a lien upon the franchise of said corporation and all of its property in the counties in which such mortgage or mortgages are registered; and said corporation shall also have power to guarantee the payment of principal and interest of the bonds of other corporations.

Power of company to issue bonds.

Limit.

Registration.

Power to guarantee bonds.

SEC. 20. That said corporation shall have the right to transport and carry passengers and freight over and along its said line and branches, and mail and express matter, and to charge such fares and tolls for the same as may be prescribed by the board of directors, not inconsistent with the law, and to fix rates for the use or services of its telegraph or telephone lines and for electric lighting and power not inconsistent with the law, and to do any and all things necessary and expedient for the proper management of said corporation as usually exercised or performed by railroad companies; and to purchase and hold stock in, merge or be merged with any other railroad company, transportation lines, whether operating by land or water, express, telegraph or telephone companies or other corporations, or may purchase and lease the same, and operate the same or contract with such company or corporation for the transportation of passengers, freight or messages.

Right to carry passengers and freight.

Fares and tolls.

Powers of purchase and merger.

Meetings of
stockholders.
Directors'
meetings.

Stockholders not
individually
liable.

Principal office.

Election of
directors.

Term.

Election of
president and
other officers.

Terms.

Vacancies.

Stock vote.

Meetings of
stockholders and
directors.

SEC. 21. That the stockholders shall provide in the by-laws for their regular meetings, but directors' meetings may be held at any time or place, either in or out of the State, as the directors or a majority of them may determine, and the stockholders shall not be individually liable for the debts or other obligations of the corporation. The location of the principal office of the said company shall be determined and fixed by the board of directors.

SEC. 22. The stockholders of said company, or a majority in interest of the same, shall annually select from their number not less than six nor more than nine directors of said company, who shall hold their office one year and until their successors are elected and qualified; and the directors chosen at such meeting, and annually thereafter, shall elect a president, vice president, secretary, treasurer and such other officers as may be provided for in the by-laws of said company, who shall hold office until their successors are elected and qualified; and said directors shall have such authority to fill any vacancy occurring in any of said offices, by death, resignation or otherwise. In all elections or votes by the stockholders each share shall be entitled to one vote. The meeting of said stockholders and directors shall take place at such times and places as may be provided for in said by-laws.

SEC. 23. That this act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 139.

AN ACT TO AMEND THE CHARTER OF ELON COLLEGE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and sixteen, Private Laws of one thousand eight hundred and eighty-nine, be amended by striking out the word "fifteen," in line two of said section, between the words "of" and "trustees," and inserting in lieu thereof the word "eighteen," so that said section shall read: "The affairs of said college shall be under the management of a board of eighteen trustees," instead of fifteen, as now written.

SEC. 2. That this act shall be in force from and after June fourth, one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

Number of
trustees.

When act
effective.

CHAPTER 140.

AN ACT TO AUTHORIZE THE BOARD OF GRADED-SCHOOL TRUSTEES OF THE TOWN OF ELIZABETH CITY TO SELL CERTAIN PROPERTY IN THE TOWN OF ELIZABETH CITY, NORTH CAROLINA, AND TO MORTGAGE OTHER PROPERTY IN SAID TOWN BELONGING TO SAID BOARD FOR THE PURPOSE OF RAISING FUNDS TO PAY FOR COMPLETING AND PROPERLY EQUIPPING A NEW GRADED-SCHOOL BUILDING IN SAID TOWN.

Whereas, by chapter one hundred and forty, Acts of the Gen- Preamble.
 eral Assembly of North Carolina at its session in the year one
 thousand nine hundred and seven, graded schools were established
 in the town of Elizabeth City, North Carolina, and contiguous
 territory; and whereas, by the provisions of said act, all the Preamble.
 public-school property within the bounds of the Elizabeth City
 Graded-school District was turned over to the said board of
 graded-school trustees of the town of Elizabeth City; and whereas Preamble.
 said board was authorized and empowered by said act to purchase
 property and erect and equip buildings thereon to meet the demands
 and requirements of the school population in said district; and Preamble.
 whereas, pursuant to said authority, said board did purchase
 property and make contract for the erection of a commodious and
 modern school building for the accommodation of the school
 population in said district; and whereas said building is nearing Preamble.
 completion; and whereas, after expending the money arising from
 the sale of the bonds, as provided in said act, there will still
 be a debt of some twelve or fifteen thousand dollars on said
 building, with no available funds to discharge the same; and Preamble.
 whereas, when said new building is completed and equipped, the
 old school building in said district, located on east side of Pool
 Street, in the town of Elizabeth City, North Carolina, and be-
 longing to said board, under said act, will be of no further use
 for school purposes; and whereas its sale will inure to the benefit Preamble.
 of said graded schools by applying the money arising from its
 sale to the liquidation of the debt on said new building:

The General Assembly of North Carolina do enact:

SECTION 1. That the said board of graded-school trustees of Sale and convey-
 the town of Elizabeth City be and it is hereby authorized and
 empowered to sell and convey, by proper deed of conveyance in
 the name of said board, by its chairman, attested by its secretary,
 with its common seal attached, that certain school property Boundary.
 located in the town of Elizabeth City, North Carolina, bounded
 on the north and south by branches of Poindexter Creek, on the
 east by a thirteen-foot alley located immediately west of the
 lots of Mrs. J. H. Banks, W. N. Gregory and others, and on the

Application of
proceeds.

Trustees author-
ized to borrow
money.
Interest.

Notes and
mortgage.

west by Pool Street, of said town, and apply the proceeds of such sale upon the expenses of completing and properly equipping said new graded-school building.

SEC. 2. That said board of graded-school trustees of the town of Elizabeth City are hereby authorized and empowered to borrow sufficient money, at not to exceed six per cent interest per annum, to finish paying for the finishing and proper equipment of said new building, and to issue its note or notes for same, and to secure the payment of such note or notes and interest by executing a mortgage or deed of trust on any or all of the graded-school property located within the said graded-school district.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 141.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF GRAHAM TO ISSUE BONDS FOR THE IMPROVING OF ITS STREETS AND FOR THE ESTABLISHING OF A SEWERAGE SYSTEM IN SAID TOWN.

The General Assembly of North Carolina do enact:

Order of special
election upon
petition.

Questions to be
submitted.

Street improve-
ment bonds.

Bonds for sewer-
age system.

Election to be
ordered.

SECTION 1. The board of commissioners of the town of Graham shall, upon the application in writing of one hundred qualified voters of said town, order a special election in said town upon the question of issuing the bonds of said town in sums as follows, and for the following purposes:

(a) Bonds in the amount specified in said petition, but not to exceed the sum of fifteen thousand dollars (\$15,000), to be known as street-improvement bonds, and the proceeds of the sale of which shall be used for the improvement of the streets of said town, other than the sidewalks in said town.

(b) Bonds in the amount specified in the petition, but not to exceed in amount twenty-five thousand dollars (\$25,000), the proceeds of the sale of which shall be used for the establishing in said town of a sewerage system.

SEC. 2. That said commissioners shall order the holding of an election to determine whether said town shall issue said bonds for either or both said purposes, as specified in the petition asking said commissioners to order said election.

SEC. 3. That for the purpose of holding any election hereunder, said commissioners shall appoint one registrar and two poll holders at the time that said election is ordered, and said registrar shall immediately give notice by posting a notice at the courthouse door in said town, where he may be found, and shall, from eight o'clock A. M. until six o'clock P. M., for twenty days next preceding said election, Sunday excepted, and until sundown of the day next preceding said election, keep open the registration books for the registering of votes for said election. For the purpose of any election held hereunder, said board of commissioners shall order and there shall be a new registration of the voters of said town; and voters to register and vote in this election shall be qualified in like manner as voters are required to be to register and vote for elections held in said town for mayor and other municipal officers; and in all things, not herein specifically provided for, said election shall be held as provided by law for the holding of elections in said town for mayor and other municipal officers.

Appointment of registrar and poll holders.

Notice for registration.

Registration.

New registration.

Law governing elections.

SEC. 4. That said commissioners shall order the election for the issuing of bonds, as petitioned for, within thirty days after the filing with them of said petition, and shall give twenty days' notice of said election by publication of such notice in some newspaper published in said town and by posting said notice at the courthouse door in said town, and in said notice shall be specified the amount and kind of bonds to be voted upon, the time and place of said election, the fact that a new registration is ordered, and the names of the registrar and poll holders.

Time of election.

Notice of election.

SEC. 5. That any special election held hereunder may be ordered by said board of commissioners at any regular meeting of said board or at any meeting called for that purpose, but if ordered at a call meeting each commissioner shall have at least twelve hours' notice of the time, place and object of said call meeting.

Order for election.

SEC. 6. The registrar and poll holders for any election held hereunder shall tabulate and count the votes cast in said election, and shall make two copies of their returns, and said returns, in addition to showing the result of said election, shall show when and where said election was held, the number of votes registered for said election and the number of votes cast in said election. One copy of these returns they shall within forty-eight hours after the closing of the polls file with the clerk of the Superior Court of said county of Alamance, and with this report they shall file the registration and poll book used in said election, and they shall certify to the correctness of both books; and the said clerk shall file said return and registration and poll books as a part of the records of his office, and record said return in the record of elections kept in his office. The other copy of said returns the said

Count of vote.

Returns.

registrar and poll holders shall within forty-eight hours after the closing of the said polls file with the clerk of the board of commissioners of said town.

Ballots on street improvement bonds.

SEC. 7. At any election ordered hereunder, upon the question of issuing bonds for street improvement, those in favor of the issuing of said bonds shall vote a ballot, printed or written on white paper and without device, upon which shall appear the words "For Street-improvement Bonds"; those opposed to the issuing of said bonds shall vote a like ballot on which shall be written or printed the words "Against Street-improvement Bonds."

Ballots on sewerage bonds.

At any election held hereunder, upon the question of issuing sewerage bonds, those in favor of issuing said bonds shall vote a ballot, written or printed on white paper, without device, upon which shall appear the words "For Sewerage Bonds," and those opposed to the issuing of said bonds shall vote a like ballot upon which shall be written or printed the words "Against Sewerage Bonds."

Separate boxes.

SEC. 8. If at any election held hereunder the question of issuing both of said kinds of bonds is voted upon at one election, then there shall be provided two ballot boxes, in one of which shall be placed the ballots upon the question of issuing street-improvement bonds, and this box shall be plainly marked "Street-improvement Bond Box," and in the other shall be placed the ballots upon the question of issuing sewerage bonds, and this shall be marked in plain letters "Sewerage Bond Box."

Issue of bonds for street improvements.

SEC. 9. If at any election held hereunder a majority of the qualified voters of said town (and only those voters who shall register for this special election shall be deemed qualified voters of said town) shall vote for issuing the bonds for street improvement, then said commissioners shall issue said bonds, in the amount

Denominations.

specified in the petition requesting said election, in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and said bonds shall be what is known

Interest.

as coupon bonds, bearing interest at the rate of five per cent per annum, payable semiannually, and due and payable thirty years

Maturity.

after the date of their issue. Said bonds shall be signed by the mayor of said town, attested by the clerk of the board of commissioners of said town, and shall have the corporate seal of the said town attached. The coupons attached to said bonds, evidencing the interest payments to be made, shall be signed only by the mayor of said town, and both principal and interest on said bonds shall be payable at the office of the treasurer of said town, upon presentation and surrender of the interest coupon or bond, when

Authentication.

Time for issuance of bonds.

or after the same shall be due and owing. Said bonds shall be issued within sixty days after the holding of said special election, if a majority of the qualified voters of said town approve their issue, and as soon after issue as possible shall be sold by the said

Sale at not less than par.

commissioners for the best price obtainable, and they shall not be sold for less than par; and the entire proceeds of the sale of said bonds, less the expense of issuing and selling the same, shall be applied by said commissioners to work upon the streets of said town, other than upon the sidewalks in said town.

SEC. 10. If at any election held hereunder a majority of the qualified voters of said town (and only those voters who shall register for this special election shall be deemed qualified voters of said town) shall vote for issuing the bonds for establishing a sewerage system in said town, then said commissioners shall issue said bonds, in the amount specified in the petition requesting said election, in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and said bonds shall be what is known as coupon bonds, bearing interest at the rate of five per cent per annum, payable semiannually, and due and payable thirty years after the date of their issue. Said bonds shall be signed by the mayor of said town, attested by the clerk of the board of commissioners of said town, and shall have the corporate seal of said town attached. The coupons attached to said bonds, evidencing the interest payments to be made, shall be signed only by the mayor of said town, and both principal and interest on said bonds shall be payable at the office of the treasurer of said town, upon presentation and surrender of the interest coupon or bond, when or after the same shall be due and owing. Said bonds shall be issued within sixty days after the holding of said special election, if a majority of the qualified voters of said town approve their issue, and as soon after issue as possible shall be sold by the commissioners for the best price obtainable, and they shall not be sold for less than par; and the entire proceeds of the sale of said bonds, less the expense of issuing and selling the same, shall be applied by said commissioners to the work of putting in and establishing in said town a sewerage system.

Issue of bonds for sewerage.

Denominations.

Interest.

Maturity.

Authentication.

Time for issuing bonds.

Sale not below par.

SEC. 11. If any bonds are issued hereunder, then it shall be the duty of the board of town commissioners, at the regular time for levying taxes for other municipal purposes, to levy a tax upon all of the property and polls taxed for other municipal purposes, in such amount as to create a sufficient sum to pay the interest on said bonds when and as it shall be due and owing, and for the creation of a sinking fund for the liquidation of said bonds at maturity.

SEC. 12. That all laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 142.

AN ACT TO ESTABLISH A GRADED SCHOOL IN RUSSELL
SPECIAL-TAX SCHOOL DISTRICT, IN HOOPER'S CREEK
TOWNSHIP, HENDERSON COUNTY.*The General Assembly of North Carolina do enact:*

Graded school district.	SECTION 1. That the special-tax school district of Russell, Hooper's Creek Township, shall be and is hereby constituted a graded-school district for the white race.
Control of school interests and property.	SEC. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded-school interests and property in the said graded-school district; shall prescribe
Enumeration of powers of trustees.	rules and regulations for their own government, not inconsistent
Organization.	with the provisions of this act; shall elect their own chairman and secretary, employ and fix the compensation of teachers, and do all other acts and things that may be just and lawful to conduct and manage the graded-school interests in said graded-school district: <i>Provided</i> , all children resident in the said graded-school district between the ages of six and twenty-one years shall be admitted into said school free of tuition charges: <i>Provided further</i> , that the school trustees may receive as students nonresident children upon payment of reasonable tuition charges, to be fixed by
Proviso: free tuition.	said trustees: <i>Provided</i> , that the trustees shall allow such credits
Proviso: non-resident pupils.	to the parents and guardians of nonresident children attending schools as they may think just and meritorious on account of school taxes paid on property in said district by said parents and
Proviso: credit for taxes on property in district.	guardians: <i>Provided further</i> , that said trustees may in their discretion charge reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature to be taught in the public schools of the State.
Proviso: charges for tuition in higher grades.	
Trustees named.	SEC. 3. John P. Wilkie, J. Frank Livingstone, J. N. Russell, William M. Dockings, Walter D. Bagwell and Elbert R. Russell are hereby appointed school trustees for the graded school of the said Russell School District, and they shall meet, qualify and organize within thirty days after the ratification of this act.
Meeting, qualification and organization.	As soon as the said trustees shall have qualified, they shall divide
Trustees classified.	themselves, by lot, into two classes. The first class shall be
First class.	composed of three members and the second class shall be composed of three members. Members of the first class shall hold
Second class.	their offices for a term of six years and the members of the second class for a term of three years. At the end of each succeeding three years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint three trustees to succeed the three whose terms then expire.
Terms of office.	Members of the board of trustees shall be appointed for a term
Election of successors.	of eight years. Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees
Term.	
Vacancies.	

of said graded school. All acts and things herein authorized Quorum. to be done by said board of trustees may be done by a quorum thereof.

SEC. 4. That the moneys arising from the special taxes heretofore levied and collected for the purposes of running the public schools in said graded-school district shall be levied and collected in the manner prescribed in the general school law of the State and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the poll, as provided in the general school law and authorized by special election in said graded-school district.

Levy and collection of taxes.

Trustees to report levy desired.

Proviso: maximum of tax.

SEC. 5. The moneys which shall from time to time be apportioned under the general school law to the public schools in said Russell Graded-school District shall be placed to the credit of the school trustees provided for in this act.

Apportionment from general school funds.

SEC. 6. The length of the school term each year shall be left to the discretion of the trustees: *Provided*, the term shall not be less than five nor more than ten months in any one year.

Length of term.

Proviso: limits.

SEC. 7. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control, and they shall also make all reports to the board of education as now required of public-school committeemen of the various public-school districts.

Reports of trustees.

SEC. 8. The school trustees hereby created shall be a body corporate, by the name and style of the "Trustees of Russell Graded School," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporations hereby created. Conveyances to said trustees shall be to them and their successors in office.

Trustees incorporated. Corporate name. Corporate powers.

Conveyances to trustees.

SEC. 9. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper deeds of conveyance, all public-school property, both real and personal, of every description now belonging to the public schools in the territory hereby constituted a graded-school district to the trustees of the Russell Graded School, as heretofore specified.

Transfer of school property to trustees.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 143.

AN ACT TO INCORPORATE THE TOWN OF IRON STATION,
IN LINCOLN COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Town incorporated. Corporate name. General law.	SECTION 1. That the town of Iron Station, in Lincoln County, be and the same is hereby incorporated, by the name and style of the town of Iron Station, and shall be subject to all the provisions contained in chapter seventy-three (73), volume one of the Revisal of one thousand nine hundred and five of North Carolina.
Town limits.	SEC. 2. That the town limits shall extend one-half mile in each direction from the middle of the present site of the Seaboard Air Line Railway's depot.
Town officers.	SEC. 3. That the officers of said corporation shall consist of a mayor, five commissioners, regular and special policemen, clerk and treasurer and such other officers as the town commissioners may elect; and the following-named persons shall fill the offices of mayor and commissioners from their qualification until the first Monday in May, one thousand nine hundred and nine, until their successors are elected and qualified: For mayor, J. C. Hambrick; for commissioners, R. C. Goode, L. T. Smith, D. A. Troutman, V. P. Friday, O. M. Howard.
Officers named.	
Succession on failure of election.	SEC. 4. That the officers of said corporation shall succeed themselves in case of no election being held at the appointed time, to be specified hereafter.
Clerk, treasurer and regular policemen. Special policemen.	SEC. 5. That the clerk, treasurer and regular policemen shall be appointed by the town commissioners, and the special policemen shall be appointed by the mayor.
Town taxes.	SEC. 6. That the commissioners shall have the right to levy a tax or taxes on all the real and personal property of the citizens or inhabitants of said town, and to have the right to levy a poll tax on the male inhabitants of the said town who are twenty-one years or more of age, up to the age of forty-five years. Said taxes shall not on the personal and real property exceed the sum of fifty cents on the hundred dollars, and said poll tax shall not exceed one dollar; and the said commissioners shall have the power to tax all shows of any kind, and to tax meat markets and to tax any other forms of specialties, and the moneys collected from said taxes be applied to the payment of current expenses for laying out, widening and repairing streets, and to building, repairing and modeling the city hall.
Limit.	
Privilege taxes.	
Town elections.	SEC. 7. That an election shall be held in said town on the first Monday in May, one thousand nine hundred and nine, and annually thereafter, for a mayor and five commissioners, under the laws of North Carolina regulating elections in cities and towns or towns and cities.

SEC. 8. That the mayor and commissioners shall form a council Ordinances. and make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States, the Constitution of North Carolina and the laws of said sovereignties.

SEC. 9. That the said commissioners shall have the right of emi- Right of eminent domain. nent domain in said town for the purpose of laying off streets and for the erection of necessary buildings or other necessary improvements.

SEC. 10. That the officers provided for by this act shall qualify. Officers to qualify. within ten days after its ratification, before a justice of the peace or clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

SEC. 11. That the manufacture and sale of spirituous, vinous Prohibition. and malt liquors are hereby expressly forbidden in said town.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 144.

AN ACT TO ESTABLISH A SEWERAGE SYSTEM, BUILD AND ENLARGE SCHOOLS AND BUILD AND IMPROVE STREETS IN THE TOWN OF HAMLET.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Ham- Construction of sewerage system. let shall have power to lay, build and construct a system of sewerage and sewer pipes for said town, and for the purpose of improving and enlarging its public-school buildings, and for the Enlarging school buildings. purpose of building and improving streets in said town, and to Building and improving streets. protect and regulate the same by adequate ordinances, and, in order to obtain proper outlets to said system, may extend the Extension beyond corporate limits. same beyond the corporate limits of said town; and if in the construction, extension or maintenance of said system and the Power to condemn lands. outlets thereof it shall become necessary to acquire lands, rights of way and easements, both within and without the corporate limits of said town, said board shall have power to condemn the same, in the same manner as is now provided by law for the condemnation of land for streets.

SEC. 2. That said board of commissioners of the town of Hamlet Sewer rentals. shall have power to charge and collect a sewer rental, in such reasonable amount and collectible at such periods as said board shall prescribe for use of said sewer, said rental to be based on the number of sinks and closets connected with the sewer; and Charges for connections. may charge and collect such reasonable amount for connecting

with said sewer as said board may prescribe; and said sewer rental and charge for connection, if not paid, shall become a lien upon the property with which connections are made, and may be collected in the same way as unpaid taxes, and with the same costs and penalties.

Bond issue authorized.	SEC. 3. That in order to provide funds for the building and equipping of said sewerage system, and for enlarging and improving the schools of said town, and for the improving and building of streets in said town, the board of commissioners of the town of Hamlet are hereby authorized to issue coupon bonds, bearing interest, payable annually or semiannually, at a rate not exceeding five per centum per annum, to an amount not exceeding twenty-five thousand dollars, in denominations of not more than one thousand dollars nor less than five hundred dollars, payable not more than thirty years from the date of issue. Fifteen thousand dollars of said issue are to be used for the purpose of laying, building and constructing a system of sewerage, as provided for in this act;
Interest.	five thousand dollars of said bond issue shall be used for the purpose of improving and enlarging the schools of said town, and
Amount.	five thousand dollars for the purpose of building and repairing streets in said town. Said bonds shall be signed by the mayor of
Denominations.	the town and countersigned by the treasurer and sealed with the corporation seal of the town, and the coupons on said bonds shall bear the engraved or lithographed signature of the treasurer, and shall be made payable, both principal and interest, at such place
Sewerage bonds.	or places as the board may determine. Said bonds shall be sold at public or private sale, with or without notice, or may be delivered to the contractor or contractors in payment for the constructing and equipping said system of sewerage and for the other purposes provided in this act, and may be issued from time to time as the work may progress; and the proceeds of said bonds may be applied for the purposes herein set out, and no other,
School bonds.	and the purchaser of said bonds shall not be bound to see to the application of the purchase money; <i>Provided</i> , that the provisions of this act, in relation to the issuance of said bonds or any of said three issues, shall not become operative and effective as to said issue until approved by a majority of the qualified voters of said town.
Street bonds.	
Authentication.	
Sale of bonds.	
Specific appropriation.	
Responsibility of purchaser. Proviso: bond issue to be approved by voters.	
Election to be held. Date.	SEC. 4. That there shall be held in the town of Hamlet, on Tuesday after the first Monday in May, one thousand nine hundred and nine, an election, wherein those who favor the issuance of bonds for sewerage purposes, as hereinbefore stated, shall vote ballots with the words "For Sewerage System" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against Sewerage System" written or printed thereon; and if at said election a majority of the registered voters of said town shall vote ballots with the words "For Sewerage System" written or printed thereon, then the provisions of this act shall become
Ballots.	

operative and effective as to said sewerage bonds; and those who favor the issuance of bonds for the purpose of improving and enlarging the public-school buildings of said town shall vote ballots with the words "For School Improvement" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against School Improvement" written or printed thereon; and if at said election a majority of the registered voters of said town shall vote ballots with the words "For School Improvement" written or printed thereon, then the provisions of this act shall become operative and effective as to said school bonds; and those who favor the issuance of bonds for the purpose of building and improving the streets in said town shall vote ballots with the words "For Streets" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against Streets" written or printed thereon; and if at said election a majority of the registered voters of said town shall vote ballots with the words "For Streets" written or printed thereon, then the provisions of this act shall become operative and effective as to the said street bonds.

SEC. 3. That said election shall be held in accordance with the provisions of law relating to elections in towns and cities.

SEC. 6. That if the provisions of this act shall become operative, as herein provided, the board of commissioners of the town of Hamlet are hereby authorized and directed to levy and collect a tax on all taxable property and polls in said town of Hamlet sufficient to pay the interest on said bonds as the same may become due, and also, before the principal of said bonds shall become due, to levy and collect a further tax to pay for the same or to provide a sinking fund for the payment thereof. The tax so levied shall be an *ad valorem* tax, in the proportion required by the Constitution of North Carolina, and shall be levied and collected in the same manner and at the same time as other taxes upon property and polls of said town.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 145.

AN ACT TO AMEND CHAPTER 221, PRIVATE LAWS 1891, RELATIVE TO VALLE'CRUCIS, SHAWNEEHAW AND ELK PARK TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Valle Crucis, Shawneehaw and Elk Park Turnpike shall be and is hereby placed under the supervision and regulation of the Corporation Commission to the same intent that railroads are now or may hereafter be under its supervision and

Ballots as to
school bonds.

Ballots as to
street bonds.

Law governing
elections.

Special tax.

Jurisdiction of
corporation com-
mission.

regulation, with all the powers conferred on said commission in regard to said company as is now conferred upon it by chapter twenty of the Revisal of one thousand nine hundred and five, and with all the rights of appeal which railroad companies now have.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 146.

AN ACT TO AMEND THE CHARTER OF THE NORTH STATE AGENCY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the powers vested in the North State Agency Company under the articles of agreement whereby the said corporation was formed, bearing date October nineteenth, one thousand nine hundred and eight and filed and recorded in the office of the Secretary of State on October twentieth, one thousand nine hundred and eight, the said corporation shall have power to guarantee the subscribers to its capital stock against loss in the following manner, viz.: As a part of the contract of subscription for its stock the corporation shall have power to execute to each subscriber a bond, wherein and whereby the said corporation shall contract that on a date therein specified it will pay back to such subscriber the amount actually paid in by him for his stock, without interest, upon the surrender and cancellation of the certificate of stock issued to the subscriber; and with the further provision in said bond that unless the holder of the certificate shall surrender the same for cancellation within one year after the date fixed in said bond, and at the place to be therein named, then the said bond shall become null and void and all the rights and liabilities therein set forth shall terminate; and all such bonds shall be of equal force and dignity with all other debts and obligations of the corporation.

Guarantee of
subscriptions.
Bonds to sub-
scribers.

Deposits for
securing bonds.

SEC. 2. For the purpose of securing the performance of any and all bonds executed by the corporation, as above provided, the said corporation shall have the right and power to deposit with any bank, guaranty, security or trust company authorized to do business under the laws of this State such part of its moneys, securities or other assets as the North State Agency Company may deem proper and necessary to be held by said bank, guaranty, security or trust company in trust to secure the performance of all such

bonds subject to such stipulations and agreements as the said North State Agency Company may deem proper; and any such bank, guaranty, security or trust company may by indorsement on such bonds guarantee the performance of the same; and in case such guaranty is indorsed on any such bond, then the said bank, guaranty, security or trust company shall have the right to hold the moneys, securities or other assets deposited with it until the terms of such bond shall have been fully complied with, or until such bond by its terms becomes void and of no effect by reason of the fact that the holder of the certificate of stock which is secured by said bond has not surrendered the same for cancellation within the terms above prescribed.

SEC. 3. This act shall be in force from and after the date of its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 147.

AN ACT TO AMEND CHAPTER 499, PUBLIC LAWS OF NORTH CAROLINA OF 1903, RELATIVE TO THE SCHOOL COMMITTEE OF DISTRICT No. 1, MURPHY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter four hundred and ninety-nine, Public Laws of one thousand nine hundred and three, be and the same is amended as follows: Insert after the word "taxation" and before the word "under," in line six of said section, the following words: "in said School District Number One, Murphy, North Carolina." Tax on school district.

SEC. 2. Add to said chapter as section ten the following:

"Sec. 10. For the purpose of procuring or providing water for said school or school building, buildings or grounds, the school committee of District Number One, Murphy, North Carolina, its trustees or officers, are authorized to acquire, by purchase, gift, donation or condemnation, any spring or springs, well or wells, water, stream or streams, with rights of way for conducting such water to said school building or grounds; and if it becomes necessary to condemn any spring or springs, well or wells, water or water course or right of way for conducting said water to said school grounds, building or buildings, then the condemnation of same shall be conducted as provided in section five of said chapter four hundred and ninety-nine for condemning land for site or grounds for school purposes." Power to procure water rights.
Procedure for condemnation.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 148.

AN ACT TO AMEND THE CHARTER OF THE ABERDEEN
AND ASHEBORO RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifteen of the Private Laws of one thousand nine hundred and seven, entitled "An act to consolidate the Aberdeen and West End Railroad Company, the Asheboro and Montgomery Railroad Company and the Jackson Springs Railroad Company," be amended so as to read as follows:

Companies con-
stituting new
corporation.

SEC. 2. That the stockholders of the Aberdeen and West End Railroad Company, a corporation organized under and by virtue of chapter seventy-one of the Public Laws of one thousand eight hundred and eighty-nine, and the amendments thereto, the stockholders of the Asheboro and Montgomery Railroad Company, a corporation organized under and by virtue of chapter one hundred and five of the Public Laws of one thousand eight hundred and ninety-seven, and the amendments thereto, and the stockholders of the Jackson Springs Railroad Company, a corporation organized and existing under and by virtue of the provisions of chapter forty-nine of The Code of North Carolina, their successors and assigns, be and they are hereby constituted a body politic and corporate, under the name of the Aberdeen and Asheboro Railroad Company, and under that name they and their successors and assigns shall have all rights, powers, privileges and franchises owned by or belonging or appertaining to each of said corporations.

Corporate name.
Corporate rights.

Transfers to new
company.

SEC. 3. That said corporations be and they are hereby authorized and empowered to make, execute and deliver to the said Aberdeen and Asheboro Railroad Company a sale, assignment and transfer of the railroad, leaseholds, rights and rights of action, contracts, moneys, stock, franchises and all other property of every nature and description of said respective corporations.

Capital stock.

SEC. 4. That the capital stock of the Aberdeen and Asheboro Railroad Company shall be the aggregate of the capital stock of said respective corporations.

Present stock to
be retired.
Issue of stock in
new company.

SEC. 5. That the stockholders of the Aberdeen and West End Railroad Company, the Asheboro and Montgomery Railroad Company and the Jackson Springs Railroad Company be and they are hereby authorized and empowered to retire the present stock of the said present respective corporations and to issue in lieu thereof to the stockholders of said respective corporations stock of the Aberdeen and Asheboro Railroad Company equal in value to the shares of stock held by said respective shareholders.

Transfers ratified.

SEC. 6. That any and all transfers by the Aberdeen and Asheboro Railroad Company of the real or personal property formerly owned by either of said respective corporations be and the same are hereby in all respects ratified and confirmed.

SEC. 7. That the validity of any mortgage, bond or other encumbrance now outstanding against the Aberdeen and West End Railroad Company, the Asheboro and Montgomery Railroad Company or the Jackson Springs Railroad Company shall not be affected by the provisions of this act.

Validity of outstanding liabilities not affected.

SEC. 8. That the provisions of this act shall not be in effect unless the same be approved and ratified by a majority in value of the stockholders of the Aberdeen and West End Railroad Company, the Asheboro and Montgomery Railroad Company and the Jackson Springs Railroad Company within six months of the ratification of this act.

Act to be ratified by companies.

SEC. 9. That the said Aberdeen and Asheboro Railroad Company is hereby given the right and power to locate, construct, equip, maintain and operate, by steam power or electric power, a branch railroad, or any part thereof, upon one or more tracks, standard gauge or otherwise, from some point on its present line in Montgomery County through the counties of Montgomery and Richmond, by such route as it may select, to some point in the county of Richmond on the dividing line between the States of North Carolina and South Carolina, and for this purpose it shall have the power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions; it shall have the right to cross at grade or over or under, to intersect, join or unite such branch railway with any other railway now constructed or that may be hereafter constructed within this State upon the ground of such other company at any point on its route, and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction; and may in making any intersection or connection with any other road have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of the Revisal of one thousand nine hundred and five; or any act of the Assembly amendatory thereof. Said company shall have the right to locate such station or stations along said branch railway as it may think proper. For the construction of said branch railway provided by this act the company shall have, for the purpose of acquiring lands, easements and rights of way, all the rights, powers and authority given to railroads under chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act.

Power to construct, maintain and operate railroad.

Termini and routes.

Enumeration of rights and powers.

Powers in acquiring lands.

SEC. 10. Said company, its successors or assigns shall have exclusive right to carry and transport passengers and freight over and along said branch line of railroad at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish:

Right to carry passengers and freight.

Tolls.	and it shall have the right to transfer all manner of goods, United States mail or other property over said branch line, and make and collect such tolls for the transportation of persons or property as it may think necessary, subject to the laws established by the General Assembly of the State of North Carolina.
Right to use highways and streets.	SEC. 11. Said company shall have the right and authority to use any public road, highway or street in the construction of its branch railroad, cars, poles, lines or other equipment, under such reasonable regulations as the authorities controlling such roads, highways or streets, respectively, shall upon the application of the company prescribe.
Power to borrow money and issue bonds.	SEC. 12. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sum and on such terms as its board of directors may deem expedient and proper for the purpose of building, maintaining, equipping and operating the said branch line of railroad, and may secure the payment of such bonds by mortgage or deed of trust upon the said branch line of railroad and its equipment; and it may, also, as the business of the company shall require, sell, lease or in any manner convey and encumber the said branch line of railroad and its equipment or any part thereof.
Power to sell, lease or encumber.	
Time for beginning.	SEC. 13. That the construction of the said branch line of railroad shall be begun within five years from the ratification of this act.
Procedure for condemnation of lands.	SEC. 14. Whenever from any cause the said railroad company cannot agree with the owners of the land over which said branch line of railroad shall go for the purchase of the lands for the right of way and depot purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto; and the right of said company to condemn and take lands under this act for the purpose of building the said branch line herein provided for shall be limited to the space of fifty feet on each side of the bed of said branch road, extending from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses it may condemn not exceeding ten acres in any one place; and in all cases where lands or rights of way have been condemned, the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disability, and in such case within two years from the removal of such disability.
Limit.	
Petition for assessment of damage.	
Road constructed in parts.	SEC. 15. A part of the said branch line of railway of said company may be constructed without completing its entire line, and the said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

SEC. 16. That any county, township, city or town along or near the line of said branch line of railroad may subscribe to a fund to be used in the building and completing of the said branch road, or for bonds that may be issued for the same, in the following manner: Upon presentation of a writing, signed by not less than fifty freeholders and resident taxpayers of the county, township, city or town, to the board of county commissioners of said county or to the proper authorities of said city or town, requiring them to submit to the qualified voters of the county, townships, city or town where said petitioners may reside a proposition to subscribe a definite sum, named in said petition, to be used for the purchase of bonds of said company, or to a fund to be used for the purpose of building and equipping the said branch line of railroad, the board of commissioners of said county or proper authorities of said city or town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to a fund or bonds of said company the amount specified in said petition, for the purpose of building and equipping the said branch line of railroad, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county and at every voting place of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of county commissioners of said county or the proper authorities of said city or town.

Municipalities
may subscribe
to road.

Procedure for
subscription.

New registration.

Order for election.

Question
submitted.

Ballots.

Law governing
election.

Notice of election.

Returns.

SEC. 17. If a majority of the qualified voters vote "For Subscription," then the board of county commissioners of said county or proper authorities of said city or town shall immediately make such subscription, and shall issue coupon bonds to the amount of such subscription needed to pay the same; and the bonds shall upon their face indicate the account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.

Effect of result.

Bonds to be
issued.

Denominations.

SEC. 18. The county authorities in any county voting for subscription to the said branch line of railroad, or in which there is

Levy of tax for
interest and
sinking fund.

Collection of
taxes.

Investment of
sinking fund.

Donations.

Power of company
to issue bonds.

Acts done under
former act of
consolidation
ratified.

a township voting for such subscription, are legally empowered to levy taxes to provide for payment of the fund or bonds authorized to be issued by the preceding section: shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof; and the taxes levied and collected for this purpose shall be kept distinct from all other taxes, and shall be used for the purpose for which it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county or the proper authorities of said city or town issuing such bonds.

SEC. 19. That said company shall have the right to receive donations and subscriptions in money, lands or any other property, to be used in the construction, equipping and operating of the said branch line of railway.

SEC. 20. It shall be lawful for the said company chartered by this act to issue coupon bonds, in such denominations and running for such time and bearing interest at such a rate and payable at such time and place as the board of directors may direct, for the purpose of building, constructing, equipping, maintaining and operating the said branch line of railroad, and to secure the payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on the said branch line of railroad, its equipment, its depots, buildings and all other of its property or any part thereof.

SEC. 21. That the re-enactment of sections one, two, three, four, five, six, seven and eight of chapter four hundred and fifteen of the Private Laws of one thousand nine hundred and seven, entitled "An act to consolidate the Aberdeen and West End Railroad Company, the Asheboro and Montgomery Railroad Company and the Jackson Springs Railroad Company," shall not in any way abridge the rights and powers of these corporations, to wit, the Aberdeen and West End Railroad Company, the Asheboro and Montgomery Railroad Company and the Jackson Springs Railroad Company, in their respective charters, and the amendments thereto, and shall not in any way affect the rights which the company had or may have, or have acquired or may acquire, or any act that the said company may have done or may do in pursuance of the authority given under said consolidation, but all acts done and authority exercised under the said chapter four hundred and fifteen are hereby ratified and confirmed.

SEC. 22. That this act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 149.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF ROWLAND TO ISSUE BONDS TO FUND THE INDEBTEDNESS OF SAID TOWN.

Whereas, under the terms and provisions of the charter of Preamble, the town of Rowland and the various acts which have heretofore been enacted by the General Assembly of North Carolina, the board of commissioners of said town was authorized and empowered to contract debts for various necessary expenses of said town of Rowland; and whereas, under the power conferred upon it, the Preamble, said board of commissioners has contracted various debts necessary for the expense of the government of said town of Rowland; and whereas, on account of the contracting of said indebtedness, Preamble, the said town of Rowland has become and is now indebted to the following persons and corporations in the amounts as follows: to the American Seating Company, six hundred dollars (\$600); to Peabody School Furniture Company, four hundred and fifty dollars (\$450); to Bank of Rowland, seven hundred and fifty dollars (\$750); to Hedgpeth & Chitty, one hundred dollars (\$100); to Rowland Hardware and Supply Company, sixty dollars (\$60); to H. K. McCormick, fifty dollars (\$50); interest accrued upon the above, made payable, respectively, in the sum of two hundred and twenty-five dollars (\$225), as near as can be stated; to W. F. Bristow, for insurance premiums upon the property of the town of Rowland, the sum of one hundred and fifty dollars (\$150), as near as can be stated; and also certain other debts now due by said town and unpaid, amounting in the aggregate to not over five hundred dollars (\$500); and whereas the indebtedness con- Preamble, stitutes a legal and valid charge upon the said town of Rowland, and has heretofore been duly contracted by the proper authorities of said town; and whereas the general taxes of said town have proven insufficient to pay the current running expenses of the government of said town and the indebtedness above set forth; and whereas it is necessary to make some provision for the payment of said floating indebtedness and to fund the same: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Rowland, for the purpose of paying the floating indebtedness which has heretofore been contracted and which is set forth in the preamble of this act, and for the purpose of funding said indebtedness, is hereby authorized and empowered to issue bonds of said town, bearing interest at a rate not less than five per cent nor greater than six per cent, to the amount of not exceeding three thousand dollars (\$3,000), of the denomination of not less than five hun-

Purpose of bond issue.

Bond issue authorized.
Interest.
Amount.

Denominations.

Maturity.	<p>dred dollars (\$500) nor greater than one thousand dollars (\$1,000) each, to which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first days of April and October of each year until the said bonds become due, which shall not be exceeding five years from the date of the issue of said bonds. The rate of interest, denomination, aggregate amount and time of maturity of said bonds, within the limits above defined, shall be in the discretion of the board of commissioners of the said town. The bonds so issued shall be numbered consecutively from one to whatever number shall be issued, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of the interest which they represent and when the interest is due, and shall be receivable in payment of all town taxes. The bonds so issued shall be exempt from taxation by the town of Rowland.</p>
Coupons receivable for town taxes. Bonds exempt from town taxation. Authentication.	<p>SEC. 2. The said bonds shall be issued under the signature of the mayor of said town, and shall be attested by the town clerk and treasurer, and shall be sealed with the corporate seal of said town. The said bonds, when issued by the board of commissioners of said town and signed by the mayor and attested by the clerk and treasurer and sealed with the corporate seal, as hereinbefore provided, shall be a valid and legal charge against the said town of Rowland, without any endorsement or approval thereto by the board of audit and finance of said town: <i>Provided further</i>, that the lithographed signatures of the mayor and town clerk and treasurer to the coupons attached to the said bonds shall be a sufficient signing thereof.</p>
Proviso: authentication of coupons.	<p>SEC. 3. That the said board of commissioners of said town shall sell and dispose of the said bonds at a sum not less than their face or par value, and the proceeds therefrom shall be used in the payment of the indebtedness set forth in the preamble to this act: <i>Provided, however</i>, that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purposes.</p>
Sale of bonds not below par.	<p>SEC. 4. That for the purpose of paying the interest as it falls due on said bonds, and of providing a sinking fund for the redemption of said bonds, it shall be the duty of said board of commissioners to levy and cause to be collected, annually, as other taxes of said town are levied and collected, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation within the town of Rowland which are subject to taxation for ordinary municipal purposes, which taxes so collected shall at all times be kept separate and distinct and used only for the purposes above set forth: <i>Provided</i>, that so much of the taxes levied each year as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase and retirement of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to</p>
Proviso: responsibility of purchasers.	
Tax for interest and sinking fund.	
Proviso: investment of sinking fund.	

increase the investment of the above-described amounts, from time to time, it shall be the duty of the mayor and the board of commissioners of said town to make investments of said amounts, and to do and perform all such other services in connection with said bonds as said board of commissioners may prescribe.

SEC. 5. The board of commissioners shall provide a record, in which shall be entered the name of every purchaser of a bond and the number and amount of the bond so purchased. It shall also cause to be kept a record of the bonds redeemed; and the bonds, when redeemed and a record made thereof, shall be destroyed by fire, in the presence of the mayor and the board of commissioners of the said town. Records to be kept.

SEC. 6. That the bonds herein provided for shall be separate and distinct from and in addition to the bonds heretofore issued by the town of Rowland under the provisions of other acts of the General Assembly of North Carolina heretofore enacted. Bonds heretofore issued.

SEC. 7. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, in so far as they may affect the provisions of this act.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 150.

AN ACT TO AMEND THE GRADED-SCHOOL LAW OF HENDERSONVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of the Private Laws of one thousand nine hundred and one, chapter one hundred and twenty-two, be amended as follows: In line twenty-five of said section strike out the word "twenty" and insert in lieu thereof the word "thirty"; in line twenty-six of said section strike out the word "sixty" and insert in lieu thereof the word "ninety"; in line twenty-eight of said section strike out the word "twenty" and insert in lieu thereof the word "thirty"; and in line twenty-nine of said section strike out the word "sixty" and insert in lieu thereof the word "ninety." Tax limit.

SEC. 2. That the Board of Commissioners of Hendersonville, from time to time, but not oftener than once in any one year, shall, upon the filing with them of a petition, signed by one-fourth of the qualified voters of said town, asking it to be done, call an election, to be held as provided by law and as provided in section five, chapter one hundred and twenty-two, Private Laws of one thou- Election on ratification of act.

said nine hundred and one, at which shall be submitted to the qualified voters of said town the ratification of the provisions in section one hereof.

When section one effective.

SEC. 3. That section one hereof shall be in force and become effective only after the same shall have been approved by a majority of the qualified voters of said town at an election to be held as provided in section two hereof.

SEC. 4. That all laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in full force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 151.

AN ACT RELATING TO THE SMOKY MOUNTAIN RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Time to begin construction.

SECTION 1. That the Smoky Mountain Railway Company, chartered under the general laws of North Carolina on the second day of August, one thousand nine hundred and five, shall have two years from the ratification of this act in which to begin the construction of its road, without forfeiture or impairment of its corporate existence, powers and privileges.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 152.

AN ACT FOR THE RELIEF OF C. W. HAYS, OF HERTFORD COUNTY.

Preamble.

Whereas, on the first day of June, one thousand nine hundred and seven, C. W. Hays paid to Miss Ruth Taylor the full amount of one hundred dollars due her for services rendered as teacher in the public schools of Hertford County, and after said payment was made it was discovered that the committee of said school district in which she taught had made an error in the contract with her, and there was not a sufficient amount to the credit of said school out of which to pay him the amount so advanced, and that he has received the sum of seventy-eight and twenty one-hundredths dollars, and that there is still due him the sum of

twenty-one and eighty one-hundredths dollars; and whereas it is Preamble.
recommended by the superintendent of schools of said county that
Hays should be reimbursed for the amount advanced: now, there-
fore,

The General Assembly of North Carolina do enact:

SECTION 1. That the chairman and secretary of the County Board of Education of Hertford County, upon order of the said board, are hereby authorized and empowered to issue to the said C. W. Hays an order on the treasurer of said board in the sum of twenty-one and eighty one-hundredths dollars, and said treasurer of said board is hereby authorized and empowered to pay the same out of the funds in his hands for general county school expenses, and that said order be and the same is a proper voucher in his hands for the payment of the same. Repayment authorized.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 153.

AN ACT TO INCORPORATE THE TOWN OF BOSTIC, IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Bostic, in Rutherford County, be and the same is hereby incorporated, by the name and style of the town of Bostic, and shall be subject to all the provisions contained in chapter seventy-three (73), volume one of the Revisal of one thousand nine hundred and five of North Carolina. Town incorporated.
Corporate name.
Subject to general law.

SEC. 2. The corporate limits of the said town shall be as follows: A circle, every point of which shall be one-half mile from the center of the Seaboard Air Line Railroad depot at Bostic. Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor, four commissioners, a town constable and such other officers as the town commissioners may elect for the public government of said town; and the following-named persons shall fill the office of mayor and commissioners from their qualification until their successors are elected and qualify, viz.: Mayor, Joseph L. Grayson; commissioners, J. M. Grigg, John Harrill, Z. V. Carson and J. K. Grayson. Town officers.
Mayor and commissioners named.

SEC. 4. That the town constable and other officers of the town shall be appointed by the town commissioners. Constable and other officers.

SEC. 5. That the board of commissioners may appoint an assistant to the town constable, who, in the absence of the town constable, shall have all the powers and discharge all the duties of the town constable. Assistant to constable.

- Town elections. SEC. 6. An election shall be held in said town on the first Monday in May, anno domini one thousand nine hundred and nine, and biennially thereafter, for mayor and four commissioners, under the laws of North Carolina regulating elections in towns and cities.
- Ordinances. SEC. 7. That the mayor and board of commissioners shall form a council, and may make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States and the Constitution of North Carolina.
- Qualification of officers. SEC. 8. That the officers provided for in this act shall qualify within twenty days after its ratification before a justice of the peace, and shall enter upon the discharge of their duties.
- SEC. 9. That this act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A. D. 1909.

CHAPTER 154.

AN ACT TO AMEND CHAPTER 235, PRIVATE LAWS OF 1907, IN REGARD TO THE ELECTION OF TRUSTEES FOR AURORA GRADED SCHOOL, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Election of
trustees.

SECTION 1. Strike out of section five, after the word "of," in line eight, all down to the period, in line ten, and insert in lieu thereof the following words: "county board of education, at their regular meeting in April, one thousand nine hundred and nine, and every two years thereafter."

SEC. 2. 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 26th day of February, A. D. 1909.

CHAPTER 155.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROW- LAND, IN THE COUNTY OF ROBESON AND STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Tax rate.

SECTION 1. That section thirty-five of chapter two hundred and sixty-six of the Private Laws of North Carolina passed at the session of the General Assembly of North Carolina of one thousand eight hundred and eighty-nine be and the same is hereby

amended by striking out the words "thirty-three and one-third cents," in lines six and seven of said section, and inserting in lieu thereof the words "fifty cents," and by striking out the words "one dollar," in line eight of said section, and inserting in lieu thereof the words "one dollar and fifty cents."

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 156.

AN ACT TO AUTHORIZE THE TOWN OF GREENVILLE TO FUND THE FLOATING DEBT AND TO ISSUE INTEREST-BEARING SECURITIES THEREFOR.

Whereas the town of Greenville has outstanding obligations in the form of notes and accounts, incurred in making necessary improvements in said town, in paving and repairing streets and in repairing and enlarging the water, light and sewerage systems of said town, which are owned by the town of Greenville; and whereas the revenues of said town are insufficient to meet its current expenses and pay off and discharge said floating indebtedness: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Greenville is hereby authorized and empowered to issue interest-bearing notes or bonds to fund its present floating indebtedness, in a sum not to exceed twenty thousand dollars (\$20,000). Said notes or bonds shall run for such time, not to exceed fifteen years, and bear such interest, not to exceed six per cent, payable semiannually, as the board of aldermen of said town may determine; and the said board may provide, in issuing the said notes or bonds, that certain amounts and numbers of them shall be due and payable each year as the same may be called for by said board.

Bond issue authorized.
Amount.
Maturity.
Interest.

SEC. 2. That said board of aldermen may exchange said notes or bonds with the holder or holders of said floating indebtedness, dollar for dollar, or they may sell said bonds for cash, and with the proceeds of such sale pay off and discharge said indebtedness or any part of the same: *Provided*, that no note or bond shall be exchanged or sold for less than par.

Bonds subject to call.
Disposition of notes or bonds.

SEC. 3. That said board of aldermen shall cause a record to be made and kept by the board of the number and amount of bonds issued under this act, and of the sale or exchange, and for what price or upon what terms.

Records to be kept.

Special tax.

SEC. 4. The said board of aldermen shall cause to be levied and collected each year a sufficient tax upon real and personal property and polls in said town to pay the semiannual interest on said notes or bonds and to pay the principal of said bonds as they may fall due each year.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 157.

AN ACT TO AMEND THE CHARTER OF THE BANK OF LUMBERTON, AT LUMBERTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Power to amend charter.

SECTION 1. That chapter one hundred and eighty-five of the Private Laws of one thousand eight hundred and ninety-five, entitled "An act to incorporate the Bank of Lumberton, at Lumberton, North Carolina," be amended by adding after the word "banks," in the last line of section one of said act, the following: "The said bank may change its corporate name, increase its capital stock, decrease its capital stock, change the par value of the shares of its capital stock and make such other amendments or alterations as may be desired, in the same manner that other corporations are now allowed to amend their charters or certificates of incorporation by virtue of section one thousand one hundred and seventy-five of chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina: *Provided, however,* that no amendment shall be made to the charter of said bank which is in conflict with chapter seven of the Revisal of one thousand nine hundred and five, entitled 'Banks'; and *Provided further,* that no such amendment shall be made until the fees and taxes required by said chapter twenty-one of the Revisal of one thousand nine hundred and five shall have been paid, as provided therein."

Proviso: amendment to conform to law.

Proviso: fees and taxes on amendment.

SEC. 2. That said chapter one hundred and eighty-five, Private Laws of one thousand eight hundred and ninety-five, be further amended by striking out all after the words "president," in line ten of section two, down to and including the word "officers," in the last line of said section two, and inserting in lieu thereof the following: "not less than one nor more than four vice presidents, a cashier and, if the board of directors shall so determine, one or more assistant cashiers, a teller and such other subordinate officers as the said board of directors may from time to time elect, and a board of not less than five (5) nor more than sixteen (16) directors, exclusive of the president and vice presidents, who shall

Officers.

Directors.

be *ex officio* members of the board of directors. The president, vice presidents and directors shall be elected by the stockholders, to hold their office until the next annual election and until their successors are elected and qualified. The cashier and other subordinate officers shall be elected by the board of directors, to serve at the pleasure of the said board of directors; and the board of directors may require any or all of the said officers to give bond for the honest and faithful performance of their duties, in such amount as the said board of directors may determine. The stockholders shall meet annually and at such other times as the directors may determine; and the said stockholders shall fix the compensation of the president or any vice presidents who shall receive compensation by resolution of the said stockholders. In case of the failure of the stockholders to elect a president and vice presidents, or in case of a vacancy in any of the said offices or in the board of directors, the directors in office, by a majority vote, shall fill said vacancy until the next annual meeting of the stockholders."

Election and term of president, vice presidents and directors.

Election and term of cashier and subordinate officers.
Bonds of officers.

Meetings of stockholders.

Compensation of officers.

Vacancies.

SEC. 3. That the persons elected by the stockholders at the annual meeting in January, one thousand nine hundred and nine, to fill the offices of president, vice presidents and directors shall hold their offices for the terms for which they were elected at said annual meeting and until the next annual meeting of the stockholders or until their successors are elected and qualified: *Provided, however*, that the directors now in office may in their discretion elect any number of additional directors, not exceeding seven, to serve until the next regular annual meeting of the stockholders or until their successors are elected and qualified.

Term of officers elected in January, 1909.

Proviso: additional directors.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 158.

AN ACT TO INCORPORATE THE TOWN OF WATHA, IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Watha, in the county of Pender, be and the same is hereby incorporated, by the name and style of Watha, and shall be subject to all the provisions of laws existing in reference to incorporated towns.

Town incorporated.
Corporate name.
Subject to general law.

SEC. 2. That the town limits shall extend one-half mile in each direction from the middle of the Long Creek Road railroad crossing.

Town limits.

Town officers.	SEC. 3. That the officers of said town shall be a mayor, three commissioners and a town constable, and the following-named persons shall hold and exercise said offices until the first Monday of May, one thousand nine hundred and nine, when an election shall
Officers named.	be held to fill all the said offices: Mayor, J. H. McGowan; commissioners, R. W. Rivenbark, A. K. Parsons and J. G. Blake; constable, W. J. Garriss.
Commissioners to organize and qualify.	SEC. 4. It shall be the duty of said commissioners to organize within ten days after the passage of this act, and take and subscribe the oaths prescribed for other State and municipal officers.
Powers of commissioners.	SEC. 5. That said commissioners shall have power to do and perform all rules and acts prescribed in the law for cities and towns.
	SEC. 6. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1909.

CHAPTER 159.

AN ACT TO VALIDATE A CERTAIN ELECTION HELD IN THE TOWN OF BRYSON CITY ON MAY 7, 1907, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Preamble.	SECTION 1. That whereas it has been represented that an election was held in the town of Bryson City, Swain County, North Carolina, on the seventh day of May, one thousand nine hundred and seven, at which election the question of authorizing the board of aldermen of said town to issue bonds, to an amount not exceeding twenty thousand dollars, for the purpose of installing and building a water system for said town and for other public improvements; and whereas it has been represented that at said election the authority was voted to said board of aldermen to issue said bonds by a large majority of the qualified voters; and
Preamble.	whereas the records of said election have since been destroyed in the burning of the county courthouse: therefore, be it enacted that the said election held as aforesaid be and the same is hereby in all things legalized and validated.
Preamble.	SEC. 2. That the board of aldermen of the town of Bryson City be and they are hereby fully authorized and empowered to issue the bonds of said town, to an amount not exceeding twenty thousand dollars, for the purpose mentioned, and under the provisions of chapter two hundred and twelve, Private Laws of one thousand nine hundred and seven, as herein amended.
Bond issue authorized.	
Amount.	

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 160.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF IREDELL COUNTY TO PAY AN UNPAID SALARY OF A PUBLIC-SCHOOL TEACHER.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Iredell County is hereby authorized and directed to pay to C. Toy, Pool ^{Payment authorized.} the sum of fourteen dollars and seventy-five cents for services rendered as a public-school teacher in District Number Two (white), Coddle Creek Township, in said county, from February twentieth to March second, one thousand nine hundred and eight, the same to be paid out of the public-school fund of said county for the year one thousand nine hundred and nine.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 161.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE TOWN OF ROCKINGHAM TO CONDEMN LAND FOR CEMETERY USES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Rockingham shall have the right, either within or without its corporate limits, to condemn land for cemetery uses, as now provided by its charter for the condemnation of land for streets or other purposes. ^{Right to condemn land.}

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 162.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF HENDERSON COUNTY TO CHANGE THE BOUNDARY LINES BETWEEN SCHOOL DISTRICTS Nos. 2 AND 3 OF CRAB CREEK TOWNSHIP, AND Nos. 2 AND 4 OF HOOPER'S CREEK TOWNSHIP, IN SAID COUNTY, FOR THE CONVENIENCE OF THE SCHOOL CHILDREN LIVING THEREIN.

The General Assembly of North Carolina do enact:

Change of
boundaries
authorized.

SECTION 1. That the Board of Education of Henderson County shall be and they are hereby authorized and empowered to change the boundary lines between the local-tax school districts in Crab Creek Township, in said County, known as Districts Numbers Two and Three, and the boundary lines between Districts Numbers Two and Four, in Hooper's Creek Township, in said county, so as to allow the children living in said districts to attend school at the nearest and most accessible schoolhouse.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 163.

AN ACT TO AMEND CHAPTER 140, PRIVATE LAWS OF 1907, AUTHORIZING THE ESTABLISHMENT OF GRADED SCHOOLS IN THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That section fourteen of chapter one hundred and forty, Private Laws of one thousand nine hundred and seven, be amended by adding at the end of section fourteen of said chapter the following: "Whenever the said board of trustees shall be unable to obtain, by gift or purchase, suitable and sufficient lands for the purposes of said graded schools, it shall have and is hereby given the power and authority, upon five days' notice to the owner or owners of the land, to apply by petition to the Clerk of the Superior Court of Pasquotank County for the appointment of three appraisers, who shall lay off by metes and bounds not more than five acres, and assess the value thereof, and make a written report of their proceedings, to be signed by them or a majority of them, to said clerk within five days from their appointment, and said clerk shall enter same upon the records of the court. The appraisers and officers shall serve without compensation. If the re-

Power of con-
demnation of
lands.
Procedure for
condemnation.

port is confirmed by the clerk, then said board of trustees shall cause their treasurer to pay or tender to said owner or owners of said land the price fixed by said appraisers for the land thus laid off, and upon said tender or payment the title to such land shall vest in the board of graded-school trustees of the town of Elizabeth City and their successors in office. Any person aggrieved by the action of the appraisers may appeal to the Superior Court at term time, when and where the question of damages shall be submitted to a jury, upon giving bond to secure said board of trustees against such costs as may be incurred on account of the appeal not being prosecuted with effect."

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 164.

AN ACT TO ALLOW THE ALDERMEN OF THE TOWN OF GASTONIA TO CONDEMN LANDS FOR ESTABLISHING CEMETERIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Gastonia shall have the power to establish such public cemeteries as in their judgment may be necessary, and they shall have the power to enlarge any cemetery now owned or controlled by the said town, or when they deem it necessary may establish, either within the present corporate limits or within one mile of the corporate limits, any other cemetery or cemeteries.

Establishment or enlargement of cemeteries authorized.

SEC. 2. That they shall have the power to acquire such lands as in their judgment may be necessary; and when the owners of the property which the board of aldermen desire to acquire for a public cemetery and the aldermen of the town of Gastonia cannot agree as to the purchase price to be paid for said property, then the town of Gastonia, through its said aldermen, shall have a right to acquire such property for such use by condemnation, as provided for the acquiring of property for street purposes; and when any lands within the town of Gastonia or within one mile of the corporate limits of the said town be required for the purpose of establishing a new cemetery or for enlarging any cemetery already established, and for want of agreement as to the value thereof the same cannot be purchased from the owner or the owners, the same may be taken by valuation thereof, to be made by three disinterested freeholders of the said town, to be chosen by the board of aldermen; that when such lands shall be required for said purpose the same shall be determined by the board of aldermen at

Power to acquire land. Power of condemnation.

Procedure for condemnation.

a regular meeting, and it shall be specified at a regular meeting what lands are required and that the same cannot be obtained by agreement with the owner or the owners: that the board of aldermen shall appoint three disinterested freeholders of the town of Gastonia, and shall issue a notice to the owner of such lands as may be required for the purpose of establishing a cemetery, setting forth in said notice what lands shall be required for said purpose, that the same cannot be obtained by agreement between the parties, and shall cause such notice to be served upon the owners of the said lands, stating therein the names of the freeholders who shall value the said premises, and stating the time when the said three freeholders shall meet upon the premises to value said lands. At least ten days' notice shall be given of the meeting of the said freeholders, and opportunity shall be given to the owner or the owners to appear and to give such evidence as they may desire as to the valuation of the lands to be condemned. The said three freeholders chosen by the board of aldermen, after being duly sworn by the mayor or a justice of the peace or the clerk of a court of record to fairly and impartially value the said lands, shall meet upon the premises and shall assess the damages that may accrue to the owner in consequence of the taking of the lands required. They shall take into consideration the damage that may accrue to such owner by reason of the loss of the value of the land actually taken, and they shall also take into consideration and allow to such owner full compensation for any damage that may be done the value of any adjoining or adjacent property also owned by any party whose lands are so taken.

Report of freeholders.

SEC. 3. That the said three freeholders shall make a report of their findings, setting forth the sum which shall be paid to the owner of the said property, and report the same, to the mayor and the board of aldermen, under their hands and seals, which report, on being confirmed by the mayor and the board of aldermen and spread upon their minutes, shall have the effect of a judgment against the town of Gastonia, and shall pass the title to the town of Gastonia and its corporate capacity to the lands so taken.

Right of appeal.

SEC. 4. It is especially provided herein that if any person whose land is so condemned for the purpose herein set out, or if the board of aldermen be dissatisfied with the valuation thus made, then in that event either party may have a right to an appeal to the next term of the Superior Court of Gaston County, but it is provided, however, that such appeal shall not hinder or delay the board of aldermen in taking possession of the said lands and of making use of the same for cemetery purposes.

Appeal not to hinder action.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 165.

AN ACT TO AMEND THE CHARTER OF THE ROBESON
COUNTY LOAN AND TRUST COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-six of the Private Laws of one thousand nine hundred and one be amended by adding after the word "corporation." in the last line of the said section one, the following: "The said bank may change its corporate name, increase its capital stock, decrease its capital stock, change the par value of the shares of its capital stock; and make such other amendments or alterations as may be desired, in the same manner that other corporations are now allowed to amend their charters or certificates of incorporation by virtue of section one thousand one hundred and seventy-five of chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina: *Provided, however,* that no amendment shall be made to the charter of said bank which is in conflict with chapter seven of the Revisal of one thousand nine hundred and five, entitled "Banks": *Provided further,* that no such amendment shall be made until the fees and taxes required by said chapter twenty-one of the Revisal of one thousand nine hundred and five shall have been paid as provided therein.

Power of alteration.

Proviso: amendment must conform to law.

Proviso: fees and taxes.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 26th day of February. A. D. 1909.

CHAPTER 166.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
CARTHAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty-two of the Private Laws of North Carolina, enacted by the General Assembly at its session of one thousand nine hundred and seven, be and the same is hereby amended as follows: Strike out section two of said act and insert in lieu thereof the following:

"Sec. 2. The corporate limits of the town of Carthage shall be and embrace a territory described and defined as follows, to wit: Beginning at the southwest corner of Cross Hill Cemetery, on the north side of the old plank road, running south thirty and fifty one-hundredths chains to a stake and three sweetgum pointers near Kivett's brickyard; thence south 33° east one hundred chains

Corporate limits.

to a stake on the north side of a branch gum, pine and bay pointers; thence south $71\frac{1}{2}^{\circ}$ east twenty and fifty-eight one-hundredths chains to the end of Fifth Avenue, in Adams' and Burns' addition to the town of Carthage; thence north 53° east forty chains to Saunders Street; thence north $11\frac{1}{2}^{\circ}$ east fifty-three and twenty one-hundredths chains to the intersection of Sunrise Avenue with Sycamore Street, in Carthage Heights; thence north 56° west one hundred and twenty-two and one-half chains to a small red oak, two white oaks and one maple pointers; thence south 20° west twenty-seven chains to and with the cemetery line to the beginning."

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 force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 167.

AN ACT TO INCORPORATE THE TOWN OF ICEMORLEE, IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Town incor-
porated.
Corporate name.
Under general
law.

SECTION 1. That the town of Icemorlee, in the county of Union, be and it is hereby incorporated, by the name and style of Icemorlee, and shall be subject to all of the provisions of law relative to municipal corporations, as contained in the Revisal of one thousand nine hundred and five, and acts amendatory thereof; that it shall have an official seal, and may sue and be sued in the several courts of this State.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the center of the Carolina Central Railway, the northeast corner of the tract of land belonging to the Icemorlee Cotton Mills Company, and run thence with the western line of said tract of land south $23^{\circ} 45'$ west one thousand six hundred and thirty-five (1,635) feet to a stake; thence south $80^{\circ} 15'$ east two thousand seven hundred (2,700) feet to the center of the Carolina Central Railway; thence with said Carolina Central Railway to the beginning.

Town officers.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners, a constable and treasurer, and the following persons shall fill the offices until the regular election in May, one thousand nine hundred and nine, viz.: Mayor, Robert Iceinan; commissioners, C. C. Earnhardt, J. H. Elliott and N. A. Helms; constable, George Keefe, and treasurer, Alexander Hilton.

Officers named.

all of which offices shall be filled by election of the popular vote, Election of
except constable and treasurer, who shall be chosen by the com- officers.
missioners of said town. The constable and treasurer shall give Bonded officers,
bond, in such sum as the commissioners shall determine, for the
faithful performance of the duties of their respective offices.

SEC. 4. That officers shall be elected under the laws of chapter Town elections,
seventy-three of the Revisal of one thousand nine hundred and
five, relating to elections, and shall hold their offices for the terms
prescribed under the general laws.

SEC. 5. That the commissioners of said town shall have author- Powers of com-
ity to pass such ordinances for the good government of said town missioners.
as shall be necessary for the peace and good order of said town
and the preservation of the person and property and health of its
citizens, not inconsistent with the laws of the State or United
States, and shall have authority to levy and collect a tax on all sub- Tax limit.
jects of taxation not to exceed one dollar on the poll and thirty-
three and one-third cents on property.

SEC. 6. That the constable of said town shall have the right to Power of con-
pursue any person committing a crime within the corporate limits stable.
of said town, when he is about to escape, and arrest such offender,
without warrant, within a distance of two miles from said corpo-
ration.

SEC. 7. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 168.

AN ACT TO AMEND CHAPTER 37 OF THE PRIVATE LAWS OF 1905, AMENDING THE CHARTER OF THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-seven of the Private Laws of one
thousand nine hundred and five, being "An act to amend, revise
and consolidate the charter of the town of Spencer," be and the
same is hereby amended by adding at the end thereof, to be known
respectively as section thirty-two, section thirty-three, section
thirty-four, section thirty-five, section thirty-six and section thirty-
seven of the charter of the town of Spencer, North Carolina, the
following sections, namely:

"Sec. 32. That as soon as the tax levy provided in section twenty- Collection of
six hereof shall be made, the board of aldermen shall place the taxes.
the tax list in the hands of the tax collector for said town of Spencer,
who shall proceed forthwith in the collection, and shall complete

Penalty.	the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer of the town. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter, until the same are paid.
Collection by distress,	"Sec. 33. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, all sales to be made after public advertisement for the space of twenty days in some newspaper published in the town, if the property to be sold be personalty, or by posting a notice of said sale for twenty days in four public places in the town; and the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the town, within the county of Rowan, belonging to a delinquent taxpayer of the town, in order to enforce payment of taxes due the town by said delinquent.
Advertisement of sales.	
Property outside of city.	
Tax a lien on land.	"Sec. 34. That the tax on any lot or other subdivision of land is hereby declared to be a lien on the same; and if it shall remain unpaid on the first day of December next after the assessment, the tax collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot or shall report the fact to the aldermen, together with a description of the real estate, and thereupon the aldermen shall direct the same to be sold at the courthouse door in the city of Salisbury by the collector. The collector shall, before selling the same, make a full advertisement of the said real estate at the courthouse door in the city of Salisbury and at three or more public places in said town of Spencer for thirty days, and shall also publish notice of said sale in a newspaper published either in the city of Salisbury or the town of Spencer for thirty days next preceding the day of the sale, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the town, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in said town, if any newspaper shall be then published in said town, and if no newspaper shall be published in said town, then said advertisement shall be published in a newspaper published in the city of Salisbury; and the said collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and he shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person shall
Report to aldermen.	
Order for sale.	
Advertisement of sale.	
Division and sale of land.	

pay the whole of the taxes for the whole land, the same shall be strack off to the town, and if not redeemed as hereinafter provided, shall belong to the town of Spencer in fee, and the owner or occupant may be dispossessed and evicted from said premises by the town or its assignee at any time by an action of ejectment. No sale of real estate in said town for the nonpayment of taxes assessed against such real estate as appearing on the tax list made out by the tax collector and adopted by the board of aldermen shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as property of an unknown person, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property and all penalties and costs accruing on such assessments and the proceeding for the sale were paid at the time of the sale. That the tax collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the price of each, which shall be entered on the book of proceedings of the aldermen. If there shall be a surplus after paying said taxes, the same shall be paid into the town treasury, subject to the demand of the owner of said real estate.

Return of proceedings.

"Sec. 35. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Right of redemption.

"Sec. 36. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns by deed, executed under the hand of the mayor and two aldermen, attested by the corporate seal; and the recital in such conveyance or in any other conveyance of land sold for taxes due the town that the taxes were due, or of any matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Conveyance to purchaser.

"Sec. 37. That the real estate of infants or persons *non compos mentis* shall not be sold for taxes, but the personal property of such persons may be levied upon and sold for all taxes due upon the estate of such person; and their real estate shall be and remain subject to a lien for all such taxes, with interest thereon at six per centum per annum from the time such taxes fall due until paid."

Real estate of persons under disability.

SEC. 2. That this act shall be in full force and effect from and after the thirtieth day of April, Anno Domini one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 169.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A BOARD OF AUDIT AND FINANCE FOR THE CITY OF WILMINGTON."

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve of chapter one hundred and forty-three of the Acts of the General Assembly of North Carolina passed at its one thousand eight hundred and seventy-sixth and one thousand eight hundred and seventy-seventh sessions, entitled "An act to establish a board of audit and finance for the city of Wilmington," ratified the twenty-eighth day of February, Anno Domini one thousand eight hundred and seventy-seven, be and the same is hereby amended as follows: Strike out all that part of said section twelve beginning with the word "and," which immediately follows the word "city," in line six thereof, to and including the word "year," in line nine of said section.

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

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 170.

AN ACT TO AMEND CHAPTER 556 OF THE PUBLIC LAWS OF 1905, PROVIDING FOR THE BETTER ADMINISTRATION OF THE MOORESVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter five hundred and fifty-six of the Public Laws of one thousand nine hundred and five be amended by striking out the word "shall," in line one thereof, and inserting the word "may" in lieu thereof.

SEC. 2. In the event the board of trustees of the Mooresville Graded-school District elect a tax collector for said district other

Payments into
sinking fund.

Employment of
town tax collector
optional.

Powers of school-
tax collector.

than the tax collector for the town of Mooresville, the said tax collector so elected shall have all powers that are conferred by section eight of chapter five hundred and fifty-six of the Public Laws of one thousand nine hundred and five upon the tax collector for the town of Mooresville, and the said board of trustees, as aforesaid, are hereby empowered to either employ the regular tax collector for the town of Mooresville or some other competent person, as may appear to the best interest of the said school district, to collect the taxes thereof.

SEC. 3. This act shall be in force from and after September first, one thousand nine hundred and nine.

Power to trustees.

When act effective.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 171.

AN ACT TO AMEND CHAPTER 272 OF THE PRIVATE LAWS OF 1907, TO PROVIDE FOR THE IMPROVEMENT OF THE GRADED SCHOOLS IN THE TOWN OF WAYNESVILLE AND TO PROVIDE FOR THE ISSUANCE OF BONDS TO PURCHASE LAND AND CONSTRUCT AND EQUIP AN ADDITIONAL BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter two hundred and seventy-two of the Private Laws of one thousand nine hundred and seven, entitled "An act to provide for the improvement of the graded schools in the town of Waynesville and to provide for the issuance of bonds to purchase land and construct and equip an additional building," be and the same is hereby repealed and the following enacted in lieu thereof: "That the proceeds arising from a sale of the said bonds shall be used exclusively to purchase additional land, if such course is deemed wise by said board, and in erecting and equipping such school buildings as said board may deem advisable."

Application of proceeds of bonds.

SEC. 2. That section seven of said chapter be amended by striking out, after the word "Waynesville," in line three [the words "five thousand"], and inserting in lieu thereof "two thousand five hundred," and by striking out all between the word "county," in line four, and the word "the," in line eight, and inserting in lieu thereof "that may be now or hereafter available."

Appropriation from county school fund.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 172.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF SPENCER TO ISSUE BONDS IN THE SUM OF \$50,000 FOR THE CONSTRUCTION OR FOR THE PURCHASE OF A WATERWORKS SYSTEM.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the board of aldermen of the town of Spencer, in Rowan County, North Carolina, be and it is hereby authorized and empowered to issue bonds, in the name of the town of Spencer, North Carolina, in such denominations and forms as it may determine, to an amount not exceeding fifty thousand dollars (\$50,000), payable thirty years after the date thereof and at such places as the board of aldermen may prescribe.

Amount.

Maturity.

Interest.

SEC. 2. That said bonds shall bear interest from the date thereof at the rate of five per centum per annum, said interest to be payable semiannually and to be so expressed on the face of said bonds. Each of the said bonds shall be numbered and have attached thereto the requisite number of coupons, each coupon to represent the interest that shall become due semiannually on each of said bonds. The said bonds shall be signed by the mayor and countersigned by the clerk of said town and shall have the corporate seal of the town of Spencer affixed thereto; and that said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value, and the coupons shall be receivable in payment of town taxes. The proceeds from the sale of said bonds shall be used for the purposes for which said bonds are to be issued, as hereinafter recited, and shall be used for no other purpose: *Provided*, that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Authentication.

Bonds not sold below par.

Coupons receivable for town taxes. Specific appropriation.

Proviso: responsibility of purchaser.

Purpose of bond issue.

SEC. 3. That the bonds issued under this act shall be for the purpose of erecting, constructing, equipping, establishing, operating and maintaining a waterworks plant to supply the town of Spencer and its citizens and the persons and corporations in its suburbs with water; but the board of aldermen, with the proceeds derived from the sale of said bonds, may in their discretion purchase any established system of waterworks now or hereafter operated in said town of Spencer, and improve, enlarge, extend, maintain and operate the same to supply said town and its citizens and corporations and the persons and corporations in its suburbs with water.

Purchase of established system.

Rights of way for connection with East Spencer and Southern Railway shops and yards.

SEC. 4. That for the purpose of connecting such waterworks plant in the town of Spencer, as it may build or buy, with the town of East Spencer and the Southern Railway Company shops and yards, and of supplying the said town of East Spencer and the Southern Railway Company shops and yards with water, the board of aldermen of the town of Spencer is hereby authorized and empowered to acquire, by purchase, donation, devise and otherwise,

any and all lands and rights of way without the corporate limits of the town of Spencer for pipes, mains and other conduits, and such other rights and easements as shall be necessary for the establishing and operating said supply of water.

SEC. 5. That the board of aldermen, in addition to the powers already conferred upon it by the charter of said town in respect to furnishing water for said town, shall have the right and is empowered to regulate the distribution and use of water for all places and for all purposes, wherever the same may be required, and from time to time to fix a price for the use thereof and the time of payment, and shall have full power and authority to require the payment in advance for the use or rent of the water furnished in or upon any building, place or premises, and in case prompt payment shall not be made it may shut off water from such building, place or premises after five days' notice, and shall not be compelled again to supply said premises, building or place with water until the arrears, with interest thereon, shall be fully paid; and said board shall have power to make rules and regulations with respect to the introduction of water or sewerage into or upon any premises, and from time to time regulate the use thereof in such manner as may seem to it necessary or proper.

Distribution and use of water.

Price for use.
Enforcement of payment.

Rules for connections.

SEC. 6. That the said bonds may be sold at public or private sale, with or without notice, as the board of aldermen of said town may determine; and the proceeds from the sale of said bonds shall be turned over to the treasurer of the said corporation of the town of Spencer, who shall give such bond for the safe-keeping and disbursement of the said funds as shall be required of him by the board of aldermen; and his compensation, both for receiving and paying out the said fund, shall be such as shall be fixed and determined by the said board of aldermen. It shall be the duty of the clerk and treasurer of said town to make and keep a record of the bonds sold, the number of bonds purchased, the name of the purchaser and the price received for the same.

Sale of bonds.

Bond of treasurer.

Record of bonds.

SEC. 7. That it shall be the duty of the board of aldermen to provide for the collection of rents, water charges and other revenues for the use of the water provided by said waterworks and for the use of the town's sewerage system, and all revenues so derived shall be kept and used solely for the purpose of maintaining said system of waterworks and sewerage, and the surplus, if any, shall be used in paying interest on the bonds issued under this act.

Collection of water and sewer rents.

Appropriation of rents.

SEC. 8. That in order to pay the semiannual interest on said bonds, and the principal thereof as the same shall become due and payable, the aldermen of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax upon all polls and all real estate and personal property which shall be returned or listed for general taxation in said town, always ob-

Special tax ordered.

Constitutional equation.

Collection of tax.	<p>serving the constitutional equation between the tax on property and the tax on polls, said taxes to be collected in the same manner and at the same time the other taxes of said town are collected, and to be paid over by the town tax collector to the treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former for collecting and paying over, and the latter for the safe-keeping and proper disbursement of said funds.</p>
Specific appropriation of tax.	<p>SEC. 9. That the taxes levied and collected for the purpose specified in section eight of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purpose for which they were levied and collected: <i>Provided</i>, that if the said taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year; and the said aldermen, at the time of levying taxes for the payment of interest for said next succeeding year, shall take into consideration said excess and shall compute and levy said tax accordingly.</p>
Proviso: surplus.	
Bonds not issued until election is held.	<p>SEC. 10. That the said board of aldermen shall not issue said bonds or any part thereof until they shall have first caused to be held in said town of Spencer a public election, in which there shall be submitted to the qualified voters of said town the question of issuing the bonds herein provided for, or not issuing them; and the board of aldermen is hereby authorized and directed to call the said election to be held and conducted at the time and place of the general town election on Tuesday after the first Monday in May, one thousand nine hundred and nine. The said election shall be advertised by said board of aldermen for four weeks immediately preceding the day of election, at least once a week, in some newspaper published in said town of Spencer; and if no newspaper shall be published in said town of Spencer, notice of said election shall be advertised for four weeks immediately preceding the day of the election, at least once a week, in some newspaper published in the city of Salisbury. Said election shall be held by the same officers of election and under the same rules and regulations as are or may be provided for the election of the officers of said town, except as otherwise provided herein. Those who are in favor of issuing said bonds and levying and collecting said taxes provided in section eight of this act shall vote a written or printed ticket with the words "For Waterworks Bonds" thereon, and those who are opposed to the issuing of said bonds and levying and collecting the said taxes shall vote a written or printed ticket with the words "Against Waterworks Bonds" thereon. The result of the election shall be ascertained by the officers thereof, and certified and returned by them to the aldermen of the town of Spencer within two days from the day of the election, and the said board of aldermen shall officially find what such finding is,</p>
Call of election.	
Date.	
Advertisement of election.	
Election officers.	
Law governing election.	
Tickets.	
Certificate and return of result.	

and cause the same to be recorded in their minutes. If at such election a majority of the qualified voters of said town shall cast ballots in favor of the issuing of said bonds, as aforesaid, then the said bonds shall be issued as may be required under the terms of this act, and the proceeds from the sale of said bonds shall be applied to the purposes and upon the terms and conditions hereinbefore stated. Effect of result.

SEC. 11. That there shall be a new registration of said voters of the said town of Spencer for the said election. It shall be the duty of the board of aldermen to appoint a registrar and to give due notice of the said new registration and the name of the registrar. New registration.
Appointment of registrar.
Notice of registration.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 173.

AN ACT TO INCORPORATE THE TOWN OF STANTONSBURG, IN THE COUNTY OF WILSON.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Stantonburg, the boundaries of which are hereinafter set forth, be and the same are hereby made a body corporate and politic, and in the name of the board of commissioners, or by the agent duly authorized by said board, shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and hold all necessary real and personal property, and in general shall have all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations, as is set forth and prescribed by chapter seventy-three of the Revisal of one thousand nine hundred and five. Town incorporated.
Corporate rights.

SEC. 2. The boundaries of said town shall be as follows: Beginning on the north side of Contentnea Creek, at the bridge across Stantonburg and Fremont Road; thence down the various courses of said creek to Thompson's and Crocker's corner, from corner to bend of creek on Thompson's farm; from thence to railroad right of way at Thompson's trestle, up branch, the line between Applewhite and Thompson to the road; from thence with the line of the Stantonburg Land and Improvement Company and Thompson and Whitley to R. M. Whitley's corner, and thence following the various courses of the Stantonburg Improvement Company and J. S. Yelverton's line to the Stantonburg and Wilson Road east with the Stantonburg Road to William Cox's and Yelverton's corner; Boundaries.

thence in a southerly direction with Yelverton's line to Contentnea Creek; thence down the various courses of said creek to the bridge, the beginning.

Board of commissioners.

SEC. 3. The corporate powers of said town shall be exercised by a board of commissioners, composed of three inhabitants of said town, which said board of commissioners shall exercise all the rights, powers and duties imposed by chapter seventy-three. Revisal one thousand nine hundred and five.

Mayor.

SEC. 4. There shall be elected a mayor of the said town, who shall be elected and who shall exercise the duties and powers prescribed by said chapter seventy-three. Revisal one thousand nine hundred and five.

Policemen or constables.

SEC. 5. The board of commissioners may elect such policemen or constables as they shall think proper, pursuant to the provisions of chapter seventy-three. Revisal one thousand nine hundred and five, and are authorized to levy such taxes as are authorized by said chapter.

Taxing power.

Officers named.

SEC. 6. That until the next regular election H. E. Thompson shall exercise the functions of the office of mayor, and J. D. Eason, A. P. Moore and H. O. Summerlin shall exercise the functions of the office of commissioners: *Provided*, that the said persons, before entering upon the discharge of their duties, shall take the oath as prescribed by law.

Proviso: officers to qualify.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 174.

AN ACT TO EXTEND THE TIME TO ALLOW THE CAMDEN FERRY COMPANY TO ERECT A DRAWBRIDGE ON PASQUOTANK RIVER.

The General Assembly of North Carolina do enact:

Time extended.

SECTION 1. That the Camden Ferry Company be and are hereby allowed two years' extension of time in which to erect a drawbridge on Pasquotank River—that is to say, a period of seven years instead of five years, as set out in chapter two hundred and seventy, section two, Private Laws of the year one thousand nine hundred and five.

Bridge to have one opening.

SEC. 2. That section four of chapter two hundred and seventy, Private Laws of one thousand nine hundred and five, be amended as follows: "That the said Camden Ferry Company may have the right to have one opening in said drawbridge instead of two openings, as provided in said section."

SEC. 3. That this act shall be enforced from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 175.

AN ACT TO AUTHORIZE THE CITY OF RANDLEMAN TO
ISSUE BONDS AND LEVY A SPECIAL TAX FOR STREET
IMPROVEMENTS.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of aldermen of the city of Randleman is hereby authorized to submit to the qualified voters of said city, at an election hereinafter provided for, the question of issuing bonds, not to exceed the sum of twenty thousand dollars, and levying and collecting special taxes, as hereinafter provided, for the payment of the interest and principal of said bonds, for the purpose of working, improving and macadamizing the streets of the said city and of discharging any obligations heretofore incurred in that behalf. The denominations of the said bonds shall be not less than one hundred dollars nor more than five hundred dollars, and the said bonds shall bear interest from the date thereof, at a rate not exceeding five per centum per annum, with interest coupons attached, payable semiannually, at such time or times and at such place or places as may be deemed advisable by the said board of aldermen: said bonds to be of such form and tenor and transferable in such manner and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of aldermen may determine and designate in said bonds. The bonds and coupons shall be numbered, and the bonds shall be signed by the mayor and countersigned by the treasurer of said city, and a record shall be kept of all such bonds, showing the number and amount and to whom issued: that none of said bonds shall be sold or disposed of for less than their par value.

Election on bond
issue authorized.

Amount.

Purpose.

Denominations.

Interest.

Maturity.

Authentication.

Bonds not sold
below par.

SEC. 2. That the proceeds arising from the sale or disposition of the said bonds shall be used by the said board of aldermen for the purpose of paying such outstanding obligations of the said city as have been incurred for the improvements of the said streets of the said city, and the balance left after the payment of said obligations shall be used for the exclusive purpose of improving, working, changing and macadamizing the streets of the said city.

Application of
proceeds.

SEC. 3. That the said interest coupons shall be receivable in payment of all taxes and other public dues of the city of Randleman for any fiscal year in which said coupons shall become due, or at any time thereafter: and if any holder of said coupons or bonds shall fail to present the same for payment at the time or times or the place or places herein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Coupons receiv-
able for town
taxes.No interest after
maturity.

SEC. 4. In order to pay the interest on said bonds the board of aldermen of the said city is hereby authorized and it shall be its

Levy of particular
tax ordered.

Rate.	duty to annually assess and levy, at the time of levying other taxes of the said city, a particular tax on all persons and subjects of taxation within the limits of the said city on which the said board of aldermen is now or shall hereafter be authorized to lay and levy taxes for any purpose whatsoever, and said particular tax shall not be more than twenty-five cents on the one hundred dollars assessed valuation of the property and not more than seventy-five cents on each taxable poll. The said tax shall be collected at the time the other taxes of the city are collected, and shall be paid over by the collector to the treasurer of the city.
Collection of tax.	
Specific appropriation.	SEC. 5. That the taxes levied and collected for said purpose shall be kept separate and distinct from all other taxes or moneys, and shall be used only for the purpose for which they are levied and collected.
Special tax for sinking fund ordered.	SEC. 6. For the purpose of creating a sinking fund with which to pay the principal of the bonds provided for in section one, aforesaid, issued under this act, it shall be the duty of the said board of aldermen of the city of Randleman, beginning ten years before the date on which the said bonds shall become due and payable, as to the principal thereof, to annually levy and collect a special tax in addition to that provided for in section four of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under section one of this act; and whenever the amount of taxes under this section, together with the interest accumulated from the investment thereof, provided for in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds issued under this act, then the said board of aldermen shall cease to levy taxes for this said sinking fund.
Amount.	
Investments of sinking fund.	SEC. 7. That it shall be the duty of the said board of aldermen of the city of Randleman to annually invest any and all money arising from said special or particular tax collected under section six of this act in the purchase of any of said bonds, at a price deemed advantageous to the said city by the said board of aldermen; but in case said bonds cannot be purchased as herein provided, the said board of aldermen may lend said sinking fund or any part thereof, in such sums as it may deem proper, for a length of time not exceeding beyond six months prior to the date of the maturity of the said bonds, taking as security for the payment thereof and for the payment of the interest thereon, mortgages or deeds in trust on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes or other such evidences of debt given for any loan under this section shall be executed to and in the name of the board of aldermen of the city of Randleman, and shall bear the legal rate of interest, payable annually; and in case the board of aldermen for the said city shall not be able to invest, as above directed, any or all of
Notes for sinking fund.	
Interest.	

said money annually, it may and shall be its duty to cause such part as it is unable to invest as above directed to be deposited with some national or State bank, trust company or safe-deposit company of undoubted solvency, at the best obtainable rate of interest; and any and all interest arising from the investments, as above directed, shall be reinvested in the manner as above provided. But any mayor or alderman of said city who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Misdemeanor for mayor or aldermen to be interested.

SEC. 8. That the provisions of sections one, four and six of this act shall be submitted to a vote of the qualified voters of the city of Randleman, at an election to be held on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, unless the board of aldermen of the said city shall designate a later date for the holding of the said election, which it is hereby empowered to do; and the said board of aldermen shall cause said election to be held at such time, and it shall cause a notice of said election, containing a copy of sections one, four and six of this act, or a synopsis thereof, to be published in some newspaper of said city or of Randolph County for two weeks prior to such election. The board of aldermen of said city shall cause a new registration of the voters of the said city, to begin on the fifth Monday before the election and to continue until twelve o'clock M. of the Saturday before the election; and the said board of aldermen shall give at least ten days' notice of the fact that there will be a new registration of the voters of the said city, by advertisement posted at four public places in the city of Randleman, beginning that length of time before the registration shall open; and in all other respects said election shall be held and conducted under the provisions of law regulating municipal elections in the said city: *Provided*, that the board of aldermen shall have the power and authority to determine and fix the number and location of the polling places or place in said city, regardless of ward or ward boundaries; but notice of any change in polling places or place shall be given by advertisement for ten days at four public places in the city of Randleman. Those qualified voters approving the issue of bonds as provided in section one, and the levy and collection of the particular taxes provided in sections four and six in this act, shall deposit a ballot containing the printed words "For Streets," and those disapproving the same shall deposit a ballot containing the printed words "Against Streets." If a majority of the said voters shall vote "For Streets," it shall be deemed and held that a majority of the qualified voters of the said city are in favor of granting the said board of aldermen the authority to issue said bonds and to levy said special or particular tax, and the said board of aldermen shall have such authority; but if a majority of said voters shall vote "Against Streets," then the said

Date of election.

Notice of election.

New registration.

Notice of registration.

Law governing election.

Proviso: polling places.

Notice of change.

Ballots.

Effect of result.

Enrollment of result.

Proviso: further elections.

Proviso: limit of act.

Action discretionary.

board of aldermen shall not have such authority. The result of said election, duly ascertained in accordance with law, shall be enrolled upon the public records of the city of Randleman, and after thirty days from the date of the election the same shall be deemed and held conclusive evidence of the truth of the facts therein recited, and not open to attack: *Provided*, that if a majority of the qualified voters shall fail to vote in favor of issuing bonds and of levying said special or particular taxes, said board of aldermen shall have the power and authority to call another election at any time after thirty days from the former election; and if at such election a majority of the qualified voters of the city of Randleman shall vote for streets, it shall have the same force and effect as if no election had been previously held: *Provided further*, that no election shall be held under the provisions of this act after the expiration of the year one thousand nine hundred and ten, and any action under this act shall be discretionary with said board of aldermen.

SEC. 9. That all laws and clauses of laws in conflict with this act or any of its provisions are hereby repealed.

SEC. 10. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 176.

AN ACT TO ESTABLISH THE WALNUT COVE GRADED-SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Boundary.

Constituted school district. Name.

Survey to be made.

SECTION 1. That the territory embraced within the following bounds, to wit, beginning at a stake two and a quarter miles north of the schoolhouse in Walnut Cove, in the county of Stokes, and running west two miles to a stake; thence south to a stake in the Forsyth County line; thence east with said line four miles to a stake; thence north to a stake, two miles east of the beginning; thence west two miles to a stake, at the beginning point, lying and being in the county of Stokes, shall be and is hereby constituted a public-school district for white and colored children, to be known as the Walnut Cove Graded-school District. The Board of County Commissioners of Stokes County shall cause the county surveyor to survey and run and locate the boundaries of said district, as herein set out, at least ten days before the election herein provided for, and to certify the same, with a plat thereof, to the board. The expense of such survey and plat shall be paid for out of the funds of said district.

Election to be ordered.

SEC. 2. That the Board of County Commissioners of Stokes County are hereby authorized and required to order an election

on the third Tuesday in April, one thousand nine hundred and nine, after four weeks' notice in the *Danbury Reporter*, published in the town of Danbury, at which shall be submitted to the qualified voters residing in said territory the question of levying on all polls and property therein an annual special tax, not to exceed thirty cents on each one hundred dollars valuation of property and ninety cents on each poll, for the support and maintenance of the public schools in said district.

SEC. 3. That the said board of county commissioners shall appoint a registrar and order a new registration for said election, and shall appoint two qualified voters residing in said district as poll holders and judges of said election, who, together with said registrar, shall hold said election at the time specified, at the usual polling place in the town of Walnut Cove, and shall canvass and judicially determine the result and certify the same to the board of county commissioners, who shall have the returns duly recorded in the office of the register of deeds of said county; and said election shall be held in all other respects in accordance with the general provisions of the election law of the State: *Provided*, that no notice of said registration shall be required, except such as said board of commissioners may order.

SEC. 4. At such election the voters in favor of the levying and collection of said tax shall vote a ballot on which shall be written or printed "For Graded Schools," and those opposed shall vote a ballot on which shall be written or printed "Against Graded Schools." If a majority of the qualified voters shall vote "For Graded Schools," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected the tax herein provided for, in the same manner and at the same time as other taxes of the county are levied and collected; and the bond of the sheriff or tax collector shall be responsible for said taxes to the same extent as it is liable for other taxes collected by him.

SEC. 5. That the following persons shall constitute the trustees of said graded-school district: Reid P. Joyce, Joe Allen, John G. Fulton, Dr. A. G. Jones, Walter L. Vaughn, Dr. E. Fulp and O. N. Petree; and their term of office shall expire as follows: Reid P. Joyce, Dr. E. Fulp and Joe Allen, on the first Monday in April, one thousand nine hundred and eleven; Dr. A. G. Jones and John G. Fulton, on the first Monday in April, one thousand nine hundred and thirteen, and Walter L. Vaughn and O. N. Petree, on the first Monday in April, one thousand nine hundred and fifteen; and their successors shall be appointed by the General Assembly as their terms expire, and biennially thereafter. All vacancies occurring in the board of trustees, by death, resignation or otherwise, shall be filled for the unexpired term by the remaining members of said board of trustees.

SEC. 6. That the said board of trustees shall organize within thirty days after the election, and shall elect a chairman and a

Date.
Notice of election.

Tax to be voted on.

Rate.

Appointment of registrar.
New registration.
Judges of election.

Polling place.

Canvass and returns.

Law governing election.

Proviso; notice of election.

Ballots.

Effect of result.

Bond of sheriff.

Trustees named.

Terms of office.

Appointment of successors.

Vacancies.

Organization.

secretary, and the Treasurer of Stokes County shall be the treasurer of said board of trustees, and his bond shall be liable for all funds in his hands belonging to said school district, in the same manner and to the same extent as it is liable for other school funds.

Bond of treasurer. SEC. 7. That all funds apportioned to said district by the county board of education from the State and county school fund, and all funds derived from the special tax levied and collected under the provisions of this act, shall be turned over to the treasurer and placed to the credit of said Walnut Cove Graded-school District, and shall be apportioned and used under the direction of the said board of trustees for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of said board of trustees, signed by the chairman and the secretary thereof.

Apportionment from general school funds. SEC. 8. The said board of trustees shall have the control and management of all the public schools in said district, and may establish such number of schools as they may deem necessary.

School orders. and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of all officers and teachers of said schools; and the proper officers shall be required to make to the State superintendent, the county superintendent and the county board of education such reports as are required of other public schools by the public-school law of this State.

Control and management of schools. SEC. 9. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of the "Board of Trustees of the Walnut Cove Graded Schools," and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title of all public-school property in the territory embraced in said graded-school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

Trustees incorporated. Corporate name. SEC. 10. This act is intended as a substitute for the present special-tax school district at Walnut Cove, in the county of Stokes, created under the general school law; and said special-tax school district at Walnut Cove, in Stokes County, shall be abolished in the event a majority of the qualified voters at the election held under this act shall vote "For Graded Schools"; otherwise the present special-tax school district at Walnut Cove shall continue in full force and effect under the general school law. All other laws and clauses of laws in conflict with this act shall be and are hereby repealed.

Corporate powers. SEC. 11. That this act shall be in force from and after its ratification.

Title to school property. Ratified this the 26th day of February, A. D. 1909.

Present school-tax district.

CHAPTER 177.

AN ACT TO EXTEND THE TIME TO ORGANIZE THE EDGE-COMBE RAILWAY COMPANY AND TO CONTINUE THE CHARTER GRANTED IT BY CHAPTER 136, PRIVATE LAWS OF 1905.

Whereas, by chapter one hundred and thirty-six of the Private Preamble, Laws of North Carolina, ratified on the twenty-first day of February, Anno Domini one thousand nine hundred and five, L. L. Staton and others were granted a charter to construct a railroad and to do the business of a common carrier, with certain powers therein set forth: and whereas said L. L. Staton and others to Preamble, whom said charter was granted have not organized said railway company within two years, and desire to have the time to organize under said charter extended: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the time to organize under said charter be Time extended, extended to said L. L. Staton and his associates for the period of two years from the twenty-first day of February, Anno Domini one thousand nine hundred and nine.

SEC. 2. That chapter one hundred and thirty-six, Private Laws Charter re-enacted, of one thousand nine hundred and five, be and the same is hereby re-enacted.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 178.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WILKES COUNTY TO LEVY AN ADDITIONAL TAX IN SPECIAL SCHOOL-TAX DISTRICT No. 5, KNOWN AS THE WILKESBORO GRADED AND HIGH SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Board of County Commissioners of Wilkes County, upon the presentation to them Election to be ordered on petition, of a petition of one-fourth of the freeholders within Special School-tax District Number Five, in Wilkes County, known as the Wilkesboro Graded and High School, endorsed by the board of education of said county, as in cases of the formation of special school-tax districts under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, to hold an election, after thirty days' advertisement at the courthouse Notice of election. Special tax to be voted on. door and three public places in said district, to ascertain the will of the voters in said district whether there shall be levied in said

Rate. district a special annual tax of not more than twenty cents on the one hundred dollars valuation of property and sixty cents on the poll, in addition to the thirty cents on the one hundred dollars valuation of property and ninety cents on the poll already levied and collected, to further supplement the public-school fund which may be apportioned to said district in case said additional tax is voted. The Board of County Commissioners of Wilkes County shall appoint a registrar and judges of said election and order a new registration for said district, and said election shall be held under the law governing general elections, as near as may be: *Provided*, the expenses of holding said election shall be paid out of the general school fund of the county. At said election those who are in favor of the levy and collection of the additional tax shall vote a ticket on which shall be printed or written the words "For Additional Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Additional Special Tax." In case a majority of the qualified voters of said district at said election is in favor of the additional tax, the same shall be annually levied and collected in the same manner prescribed for the levy and collection of other tax, and placed to the credit of the school committee for said district, as in the case of the other special tax now levied and collected in said district.

Appointment of registrar and judges of election. New registration. Law governing election. Proviso: expense of election. Tickets. Levy and collection if tax is voted.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 179.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRYSON CITY.

The General Assembly of North Carolina do enact:

Power to grade, pave and improve streets and sidewalks. SECTION 1. That the mayor and board of aldermen of the town of Bryson City shall have full power and authority, whenever they may deem it advisable, to grade, pave, macadamize and otherwise improve for travel and drainage the sidewalks, streets, public squares and alleys of said town, and to construct crossings, curbings and cross drains and otherwise properly improve them.

Two-thirds of cost assessed on abutting property. SEC. 2. That in order to fully carry out the purposes of this act, the mayor and board of aldermen shall assess two-thirds the cost of grading, paving, macadamizing, constructing cross drains, side drains and all other necessary drains and crossings or otherwise improving the said sidewalks, streets, alleys and public squares on the real estate abutting on the streets, sidewalks, alleys or public squares, or portion thereof so improved or repaired: *Provided*,

Proviso: sidewalks around public squares.

that in making said assessment only the one-half of the street, sidewalk or alley and one-half of the sidewalk around the public squares adjoining the abutting landowner shall be considered. Equalization of assessments.

SEC. 3. That to equalize the assessments on real estate for the purposes described in section two of this act, the said mayor and board of aldermen shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to its frontage on the sidewalk, street, alley or public square, or portion thereof so improved, and charge to and assess upon said real estate two-thirds of the cost of such improvement made under the provisions of this act. Whenever the mayor and board of aldermen shall order any of the improvements herein provided for to be made on any street, sidewalk, alley or public square in said town, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map of same to be made, showing the various lots and properties abutting on said sidewalk, street, alley or public square or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivision, if any, and the said map shall be filed in the office of the mayor, to be subject to public inspection; and when the assessment herein provided for shall have been made upon the various lots and properties, the clerk of the board of aldermen shall note upon the said map the amount assessed against the same, and he shall keep a record book showing such assessments, the date and amount of all payments made on any of said assessments. Surveys and grade.
Record of assessments.

SEC. 4. That the amount of assessments for such improvements, as hereinbefore provided, being estimated on each piece of real estate as above described, shall be a lien on such real estate, and the said mayor and board of aldermen shall appoint some competent person to make a survey and a report of the amount of work done, and the cost thereof, upon what street, sidewalk, alley, public square or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot, and the *pro rata* share of the cost of such improvement to be assessed against said real estate; and upon the adoption and approval of the said report, which approval may be made at either a regular or called meeting of the mayor and board of aldermen, the liens authorized by this act shall become complete and operative and shall be paramount to all other liens on said real estate, except the lien for taxes thereon; and the said report shall be transcribed upon the minutes of the said board of aldermen, and the amount of said lien and said assessments against all property, as aforesaid, shall become due and payable as follows, to wit: One-fourth in thirty days, one-fourth in sixty days, one-fourth in ninety days and one- Assessments a lien on property.
Procedure for assessment.
Liens paramount, complete and operative.
Assessments due in installments.

Notice of filing of report.

Right of land-owner to be heard.

Right of appeal.

Notice of appeal.

Bond on appeal.

Record on appeal.

fourth in one hundred and twenty days after the adoption of said report, all of which payments to bear six per cent interest after maturity; that upon the filing of said report the mayor and board of aldermen shall cause ten days' notice to be given, either by posting a written or printed notice at the courthouse door or by publication in some newspaper published in the town of Bryson City, stating that such report has been filed in the office of the town clerk, and that at the first regular meeting of the said board of aldermen to be held after the expiration of the said ten days' notice the said board of aldermen would consider said report, and if no valid objection be made thereto the same would be adopted and approved by said board. Any owner of lands affected by said liens for assessments shall have the right to be heard concerning the same before the said board of aldermen by filing objections thereto, in writing, duly verified by his oath, in the office of the town clerk, at least two days prior to the first meeting of the board, at which said report may be approved and confirmed, but not thereafter; and any person so objecting to the confirmation or approval of said report shall state said objections, in writing, what part, if any, of said assessments he admits to be lawfully chargeable to his said lands and what part thereof he disputes; and said board of aldermen shall hear said objections, and shall thereafter approve or confirm said report, and overrule said objections or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act. Any person who shall have filed objections, as aforesaid, to the confirmation of said report shall have the right, within ten days after the approval or confirmation of the same by the said board of aldermen, and not after that time, to appeal from said decision of the said board of aldermen to the next Superior Court of Swain County, North Carolina, by serving upon the said town notice, in writing, of his intention so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the Clerk of the Superior Court of Swain County a written undertaking, in at least the sum of two hundred dollars, with sufficient sureties, to be justified before and approved by said clerk, to the effect that said appellant will pay to the said town all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against said appellant. In case of an appeal, as aforesaid, a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the mayor and board of aldermen, a copy of the objection of the appellant thereto, and of said notice, duly certified by the town clerk, shall constitute the record of appeal, and when filed in the office of the clerk of said county the same shall be docketed on the civil-issue docket in the name of the person taking such appeal against the town of Bryson City.

“as an appeal from an assessment,” and the cause shall then be deemed to be at issue, without any other further plea on the part of the said town: but said town shall have the right to file a further answer of defense thereto, if it be so advised, and said cause shall stand for trial at the next term of court beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all rights to prosecute such appeal shall be thereby forfeited. And upon the trial of the issues arising on such an appeal, if issues be found in favor of the appellant, the lien for said assessment shall be discharged; if, however, the issues or any of them be found in favor of the town of Bryson City to any amount, and if it be thereby ascertained that the appellant is due to said town any amount by virtue therein referred to, or that said land is subject to a lien for said assessments, or any part thereof, then the amount so found in favor of the town of Bryson City, with interest thereon, together with costs thereon approved, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property on which the original assessment was placed, from the date of the approval of the report by said board of aldermen, and shall be collected by the tax collector in such manner as the other assessments herein provided for are collected. The adoption and approval of the said report of the city engineer by said mayor and board of aldermen shall complete the said liens for the amount stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid: and in case of a failure to pay either of said assessments, or any installment thereof, within thirty days after its maturity, then the whole thereof shall become due and payable, and an execution shall be issued by the said town clerk, directed to the said tax collector of the said town, who shall advertise the land upon which the said assessment so in default has been made, as aforesaid, in a manner as is required by law for the sale of land for taxes under the provisions of the charter of the said town, and shall sell the said land, or a portion thereof, at the courthouse door in Swain County, North Carolina, in the same manner as he is required to sell real estate in said town in case of failure to pay taxes due thereon, and shall give to the purchaser a receipt, stating the time the land was advertised, the date of sale, the name of the purchaser, the price paid, the amount of assessments due thereon, the cost of the sale, the name of the owner or owners of the lands sold, the interest in said land so sold as aforesaid, and the description of the same: and the owner or owners of the land so sold as aforesaid shall have twelve months in which to redeem said land from such sale by paying to the tax collector of said town the amount for which said lands

Proviso: forfeit
of right.

Judgment on
appeal.

Completion of
lien.

Enforcement of
collection.

Right of
redemption.

Sale of land.	were sold, together with twenty per centum per annum additional thereto. In making such sale the said tax collector shall set up and offer for sale the whole of the real estate to be sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amount of the assessments due thereon, with all costs and expenses for making sale, for the smallest interest in said land. For every piece of real estate or part thereof so advertised said tax collector shall also collect, in the same manner as such assessments are collected, the sum of fifty cents to defray the expense of such advertisement. All such sales shall be made to the highest bidder, for cash, on any day of the week or month except Sunday or legal holidays, and he shall be deemed the highest bidder who shall pay such assessments and expenses of sale for the smallest interest in such real estate; and if no person shall bid enough to pay such assessments and expenses said tax collector shall bid on behalf of the town of Bryson City the amount of such assessments and expenses; and if no higher bid shall be made, the same shall be struck off to the said town of Bryson City; and in all cases where real estate shall be struck off to said town, hereinbefore provided, the same shall belong to the town in fee simple, unless redeemed in the manner provided by law, and said tax collector shall immediately thereafter make a return to the board of aldermen of the said town by filing with the clerk of the said town a statement of the proceedings, showing the purchaser or purchasers of said real estate, and the amount of interest in said real estate, or each part thereof, that was sold, which shall be entered by the town clerk upon the minute books of said board of aldermen. If the land so sold is not redeemed within twelve months, then the tax collector of the said town shall make to the purchaser or purchasers a deed in fee simple for the said lands or the interest thereof so sold as afore-
Expense of advertisement.	said, and the said deed shall operate to convey to the purchaser
Deed to purchaser.	and his heirs the title to the said land in fee simple: <i>Provided, however,</i> that the owner of any land subject to the liens and assessments hereinbefore mentioned shall have the privilege of paying off all said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.
Proviso: discharge of liens.	
Control and management of work.	SEC. 5. That the said mayor and board of aldermen of said town, by their proper officer, shall have the exclusive control and management of the work of improving the said streets, and the cost thereof shall be paid out of the street-improvement fund provided for in this act, and out of any other funds belonging to the said town of Bryson City that may be available for such purpose; the said town itself, being liable for all costs of all curbing and for one-third of the cost and expenses of improving the streets or roadways between the curbing and the abutting land on each side, assuming the liability hereinbefore created: <i>Provided, however,</i> that what-
Liability of town.	
Proviso: assessments on street railways.	

ever of the cost of the street improvement which may be paid by or assessed against the property of any street railroad or railway company, as provided for by law, shall be deducted from the proportion of the cost of such improvement for which the said town is liable, as aforesaid, whether such street railway or street railroad shall run through the center or upon either side of the street so improved, as aforesaid; and the amount to be paid by the street railway or street railroad company, as provided for by law, shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this act.

SEC. 6. That the said mayor and board of aldermen are hereby authorized and empowered to assign, sell and transfer the said

Sale of liens
authorized.

liens created by this act, and all sums owing thereon, either absolutely or upon condition, to any person or persons, in order to enable them to devise means to carry into effect the provisions hereof; and if any such liens shall be transferred as aforesaid, and shall not be paid to the owner thereof when due, they shall be collected by the tax collector of the said town in the same manner as other assessments herein provided for in this act; and the amount thereof, when collected, shall be paid by the said tax collector to the owner or owners of said liens, less his compensation for collecting the same, which shall be fixed by said board of aldermen, but shall not exceed two per centum of the amount actually collected by him.

Collection of
transferred liens.

Compensation of
collector.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 180.

AN ACT TO ALLOW THE TAX COLLECTOR OF THE TOWN OF MOUNT AIRY TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That J. C. Council, his successor or successors, tax collector for the town of Mount Airy, be and he is hereby authorized and empowered to collect all arrears of taxes due the town of Mount Airy for the years one thousand nine hundred and three, one thousand nine hundred and four, one thousand nine hundred and five and one thousand nine hundred and six, under such rules and regulations as are now or may be hereafter provided by law:

Collection of ar-
rears authorized.

Years.

Provided, the authority herein given shall cease and determine on the thirty-first day of December, one thousand nine hundred and

Proviso: authority
to cease.

Proviso: rights of innocent purchasers.
Proviso: persons not required to pay.

nine: *Provided*, this act shall not affect the rights of innocent purchasers; and *Provided further*, that parties who will make affidavit of having paid the tax claimed shall not be required to pay the same.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 181.

AN ACT TO ESTABLISH A GRADED SCHOOL IN STONY MOUNTAIN SPECIAL-TAX SCHOOL DISTRICT, IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Graded-school district constituted.

SECTION 1. The special-tax school district of Stony Mountain, Henderson County, shall be and is hereby constituted a graded-school district for the white race.

Powers of trustees.

SEC. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded-school interest and property in the said graded-school district, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall elect their own chairman and secretary, employ and fix the compensation of teachers, and do all other acts and things that may be just and lawful to conduct and manage the graded-school interests in said graded-school district: *Provided*, all children resident in said graded-school district between the ages of six and twenty-one years shall be admitted into said school free of tuition charges: *Provided further*, that the school trustees may receive as students nonresident children upon payment of reasonable tuition charges, to be fixed by said trustees: *Provided further*, that the trustees shall allow such credits to the parents and guardians of nonresident children attending school as they may think just and meritorious on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that said trustees may in their discretion charge reasonable tuition for teaching any branches of a study of a higher grade than those prescribed by the Legislature to be taught in the public schools of the State.

Proviso: free tuition.

Proviso: non-resident pupils.

Proviso: credits to nonresident pupils.

Proviso: tuition in higher grades.

Trustees named.

SEC. 3. F. M. Dixon, T. C. Israel, Joseph Newman, J. E. Allen, C. S. Whitaker and James Bowman are hereby appointed school trustees for the graded schools in said Stony Mountain Graded-school District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees shall have qualified they shall divide themselves, by lot,

Meeting, qualification and organization.
Trustees classified.

into two classes. The first class shall be composed of three members and the second class shall be composed of three members. Members of the first class shall hold their offices for a term of six years and members of the second class for a term of three years. At the end of each succeeding three years the county board of education, upon recommendation of a majority of the board of trustees, shall appoint three trustees to succeed the three whose terms then expire. Members of the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees of said graded schools. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof.

Terms of first class.
Terms of second class.
Election of successors.

Vacancies.

Quorum.

SEC. 4. That the moneys arising from the special taxes heretofore levied and collected for the purpose of running the public schools in said graded-school district shall be levied and collected in the manner prescribed in the general school law of the State and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall, each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the polls, as provided in the general school law and authorized by special election in said graded-school district.

Levy and collection of taxes.

Trustees to notify commissioners as to tax rate.
Proviso: tax limit.

SEC. 5. The moneys which shall from time to time be apportioned under the general school law to the public schools in Stony Mountain Graded-school District shall be placed to the credit of the school trustees provided for in this act.

Apportionment from general school funds.

SEC. 6. The length of the school term each year shall be left to the discretion of the trustees: *Provided*, the term shall not be less than six nor more than ten months in any one year.

Length of school term.
Proviso: limit.

SEC. 7. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control; and they shall also make all reports to the board of education as now required of public-school committeemen of the various public-school districts.

Reports of trustees.

SEC. 8. The school trustees hereby created shall be a body corporate, by the name and style of the "Trustees of the Stony Mountain Graded School," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office.

Trustees incorporated.
Corporate name.
Corporate powers.

SEC. 9. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper

Conveyances to trustees.

Transfer of school property.

deeds of conveyance, all public-school property, both real and personal, of every description, now belonging to the public schools in the territory hereby constituted a graded-school district, to the Trustees of the Stony Mountain Graded School, as heretofore specified.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 182.

AN ACT ESTABLISHING A GRADED SCHOOL IN PIGEON TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Bethel graded-school district.

Boundary.

SECTION 1. That all the territory embraced within the following boundary shall be and is hereby constituted the Bethel Graded-school District: Beginning on Beta Spring Knob and running with the Cecil Township line to Jesse Justice's line; thence with said Jesse Justice's and John Sorrell's dividing line to the west fork of Pigeon River; thence across said river to the Mountain Grove old road; thence with said Mountain Grove old road to William Hargrove's line; thence with said William Hargrove's back line to J. N. Wells' line, and with J. N. Wells' back line to top of mountain and Henry Hargrove's line; thence with the watershed of mountain to W. S. Terrell's line, and with said W. S. Terrell's back line to Laura Lenoir's line; thence with said Laura Lenoir's line to the east fork of Pigeon River; thence up and across said east fork of Pigeon River to the Col. J. Cathey old line, and with the Col. J. Cathey northeast boundary old line to Pigeon River; thence across said river to and with W. A. Moore's north boundary line to the top of the ridge and the J. J. Justice old line; thence with the top of the ridge to the top of the mountain and the Clyde Township line; thence with the top of the mountain and the Clyde Township line to the Waynesville Township line; thence with the Waynesville Township line to the beginning.

Election to be held.
Notice.

Date.

Tax to be voted on.
Limits of rate.

SEC. 2. That the board of commissioners of the county of Haywood, after thirty days' notice at the courthouse door and in three public places in said district, shall hold an election on Saturday, the twenty-fourth day of April, one thousand nine hundred and nine, to ascertain the will of the people within said district, whether there shall be levied in said district a special annual tax of not less than ten cents nor more than forty cents on the one hundred dollars valuation of taxable property within the bound-

aries set out in section one of this act, and a tax upon the taxable polls resident within said boundaries of not less than thirty cents nor more than one dollar and twenty cents on each poll, observing at all times the constitutional equation, to supplement the public-school fund which may be apportioned to said district by the county board of education in case such special tax is voted. The board of county commissioners shall appoint a registrar and two poll holders, and shall designate the polling place and order a new registration for said district, and the election shall be held in the district under the law governing the general election, as nearly as may be; and the registrar and poll holders shall canvass the vote and declare the result, and shall duly certify the returns to the board of county commissioners, which shall record the same in its record: *Provided*, the expenses of holding said election shall be paid out of the general school fund of the county. At such election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the school trustees in said district.

Registrar and
poll holders.

Polling place.
New registration.
Law governing
election.

Canvass and
certificate of
returns.

Proviso: expense
of election.
Tickets.

Levy and collec-
tion of tax if voted
for.

SEC. 3. That the special taxes levied and collected under this act shall be expended in establishing, maintaining and keeping up a graded school in said district for children between the ages of six and twenty-one years.

Tax expended for
graded school.

SEC. 4. That the following-named persons shall constitute the board of trustees of said graded school, and shall hold office for the term following their respective names: J. W. Cathey, two years; I. P. Mann, two years; S. R. Harden, one year; J. M. Edwards, one year; J. F. Justice, one year, from the date of their election; and all vacancies occurring in said board of trustees, from any cause, shall be filled by the remaining members of said board for the term of two years, except in cases of death and resignation; then, in the event of either of these cases, for the unexpired term of trustees so resigning or dying. The said board of trustees shall have power to employ and fix the compensation for a superintendent for said graded school, and such teachers as are necessary, and to do all such other acts as are necessary to carry on said school. The chairman of the said board of trustees shall have no voice or vote in any election by said board of trustees, except in the case of a tie.

Trustees named.

Election of
successors.

Vacancies.

Powers of
trustees.

Vote of chairman

SEC. 5. That it shall be the duty of the Treasurer of Haywood County to keep separate all taxes levied and collected for the

Taxes kept
separate.

Commissions of treasurer.	said Bethel Graded-school District, and pay the same out upon the order of the chairman of the board of trustees of Bethel Graded-school District, and said treasurer shall be allowed such commissions as he is now allowed for disbursing other school moneys.
Trustees incorporated. Corporate name. Corporate powers.	SEC. 6. That said board of trustees created by this act are hereby created and shall be a body corporate, by the name and style of Bethel Graded School, and by that name it shall be capable of receiving gifts and grants of both real and personal property, and of selling or pledging the same for school purposes, of suing and being sued.
Apportionments from general funds.	SEC. 7. That in appropriating the school funds of said county, said school district described in section one shall be allowed the proportion of said fund due <i>per capita</i> to children of school age.
Control of school interests and property.	SEC. 8. That the board of trustees provided for in this act shall have exclusive control of all the public-school interest, funds and property of the said graded-school district, as set forth and fully described in section one of this act; and said board shall prescribe rules and regulations for their own government, not inconsistent with the law; and said board shall fix the compensation of officers and teachers for said graded school annually; and said board of trustees shall meet annually hereafter on the third Tuesday in June to elect a superintendent and teacher or teachers; and said board shall meet as often as necessary to perform the duties imposed upon the said board by this act, and may require said treasurer to settle with them as often as the said board may deem needful; and said board of trustees shall make an accurate census of the school population of said district, as required by the general school law of the State; and said board of trustees shall and may do and perform all and any other acts and things that may be lawful and proper to conduct and manage the general school interest within the said district.
Rules and regulations.	
Compensation of officers and teachers.	
Meetings of trustees.	
Settlements with treasurer.	
School census.	
Reports.	SEC. 9. That the superintendent and board of trustees shall make reports to the Superintendent of Public Instruction of this State, as required of superintendents of public schools of the various counties of the State.
Secretary of state to send copy of act.	SEC. 10. That it shall be the duty of the Secretary of State, upon the ratification of this act, to transmit immediately to the Superintendent of Schools of Haywood County a true copy of this act, and the said superintendent, upon receiving the same, shall immediately apply to the chairman of the Board of Commissioners of Haywood County, that the provisions as set forth in section two of this act may be properly complied with.
	SEC. 11. That this act shall be in force from and after its ratification.
	Ratified this the 27th day of February, A. D. 1909.

CHAPTER 183.

AN ACT TO AMEND CHAPTER 46, PRIVATE LAWS OF 1905,
RELATING TO THE ELECTION OF SCHOOL TRUSTEES IN
THE TOWN OF SPENCER.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter forty-six of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out all of section six down to and including the word "selection," in line ten of said act, and substituting in lieu thereof the following: "The board of aldermen of the said town of Spencer shall, at their meeting in May, one thousand nine hundred and nine, elect six residents and taxpayers in the said town of Spencer as trustees for the school district hereinbefore created, two of whom shall hold their office for one year from the first day of June, one thousand nine hundred and nine, two of them for two years from the first day of June, one thousand nine hundred and nine, and two of them for three years from the first day of June, one thousand nine hundred and nine; and all vacancies on said board of trustees shall be filled by the board of aldermen of said town of Spencer; and at the regular meeting of the board of aldermen in May of each year there shall be elected two members of the board of school trustees, who shall hold their offices for one year from the first day of June next succeeding.

Election of trustees.
Terms of office.
Vacancies.
Election of successors.

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

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 184.

AN ACT TO REPEAL CHAPTER 60, LAWS OF SPECIAL SESSION 1908, RELATING TO THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF MURPHY, CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty, Laws of special session of one thousand nine hundred and eight, be and it is hereby repealed.

Law repealed.

SEC. 2. This act is only intended to repeal chapter sixty, Laws of one thousand nine hundred and eight.

Limit of repeal.

SEC. 3. That all laws in conflict with this act are hereby repealed.

When act effective.

SEC. 4. That this act shall be in full force and effect on and after the first day of June, one thousand nine hundred and nine.

Ratified this the 26th day of February, A. D. 1909.

CHAPTER 185.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
KENLY, IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Corporation
continued.
Corporate rights.

SECTION 1. That the town of Kenly shall be and continue, as heretofore, a body politic and corporate, and by the name of the town of Kenly may sue and be sued, plead and be impleaded, purchase, hold and receive, by conveyance, gift or devise, all such real and personal property as may be advisable for town purposes and for the proper government, and may from time to time sell and dispose of the same and reinvest the proceeds as may be deemed advisable by the proper officers of the town.

Ordinances to
remain in force.

SEC. 2. All ordinances, rules and by-laws in force at the passage of this act shall remain in full force until regularly repealed, and the officers now acting shall continue to serve until their successors are elected and qualified.

Corporate limits.

SEC. 3. That section two of chapter ninety-two of the Private Laws of one thousand eight hundred and eighty-seven be repealed and the following inserted in lieu thereof: "That the corporate limits of the town of Kenly shall be as follows, to wit: Beginning with center of Second Street, in the center of the old main-line track of the Atlantic Coast Line Railroad where the said street crosses the railroad, and runs thence south $62\frac{1}{2}^{\circ}$ west with said old main-line railroad two thousand and thirteen feet to a canal culvert; thence south 13° east two thousand feet to a stake corner; thence at right angles with said railroad three thousand five hundred and twenty-eight feet to a stake corner; thence at right angles with said railroad two thousand feet to the center of old main-line track of railroad; thence north $27\frac{1}{2}^{\circ}$ west one thousand three hundred and five feet to a canal, known as the Dennis Simmons Lumber Company's Canal; thence in a northeasterly direction with said canal to the Wilson County line; thence parallel with the said railroad three thousand two hundred and thirty-five feet to a stake corner on canal; thence down the various courses of the canal about two thousand feet to said canal culvert on main line of railroad."

Election officers.
Law governing
elections.

SEC. 4. The board of town aldermen shall appoint two judges of election and a registrar, who shall conduct the election under the general laws governing towns and cities.

Mayor an official
court.
Jurisdiction.

SEC. 5. The mayor shall be and is hereby an official court, with the jurisdiction of justices of the peace in all criminal matters and in all matters pertaining to the enforcement of the collection of taxes of the town, including proceedings by garnishment and distress of property. He shall have original exclusive jurisdiction to try all offenses against the town ordinances, and concurrent jurisdiction with justices of the peace as to all other violations

of the criminal law in the town. His warrant for any offense, when directed to any sheriff or other lawful officer, shall be executed anywhere in Johnston County, as the general law prescribes for all warrants, and returned in like manner. Execution of warrants.

SEC. 6. That the mayor shall have power to commit any person or persons convicted of any crime or violation of any ordinance of the town to the town or county prison until the fine and cost imposed by him and the prison fees are paid, and such person or persons can only be released as is provided in like cases in other courts. Commitments by mayor.

SEC. 7. The board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, to appoint a secretary and treasurer and all other officers which they may deem necessary, and shall prescribe their terms of office. The board of commissioners shall be empowered to appoint one of their number or other qualified voter of the town, who shall be termed mayor *pro tempore*, who shall act in the stead of the mayor in his absence. Filling vacancies and election of officers. Mayor pro tem.

SEC. 8. The secretary shall act as clerk of the meetings of the board of commissioners, and shall keep the minutes of all meetings of the board, and of all moneys coming into his hands, from whatsoever source, belonging to said town, pay the same out upon order of the board, and at the expiration of his term shall deliver to his successor all the moneys, books and other property belonging to said town, and receive for his services such compensation as the board may allow. Duties of secretary.

SEC. 9. That the mayor and the chief of police and policemen shall be entitled to charge and collect the same costs and fees as is provided for inferior courts or courts of justices of the peace and for sheriffs and constables; that all fines, penalties or forfeitures imposed by the mayor's court shall be collected by and paid over to the chief of police, and shall be accounted for and paid into the treasury of the town of Kenly for the use of the town of Kenly. Fees of mayor and policemen. Fines, penalties and forfeitures to use of town.

SEC. 10. The constable or police shall see that the laws and ordinances are enforced, and shall report all breaches thereof to the mayor; preserve the peace by suppressing disturbances and apprehending offenders, execute all warrants or processes lawfully placed in his hands by the mayor or others, and shall have the same power in the execution thereof in Johnston County that the sheriff may have. His fees shall be the same as are prescribed by the general law. Duties of constable or police. Powers. Fees.

SEC. 11. The constable and police of the town shall be governed by the regulations provided for, and clothed with the powers conferred upon, its officers by the State of North Carolina, and when arrests have been made the prisoner or prisoners shall be immediately carried before the mayor, or mayor *pro tempore*, for trial, except in the following cases: first, when the arrest is made Prisoners carried for immediate trial. Exceptions.

Bonds for
appearance.

between nine o'clock Saturday night and eight o'clock the following Monday morning; second, when the person is found in an inebriated or intoxicated condition; third, when the party arrested for safe-keeping is necessary, and in case an arrest is made at night the prisoner may give bond to appear before the mayor, the time and day to be fixed by the officer in charge of the prisoner.

Meetings of
commissioners.

SEC. 12. The commissioners shall meet in regular session as often as once a month, and at such other times as they may determine upon, or when they shall call a meeting. The commissioners, when convened, shall have the power and it shall be their duty to enact such by-laws, rules and ordinances as they may deem best for the proper government of the town, and when such ordinances shall have been adopted it shall be the duty of the clerk to prepare a suitable draft of the same, in a book for that purpose, and post the same at two public places in the town.

Enumeration of
powers.

SEC. 13. That among the powers conferred upon the commissioners are the following: To provide for the construction and laying-out of streets and alleys, and for the widening or discontinuing the same; to regulate the cleaning and repairing of all streets and sidewalks; to condemn land necessary for any purpose; to make regulations; to cause due observance of the Sabbath; to enact such laws as they deem necessary to preserve the health of the town; to prohibit or control the firing of firearms and fireworks of every description; to govern the sale of such fireworks; to control the manner of arranging stove flues and pipes in buildings; to prohibit or prescribe for the keeping of hogs and other animals in the town; to limit the speed at which horses and other animals may be driven through the streets of the town, or at which railroad trains or automobiles shall be run through the town; to prohibit railroad companies from stopping their engines or cars on street crossings, and to require railroad companies to keep the crossings in good repair; to cause all lots, cellars, privies, stables and places of like character to be examined by the police or other officer appointed for that purpose, who shall be empowered to visit and inspect any and all premises in the town, and to have the same cleaned, and the expense of cleaning such places and removing the nuisance shall be recovered from the owner or occupier of the premises thereof by action in any court having jurisdiction.

Fines, penalties
and forfeits.

SEC. 14. The commissioners shall have power to impose and levy appropriate fines, penalties and forfeitures for the breach of the by-laws and ordinances of the town: to levy and collect upon all real and personal property within the town limits and upon all polls and other subjects of taxation taxed by the general laws, not exceeding sixty cents on the one hundred dollars valuation of property and one dollar and eighty cents on each poll, or in lieu of poll tax they may apportion the same equally among the inhabitants, by assessments of labor or otherwise; may appoint an

Taxing power.

Tax limit.

overseer and compel such persons as are liable to perform duty Street work, on the public roads to work on the streets, in the manner and under the penalties provided in the general law for the reparation of the public roads; to levy and collect license tax on all trades, License taxes, privileges, callings, professions and occupations not specifically exempt from taxation by the general law; they may also protect the Shade trees, shade trees planted and growing on the streets, or which may hereafter be planted and growing on any public street, alley or public grounds in said town; to prohibit the jumping on and off of moving trains in the town on the part of those not operating the same and not holding a ticket when boarding the same, with no intention of presenting a ticket at least to the nearest station out of town.

SEC. 15. The commissioners shall be empowered to prevent the Quarantine, entrance into the town of any contagious or infectious diseases; may stop and detain and examine for that purpose any conveyance or vehicle, public or private, or any passengers coming from places said to be infected, and if necessary detain or turn back such suspected persons from such infected districts; may remove from the town or destroy any furniture or other articles that may be suspected of being tainted with an infectious disease, and the town or any one acting for it shall not be held liable for the value thereof. In order that the town may guard against the introduction of smallpox, the commissioners may require all persons whose physical condition will permit it to be forthwith vaccinated, Compulsory vaccination, if not already sufficiently vaccinated.

SEC. 16. That commissioners may enlarge, extend or close up streets, and may condemn land for that purpose, upon making Powers as to streets, reasonable compensation therefor. In case of the disagreement of the town and the party interested, it shall be lawful to proceed to Procedure for condemnation of land, use the same, and to appoint two freeholders, residents of the town, who shall arbitrate the same, one to be appointed by the town, the other to be appointed by the owner or his agent; and if the owner fails or refuses to make such appointment, after five days' notice, personally, if he be a resident, or ten days if he be a nonresident, the commissioners shall provide for such appointment, and the two appointed shall select a third person, who is a resident freeholder, who shall act with them, and after being duly sworn shall view the premises and, considering the loss to the owner and the consequent improvement to his remaining property, shall determine the net loss, if any, and assess the same; *Provided*, that either party may appeal to the Superior Court, but the appeal shall not obstruct proceedings of the commissioners. Proviso: right of appeal.

SEC. 17. That the board of commissioners of said town shall have the power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in the said town. They shall have the power and it shall be their duty Powers as to nuisances, Sanitary regulations,

Proviso: failure of owner.	to cause all ponds, old wells and sunken lots and other places in which water stands and stagnates to be filled up, and to recover from the owner or the occupier the expense, which shall be a lien on the lot or land: <i>Provided</i> the owner or occupier of said lot, after five days' notice, shall have neglected or refused to abate said nuisance. They shall have further power to cause all nuisances arising from any cause, within or without the corporate limits of said town, but sufficiently near to affect the health of the inhabitants thereof, to be removed or abated, and for the removing or abating any such nuisance within the said town to be paid out of the town treasury. Any person, after five days' notice from the sanitary officer, mayor or board of aldermen to abate any nuisance within the town limits or within one mile thereof, who shall continue or maintain the same, shall be guilty of a misdemeanor, the punishment of which for each day's continuance of the nuisance shall be a fine or imprisonment, to be fixed by the ordinances of the town. The board may also impose a penalty not to exceed fifty dollars.
Abatement of outside nuisances.	
Continuance of nuisance a misdemeanor.	
Punishment.	
Penalty.	
Board of equalization.	SEC. 18. The town commissioners of said town shall constitute a board of equalization for said town: they or any three of them, one of which shall act as list taker, shall assess all real and personal property on hand the first day of June in each year. The said board of equalization shall commence their list taking and assessing on the first day of June in each year, and conclude the same not later than July the first of said year. The citizens of said town and all others liable to pay taxes under this act shall, between the first day of June and the first day of July in each year, list under oath all property subject to State and county taxation.
Taxlisting.	
Tax lists.	SEC. 19. That the tax lister shall make out said tax list not later than the regular monthly meeting of the commissioners in September of each year, and place the same in the hands of the tax collector, who shall proceed with the collection of the taxes on said list, and complete the same by the first day of December following: <i>Provided</i> , the commissioners may extend the time for such completion of the collection to a date not later than the first day of June next following, and the tax collector shall pay over all moneys collected to the treasurer the last day of each month.
Collection of taxes.	
Proviso: extension of time.	
Settlements of collector.	
Collection by distress.	SEC. 20. The tax collector shall, if any person fails to pay taxes within the time prescribed for collection, proceed to collect the same by distress and sale, after public advertisement for ten days at three public places in the town, if the property be personal property: that when the taxes on any real estate are not paid by the first day of December of each year, or the time prescribed by the commissioners for completing the collection of the taxes, the tax collector shall proceed to collect the same by distress and sale of the personal property belonging to the owner of said real

estate, if enough of the personal property can be found; if not, the tax collector shall report the same to the commissioners, together with the description of such realty, and thereupon they shall direct the same to be sold, after thirty days' advertisement at three public places by the collector: *Provided*, the collector shall give the owner personal notice of such advertisement of sale, if he be a resident; if he be a nonresident, must mail notice, if his place of residence be known. In default of payment of taxes by the hour and day of sale, the collector shall sell, for cash, to the highest bidder, at the mayor's office in said town; and if no person shall bid enough to pay the taxes, penalties and expenses, the tax collector shall bid for the town the amount of said taxes, together with penalties and expenses, and no higher bid being offered, the same shall be struck off to the town, and, if not redeemed as hereinafter provided, shall belong to the town absolutely. The collectors shall report to the commissioners a statement of his proceedings, specifying the purchase and price, which shall be entered upon the book of the proceedings of the commissioners, and if there is a surplus after paying the taxes and expenses the same shall be paid into the town treasury, subject to the direction of the owner.

Sale of real estate for taxes.

Advertisement.

Proviso: personal notice to owner.

Sale to highest bidder.

Report of tax collector.

SEC. 21. That the owner of any lot or real estate sold under the provisions of this act, his heirs, executors, and administrators, or any person acting for them, may redeem the same within one year from the date of sale by paying the purchaser the amount by him paid and twenty-five per cent additional thereto; that if the lot or real estate sold as aforesaid shall not be redeemed within the time specified, the collector or his successor in office, under the direction of the mayor of the town, shall convey the same to the purchaser in fee simple, or his assigns in fee.

Power of redemption.

Conveyance of property not redeemed.

SEC. 22. The commissioners shall have the power to grant permission and privileges to individuals, companies or corporations to erect, construct, operate and maintain telegraph and telephone exchanges, erect poles for said purposes, and all other needful franchises for said purposes within the corporate limits of said town.

Telegraph and telephone lines.

SEC. 23. That said commissioners shall have power to grant permission to individuals, companies and corporations, and all needful franchises to erect and maintain waterworks, electric-light plants and electric lights.

Waterworks and electric lights.

SEC. 24. That the commissioners of the town, with the approval of the county commissioners, may appoint a cotton weigher for said town, sworn to perform his duties faithfully, whose duty it shall be to weigh all cotton sold in bales in said town, and make just and proper reduction for water or any other damages. Said cotton weigher shall give bond in the sum of two hundred dollars for the faithful performance of his duties, and shall receive as

Cotton weigher.

Bond of cotton weigher.

Compensation.

compensation for his services the sum of ten cents per bale for each bale weighed, the seller and purchaser to pay five cents each, and the purchaser shall retain five cents of the purchase price and shall be responsible to said weigher for his fees.

Term of cotton
weigher.

SEC. 25. That the term of the cotton weigher shall be two years, beginning the first day of August, one thousand nine hundred and nine, and that his successor shall be elected biennially thereafter by the commissioners of the town of Kenly, and be approved by the board of county commissioners for said county the first Monday in August thereafter.

Duty of cotton
weigher.

SEC. 26. That it shall be the duty of said cotton weigher to keep reported the cotton belonging to the different purchasers weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform or where the weighing is done; and in default of any duties incident to cotton weighers toward the seller or purchaser, and upon complaint being made, in writing, to the board of commissioners of the town of Kenly, charging that he has failed in the performance of his duties, mentioning the particular breach thereof, the charges may be inquired into by the board of town commissioners; and if upon inquiry they be found true, he may be dismissed by the board of town commissioners, and their action, together with their reasons for dismissal, reported to the board of county commissioners at their first regular meeting thereafter. It shall also be the duty of the cotton weigher to keep a record of all cotton weighed, showing the names of both the seller and buyer.

Rights under
general law.

SEC. 27. All privileges, powers and benefits conferred upon the commissioners of other towns in the State under the general laws for government of towns and cities are hereby conferred upon the town of Kenly, North Carolina.

SEC. 28. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified this the 27th day of February, A. D. 1909.

CHAPTER 186.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

ARTICLE I.

SECTION 1. That the charter of the town of Edenton be amended in the following particulars, and that all provisions of the town's charter and all amendments thereto in conflict with this act be and the same are hereby repealed.

ARTICLE II.

ELECTIONS.

SECTION 1. All town officers elected under the provisions of this act shall be elected by vote of the people at large, except as hereinafter provided. Elections by people at large.

SEC. 2. All elections for town officers shall be held on the first Tuesday after the first Monday in May of each odd-numbered year. Date of election.

SEC. 3. In each odd-numbered year there shall be elected a mayor and six councilmen, one councilman to be elected from each ward of the town, and two to be elected by the town at large; a treasurer and a board of public works, as herein provided. The councilmen shall constitute the board of councilmen of said town, and they shall hold their office for a term of two years and until their successors are elected and qualified. Officers to be elected. Board of councilmen. Term of councilmen.

SEC. 4. The board of councilmen shall be the board of canvassers, and shall meet on the first Friday after the election to canvass the vote, and the returns of the election shall be made to the town clerk before that time, and by him presented to the said board of canvassers. The persons receiving the highest number of votes for the various offices to be filled shall be declared elected, and shall receive a certificate of election under the seal of the town, signed by the mayor and clerk. The canvass of votes shall be spread on the journal, together with the result, stating the names of all persons declared by the canvassers to be elected, and the decision on each proposition voted upon; and a neglect of any officer to qualify within ten days after notice of his election shall be deemed a refusal to accept. Whenever there shall be a tie in the election for any office the board of canvassers shall determine, by lot, the person entitled to receive the certificate of election. It shall be the duty of the town clerk to preserve intact all ballots cast at any election for town officers for the period of one year after the same have been delivered to him by the judges of such elections. Board of canvassers. Returns of election. Certificates of election. Record of canvass. Neglect to qualify a refusal. Settlement of ties. Ballots to be preserved.

ARTICLE III.

THE BOARD OF COUNCILMEN.

SEC. 5. The mayor and each of the councilmen and the three members of the board of public works shall be not less than twenty-five years of age, a citizen of the United States and for three years immediately preceding his election a resident of Edenton. Qualifications of officers.

SEC. 6. No member of the board of councilmen, the mayor nor any member of the board of public works shall ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the board while he was a member thereof until after the expiration of at least two years after he has ceased to be a member of said board. Eligibility to other offices.

Vacancies.	SEC. 7. In case of any vacancy from any cause in the office of the mayor or any councilman or member of the board of public works, the board of councilmen shall by a majority vote of all the members thereof elect some suitable person to fill the unexpired term. The resignation of the mayor or any councilman or member of the board of public works shall be made, in writing, to the board of councilmen for their action thereon. If the mayor or any other officer shall remove from the territorial limits of Edenton, such removal shall, <i>ipso facto</i> , be deemed to create a vacancy in his office.
Resignations.	
Removal.	
Municipal government. Successors to mayor and council.	SEC. 8. The board of councilmen shall constitute the municipal government of the town of Edenton, and shall be the successors to the mayor and council, and upon the qualification of the members of the said board of councilmen all powers, rights, duties and emoluments of the mayor and councilmen of the said town shall cease and terminate. The said board of councilmen shall have and exercise all such rights, powers and duties as are conferred on it by this act, and such other powers, rights and duties as are now or shall be hereafter conferred by the laws of the State of North Carolina upon the mayors and councils of towns in North Carolina not in conflict with this act.
Rights, powers and duties of councilmen.	
Commissioner of police and fire department.	SEC. 9. The mayor shall be, <i>ex officio</i> , the commissioner of the police and fire departments, and shall have under his special charge and be responsible for the enforcement of all town ordinances and police regulations of the town of Edenton, and have general supervision over the police and fire departments. The board of councilmen shall, by a majority vote of all members thereof, designate from among their number one councilman, who shall be known as commissioner of finance and revenue, who shall have under his special charge the preparation of an annual budget and the recommendation of the levy of taxes, and the collection of all revenues belonging to the town of Edenton, from whatever source the same may be derived, and the management of the finances of the town of Edenton, except that pertaining to the electric lights and waterworks, which shall be under the exclusive management of the board of public works; and one councilman, who shall be known as the commissioner of streets and public improvements, who shall have under his special charge the supervision of streets and alleys, and the repair, construction and maintenance of sidewalks, bridges and sewers and all other public improvements not herein otherwise provided for, and shall have general supervision over the engineering department of the town, and he shall also see that all contracts for public improvements under his supervision are faithfully complied with, and that the conditions of all permits to excavate in the streets, alleys and sidewalks of the town and the grant of any franchise or privilege are faithfully performed; and one councilman, who shall be known as the commissioner of parks and public property, who shall have under his supervision
Commissioner of finance and revenue.	
Commissioner of streets and public improvements.	
Commissioner of parks and public property.	

the town commons and all public squares and parks of the said town, and shall have supervision over the health department of the said town, and shall keep the streets, alleys and sidewalks of the said town in a sanitary condition, and shall enforce all rules and regulations necessary to these ends, and shall protect the health of the inhabitants of the said town. Said board of councilmen, so constituted, shall have control and supervision over all departments of said town, and to that end shall have power to make and enforce such rules and regulations as they may see fit and proper for and concerning the organization, management and operation of all the departments of said town and whatever agencies may be created for the administration of its affairs. The said board may from time to time assign such further duties to each of said councilmen as shall be for the best interest of the town, or add to either committee, as they see fit.

Control and supervision of board of councilmen.

SEC. 10. The councilman named for the head of each department shall approve all accounts and claims against it, unless he be absent or fail or refuse so to do, in which event the mayor shall appoint another councilman to act in his stead during his absence, or to audit such claims and accounts as said commissioner shall fail or refuse to act upon. Before payment, all accounts shall be acted upon by the whole board of councilmen at a regular meeting. The said board shall require a statement to be published at the end of each fiscal year, on or before the thirtieth day of June, showing a full, clear and complete statement of all taxes and other revenues collected and expended during the preceding year, including the respective sources from which the money's are derived, and also including the disposition made thereof.

Approval and audit of accounts.

Statements to be published.

SEC. 11. The board of councilmen shall meet at least once every month in regular meeting, at such place and time as may be selected by the board for that purpose, to consider and take under advisement and act upon such business as may come before it. Four members of said board shall constitute a quorum for the transaction of business, but no final action shall be taken in any matter respecting the department of any absent commissioner, unless such business has been made a special order, with notice to such commissioner of such contemplated action, or unless such action is taken at a regular meeting of the board.

Meetings of councilmen.

Quorum.

ARTICLE IV.

GENERAL POWERS OF THE BOARD OF COUNCILMEN.

SEC. 12. The board of councilmen shall have the care, management and control of the town and its property and finances, and shall have power to enact ordinances for all the purposes named and provided for in this article not repugnant to the Constitution and laws of this State, and to alter, amend, modify and repeal such ordinances.

Enactment of ordinances.

Markets.	SEC. 13. To maintain and regulate market houses and markets.
Condemnation of property.	SEC. 14. To condemn private property for the town, as provided by law.
Police department.	SEC. 15. To establish, regulate and support a police department and define the duties thereof.
Billboards and signs.	SEC. 16. To regulate the construction and location of billboards, signs and other appliances on public streets and property adjacent thereto.
Smokestacks, chimneys and flues.	SEC. 17. To regulate and prescribe the construction of and compel the building and cleaning of smokestacks, chimneys and hot-air flues.
Handbills and posters.	SEC. 18. To regulate the distribution of handbills, posters and other advertising matter, and levy a license tax on persons engaged therein.
Meat markets and shops.	SEC. 19. To provide for the inspection and regulation of meat markets and shops, and levy and collect a license tax therefrom.
Rates for conveyance and drayage.	SEC. 20. To fix the rate of carriage of persons and drayage, carriage and transportation of property, other than by railroads operated by steam.
Hospitals, work-houses, houses of correction, guard-house and pest-houses.	SEC. 21. To erect, establish and regulate hospitals, workhouses, houses of correction, guardhouse, pesthouse, and to provide for the government and support of the same.
Quarantine.	SEC. 22. To make regulations to prevent the introduction and spread of contagious diseases into the town, to make quarantine laws for that purpose, and enforce the same within five miles of the town.
Births, deaths and burials.	SEC. 23. To prescribe rules and regulations relating to births, deaths and burial of persons who have died in the town, and provide against and prevent premature burials.
Free public libraries.	SEC. 24. To provide for the maintenance and support of free public libraries, and prescribe all reasonable rules and regulations relating thereto, where the said library is not under control of a library board.
Duties, powers and compensation of officers and servants.	SEC. 25. To prescribe and regulate the duties, powers and compensation of all officers and servants of the town not herein otherwise provided for.
Removals from office.	SEC. 26. To provide for the removal of any elective or appointive officer for misconduct in office.
Police regulations.	SEC. 27. To make all needful police regulations necessary for the preservation of good order and the peace of the town, and to prevent injury to or the destruction of or interference with public or private property.
Sidewalks and gutters.	SEC. 28. To prescribe rules and regulations compelling owners or occupants of adjoining real estate to keep in good and proper condition sidewalks and gutters, and also to clean and remove from the abutting sidewalks and gutters ice, snow or other harmful substances.

SEC. 29. To prescribe fire limits and prohibit the erection of cer- Fire limits.
tain buildings therein, and compel the repair or removal of build-
ings therefrom that may be inimical to the public safety and wel-
fare of the town.

SEC. 30. To regulate the planting and protection of shade trees Shade trees.
in the streets, when a petition for the same, signed by ten or more
citizens residing upon that street, shall have been filed with the
town clerk, and, for the purpose of paying for the same, shall levy
special assessments therefor as are levied to pay for sidewalks.

SEC. 31. To regulate the running at large of cattle, hogs, horses, Stock running
mules, sheep, goats, dogs and all small animals, geese and ducks, at large.
and to cause such animals or fowls as may be running at large to
be taken up and impounded and sold to discharge the costs and
penalties provided for the violation of such regulation, and the
expense of impounding and keeping the same and of such sale, and
to establish all needful rules for the regulation of same.

SEC. 32. To regulate the crossings of railway tracks and provide Crossings of
precautions and prescribe rules regulating the same, and to regu- railway tracks
late the running of railway cars and engines in the town and and running of
prescribe rules relating thereto and governing the speed thereof, and cars and engines.
to make other and further provisions, rules and regulations to pre-
vent accidents at crossings and on tracks of railways, and to pre-
vent fires from engines, and to require all railroad companies to
erect viaducts over or tunnels under their tracks at the crossing
of streets.

SEC. 33. The board of councilmen shall have power to require Railway com-
any railway company owning or operating any railway track upon panies to con-
or across any public street or streets of the town to erect, con- struct and keep
struct, reconstruct, complete and keep in repair any viaduct or up viaducts and
viaducts over or tunnels under such streets and over or under any tunnels.
such track or tracks, including approaches to such viaduct or via-
ducts, as may be deemed and declared by the board of councilmen
necessary for the safety and protection of the public. The width,
height and strength of such viaduct and the approaches thereto,
the material therefor and the manner of construction thereof shall
be as required by the board of councilmen.

SEC. 34. The board of councilmen shall have power to require Licenses to be
every business, trade or profession, except where the right is de- taken out.
nied by the laws of North Carolina, to take out license before en-
gaging in the business, trade or profession, and to make such
charges as are reasonable and just for the privilege to conduct
such business or pursue such trade or profession. All license taxes License taxes.
shall be regulated by ordinance, and no license shall be issued
for a longer period than one year; and the board of councilmen
shall have the right to punish, by fine or imprisonment, or both, a
failure or refusal to pay a license tax, and in addition any license Punishment for
failure to take out
license.

Issue of license. tax due the town shall be a legal indebtedness. Said board shall authorize the town clerk to grant and issue licenses and direct the manner of issuing and regulating the same.

ARTICLE V.

THE MAYOR.

Mayor to preside at meetings. **SEC. 35.** The mayor shall preside at all meetings and shall be allowed to vote at said meetings only in case of a tie, except as herein otherwise provided. He shall be the chief executive officer of the town, and shall have general supervision and control of all other officers, departments and affairs of government of the town, and shall take care that the provisions of this act and all ordinances of the town are complied with.

General supervision and control. **SEC. 36.** The mayor shall execute all contracts on behalf of the town, and every contract shall be signed by him and attested by the town clerk, under the seal of the town, before the town shall be liable thereon.

Execution of contracts. **SEC. 37.** The mayor shall sign all orders for the payment of money, which orders shall be attested by the town clerk, who shall keep an accurate record thereof in a book to be provided for that purpose.

Orders for payment of money. **SEC. 38.** The mayor shall sign the commissions of all officers elected or appointed by the town, and endorse the approval of all official bonds by the said board.

Commissions of officers. **SEC. 39.** The mayor shall be a conservator of the peace throughout the town, and at all times shall have power to appoint such number of special policemen as he may in cases of emergency deem necessary to preserve the peace of the town, and to dismiss the same at pleasure: *Provided*, such policemen shall not serve longer than the next meeting of the board of councilmen unless confirmed by said board.

Conservator of the peace. **SEC. 40.** The mayor shall from time to time communicate to the board of councilmen, in writing, such information and recommend such measures as in his opinion may tend to the improvement of the finances of the town, the police, health, security, ornament, comfort and general prosperity of the town.

Special policemen. **SEC. 41.** The mayor or any two councilmen shall have power to call special meetings of the board of councilmen, the object of which shall be submitted to the said board in writing; and the call and the object, as well as the action of the said board thereon, shall be entered upon the journal by the clerk, and no other business shall be transacted except that mentioned in the call. A written notice of such meeting shall be served personally upon each member of the said board or left at his usual place of residence at least two hours before the time of meeting. The notice shall state the time, place and object of such special meeting, and shall be issued by the town clerk to the chief of police, his deputy or po-

Special meetings of board.

Written notice of meeting.

liceman or any other town employee, who shall be required to make such service at once, as provided above, and the person making such service shall make a return, in writing, of the service, showing the manner of such service.

SEC. 42. The mayor shall have the power to require any officer of the town to exhibit his accounts or other papers, and to make reports to the said board, in writing, touching any subject or matter pertaining to said officer, whenever he may deem it necessary.

Power to require accounts and reports.

SEC. 43. The mayor shall be active and diligent in enforcing all laws and ordinances for the government of the town, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty. He shall have such jurisdiction as may be vested in him by ordinance over all places within five miles of the corporate limits of the town for the enforcement of any health or quarantine ordinance or regulation thereof.

Further duties of mayor.

Jurisdiction.

SEC. 44. The board of councilmen shall name some suitable person to act as mayor *pro tem.* during the absence of, sickness or other disability of the mayor, and the official so appointed shall have all authority of the mayor during the absence, sickness or other disability of the mayor.

Mayor pro tem.

SEC. 45. The mayor shall have the power to call on every male inhabitant of the town over eighteen and under fifty years of age to aid in enforcing the laws and ordinances of the town, or in the suppression of any riot or unlawful assembly or the enforcement of any ordinance; and any person who shall not obey such call shall forfeit to the town a sum not exceeding fifty dollars, which shall be recovered in an action in the name of the town in any court of competent jurisdiction.

Power to summon posse.

Forfeit on failure to obey call.

ARTICLE VI.

APPOINTIVE OFFICERS.

SEC. 46. The board of councilmen may appoint, by a majority vote of all the members thereof, the following officers, to wit: town attorney, town clerk, town auditor, chief of police, board of town assessors (consisting of three members), tax collector and such other officers as in their judgment are necessary for the best interests of the town; but no such officer shall be appointed until his term and salary is fixed by ordinance. The terms of all appointive officers shall expire with the term of office of the board appointing them: *Provided*, they shall hold their respective offices until their successors are appointed and qualified: *Provided*, that in case of appointment to fill a vacancy, such appointee shall only serve for the remainder of the term for which his predecessor was appointed.

Officers elected by councilmen.

Terms of office.

Proviso: election and qualification of successors.
Proviso: appointments to fill vacancies.

SEC. 47. No person shall be eligible to any appointive office unless he shall be a *bona fide* resident of the town prior to his appointment, except that the town may hire nonresident expert employees when deemed necessary by the board of councilmen.

Eligibility for office.

Removal for
cause.

SEC. 48. The board of councilmen shall have power to remove any elective or appointive officer for misfeasance, neglect or malfeasance in office, upon charges preferred, after due notice, in writing, and opportunity to be heard in their defense. When such charges are sustained, any such officer shall be removed by resolution of the board of councilmen, passed by a vote of at least four of the members of said board, declaring that the charges preferred have been proven and that such office is vacant, and may by ordinance prescribe, limit or change the compensation of all appointive officers and employees, except that the salaries of all appointive officers shall not be increased or diminished during the term for which they were appointed.

Compensation of
officers.

Vacancies.

SEC. 49. In case of the disability or any vacancy occurring, by death or removal by the board of councilmen, of any officer, the said board may by a majority vote thereof appoint some suitable person to fill the unexpired term. The resignation of any town officer, whether elected or appointed, shall be made in writing to the board of councilmen for their action thereupon. If any officer shall remove from the territorial limits of said town, such removal shall, *ipso facto*, vacate his office. The town clerk shall enter every appointment to office, and date thereof, on the journal.

Resignations.

Removal to
vacate office.

THE ATTORNEY.

Duties of
attorney.

SEC. 50. The town attorney shall attend, either in person or by deputy, all cases wherein the town is a party in all courts, and he shall be under the immediate direction of the said board, and shall have full charge and control of the legal department of the town.

THE CLERK.

Duties of clerk.

SEC. 51. The clerk shall attend all meetings of the board of councilmen, keep a true record of all its proceedings, and also keep a record of all its official acts, and when necessary shall attest them. He shall also keep and preserve in his office the corporate seal of the town, all records, police papers, and documents of the town not belonging to any other officer. He shall be authorized to administer oaths; and the copies of all papers filed in his office, and transcript from the records of the proceedings of the council, including ordinances duly certified by him under the corporate seal of the town, shall be taken as evidence in all courts of the State without further proof. He shall draw all warrants on the town treasurer, issue all licenses and perform such other duties as may be prescribed by ordinance.

Copies of papers
and records.

THE TREASURER.

Town treasurer to
give bond.

SEC. 52. The town treasurer shall give a good and sufficient bond, in some reputable surety company, to the town, in such amount and in such form as may be prescribed by the board of councilmen, in a sum not less than ten thousand dollars (\$10,000), and

the cost of such bond shall be borne by the town, and said bond, before its acceptance, shall be approved by the mayor and commissioner of finance and revenue, and shall be conditioned for the faithful discharge of his duties, and that such treasurer shall safely keep all public moneys entrusted to his care, and save such town free and harmless from all loss caused by neglect of duty or malfeasance in office. Said board shall require the treasurer to give a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until such bond shall be given and approved, as aforesaid. It shall be his duty to receive and keep all money belonging to the said town, and to pay out the same on warrants drawn by the town clerk and signed by the mayor, and not otherwise. All moneys belonging to said town and received by any officer or agent thereof, from collection or any other source whatever, shall be by him deposited with the town treasurer daily. For all moneys received the treasurer shall give duplicate receipts in all cases, one to the party paying the said money and the other to the auditor. All persons charged with the collection of any money under this act, or ordinance passed in pursuance thereof, shall promptly pay the same over to the treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the treasurer's receipt to the auditor, who shall countersign the original receipt and retain the duplicate. The party paying shall hold the original receipt. Said treasurer shall render a full and correct itemized statement of all receipts and payments to the board of councilmen at their regular meeting in each month and at such other times as may be required by the said board or the mayor or commissioner of finance and revenue. Said treasurer shall also keep a separate account of each fund, and shall credit each account with the funds received therefor, and charge each account with the amount legally paid out therefrom; and no money shall be paid out of any one fund for any object or purpose other than that for which the fund was created. The town clerk shall issue no license until there is filed with him a receipt from the town treasurer showing that the full amount of said license has been paid. The town treasurer shall perform such other duties as may be required of him by the board of councilmen. He shall receive a salary of not less than two hundred dollars (\$200) a year.

Cost borne by town.

Duties of treasurer.

Removal of bond.

Duty.

Money deposited with treasurer.

Duplicate receipts.

Itemized statements.

Separate accounts.

Receipts for licenses.

Salary.

THE AUDITOR.

SEC. 53. It shall be the duty of the auditor to examine in detail all bills, accounts and claims against the town and, if found correct, sign his name in approval thereof, but if incorrect he shall refuse to approve or allow the same. It shall be the duty of the board of councilmen to install a complete system of municipal accounting especially adapted to the needs of the town, and

Duties of auditor.

System of accounting.
Accounts to be kept.

shall keep in books regular accounts of all real and personal and mixed property of the town, of all receipts and disbursements, and under proper heads each source of receipt and disbursement; shall keep an account with each person, including the officers who have money transactions with the said town. He shall also keep a separate account of each and every appropriation made by the board of councilmen, showing the date thereof and the purpose for which the same was made. He shall also keep a separate account with each department of the town government, and such other accounts as may be necessary to show a complete financial statement of the town, and he shall be prepared at every regular meeting of the board of councilmen to give such information concerning the finances of the town as the said board may require.

Monthly balances.	The auditor shall at the end of each month strike a trial balance of all books, showing a complete and accurate statement of the financial affairs of the town. At the close of each fiscal year it shall be the duty of the auditor to make a complete and accurate statement, showing in detail the financial receipts of the town from all sources and the expenditures of the town for all purposes, together with a detailed statement of the debt of the town and the purposes for which each and every debt was incurred, and all the property of the town and the income derived therefrom.
Annual statements.	
Examination of accounts.	It shall also be his duty, at least once a month, to examine the books of account of all officers of the town charged with the receipt and disbursement of money, and if they are found incorrect to at once make a report, in writing, of the same to the commissioner of finance and revenue. It shall be his duty to examine all warrants and countersign the same, after appropriation has been duly made by the board of councilmen; and he shall render such other service as the board shall direct. The auditor, before entering upon his duties, shall give a good and sufficient surety bond, in a reputable surety company, for the faithful performance of his duties, the amount of said bond to be fixed by the board of councilmen; and the duties of this office may be conferred upon the town clerk.
Bond of auditor.	
Duties conferred on clerk.	

ARTICLE VII.

BOARD OF PUBLIC WORKS.

Board of public works.	SEC. 54. There shall be a board, consisting of three taxpayers and qualified voters of the said town, elected by the town at large, no member of which shall be a member of the board of councilmen, which board shall be known as the board of public works. The said board shall have the exclusive general management and control of the town waterworks and electric-lighting plant; and the affairs of the said plant shall be separated entirely from those of the other town departments. Said board shall have power to employ such superintendents, foremen, agents, employees
Waterworks and light plant.	
Powers of board.	

and laborers as it may deem necessary in the care, management and maintenance of the said waterworks and electric-lighting plant, and shall fix their compensation. Said board may discharge or remove any of such superintendents, foremen, agents or other employees at any time. The said board shall prescribe all the duties of those employed by it by virtue of authority hereof, and provide for collection of all accounts and debts owing to the said plant. The said board shall have no power to expend any money or incur any debt for any purpose, by contract or otherwise, beyond the appropriation made by the board of councilmen for that purpose. It shall be the duty of the board to meet at least once a month, in the office occupied by the board of councilmen, for the transaction of all business of this department. The said board shall have power and authority to enforce beyond the town limits such regulations as may be necessary for the care, protection, preservation and management of the waterworks and electric-lighting plant, in the same manner and to the same extent as in the town. The board of public works shall establish rates to be paid for the use of water and electric-light current supplied by the town. The use of water shall be called "service rates." Such service rates shall be and is hereby made a lien, in the nature of a tax, upon the real estate so supplied, and shall be collected and enforced under such regulations and ordinances as the board of councilmen shall prescribe. All money received in any way on account of the waterworks and electric-lighting plant shall be paid into the town treasury. The town treasurer shall keep accounts showing fully all receipts and payments had and made in any manner on account of the water and electric-lighting plant separately from all other receipts and payments. The revenue derived from the plant shall be appropriated as follows: first, to pay the necessary expense of maintenance of said plant, and, second, to the extension and new construction of said plant. The said board shall keep a full and complete record of all its acts, and make reports to the board of councilmen of same at each regular meeting of the said board. The said board shall elect one of their number chairman and another as secretary; and in case of vacancy, caused by resignation, death or other cause, the board of councilmen shall appoint some other suitable person to fill the vacancy. Two members shall constitute a quorum for the transaction of business. The electric-light and waterworks plant shall not be leased or sold except by a majority vote of the qualified voters of the said town.

No debt to be incurred.

Meetings of board.

Jurisdiction beyond town limits.

Water and light rates.

Service rates a lien on property.

Accounts.

Appropriation of revenue.

Records to be kept.

Organization.

Vacancies.

Quorum.

Lease or sale of plant.

SEC. 55. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1909.

CHAPTER 187.

AN ACT TO ESTABLISH A SPECIAL-TAX SCHOOL DISTRICT
IN CASWELL COUNTY, TO BE KNOWN AS MILTON
GRADED SCHOOL.*The General Assembly of North Carolina do enact:*

Territory.	SECTION 1. That the following-described territory, lying and being in Milton Township, covering Milton School District, Number
Boundaries.	Thirty-three, and more particularly bounded as follows, beginning at the Dan River Township line, at the Virginia line; thence with said Virginia line east to the Semora Graded-school District line; thence south with said Semora Graded-school District line one and one-half miles; thence west to Dan River Township line; thence north with said Dan River line to the beginning, be incorporated into and established as a special-tax school district, to be known as the Milton Graded Schools.
School district established, Name.	
Date for election.	SEC. 2. That the board of trustees hereinafter named shall, on the first Monday in May, one thousand nine hundred and nine, submit to the qualified voters of said district, above created, the
Question to be submitted, Notice of election.	question of establishing a special-tax school district. The said trustees shall give thirty days' notice of said election by notices
Registrar and poll holders.	posted at four public places in said district. The said board of trustees shall select three of the qualified voters of said district, one of whom it shall appoint registrar and the other two poll holders, to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of members of the General Assembly. The qualified voters of said district shall vote at said election tickets on which shall be written or printed the words
Law governing election.	"For School Tax" or "Against School Tax," and the said registrar and poll holders shall canvass the returns, declare the result and report the same to the board of county commissioners, to be filed in the office of register of deeds of the county of Caswell. The said election shall be held at the regular polling place of Milton Precinct, in the town of Milton, the same being in said district created by this act. That if a majority of the qualified voters of said district shall vote at said election "For School Tax," it shall be the duty of the Board of County Commissioners of Caswell County to levy, at its meeting in June, one thousand nine hundred and nine, and annually thereafter, a special tax of thirty (30) cents on the one hundred dollars valuation of all the taxable property of said school district and ninety (90) cents upon each taxable poll. The tax so levied shall be collected by the Sheriff of Caswell County and shall be by him turned over to the treasurer of said school trustees, who shall pay out same for the exclusive
Tickets.	
Canvass, declaration and report of result.	
Polling place.	
Levy of tax if voted for.	
Rate.	
Collection and disbursement of tax.	

use and benefit of said special-tax district, only upon a warrant or order signed by the chairman and secretary of said board of school trustees.

SEC. 3. That all public-school funds derived from the State and county, together with the amount coming from the special tax above provided for, shall be by the proper officers paid to the board of trustees by this act created, and shall by it be used for the benefit of the Milton Graded School.

Apportionment
from general
school funds.

SEC. 4. That the following persons be and they are hereby appointed trustees for said school district, whose term of office shall

Trustees named.
Term of office.

commence on the first day of March, one thousand nine hundred and nine, to wit: That J. J. Lipscomb shall serve for a term of two years from and after the first day of March, one thousand nine hundred and nine; that R. L. Dixon and C. B. Newman shall serve for a term of four years from and after the first day of March, one thousand nine hundred and nine; that F. B. Jones and E. R. Burch shall serve for a term of six years from and after the first day of March, one thousand nine hundred and nine.

That at the general election for county officers for said county, to be held in the year one thousand nine hundred and ten, there shall be elected by the qualified voters of said school district, in the manner prescribed for the election of the members of the General Assembly, three persons from among the qualified voters of said district to serve as trustees for a term of six years from the first day of the following March; that at the general election for county officers for said county, to be held in the year one thousand nine hundred and twelve and in each second year thereafter, there shall be elected by the qualified voters of said school district from among the qualified voters thereof, in the manner prescribed for the election of members of the General Assembly, successors to the trustees whose terms of office shall expire on the first day of March following. All vacancies in said board of trustees, caused by death or resignation, or otherwise, shall be filled by the remaining members of the board, by a majority vote thereof, until the next general election, when such vacancies shall be filled by election, as hereinbefore provided.

Election of
successors.

Vacancies.

SEC. 5. That said school trustees, above named, and their successors shall have charge of the public schools in said district, and shall elect such officers and adopt such by-laws, rules and regulations as they may deem proper, and they shall elect a treasurer from among their number, who shall have charge of all the moneys to be used for school purposes in said district, who shall receive such compensation as may be agreed upon, and give such bonds as may be required. The said trustees, above named, and their successors shall spend all moneys coming into their hands from any and all sources for the sole benefit of said schools.

Trustees to have
charge of schools.

Powers and
duties.
Treasurer.

Compensation
and bond.

Money to be spent
for schools.

SEC. 6. That said trustees shall have power to employ all teachers and select all officers necessary for said schools and fix their compensation. They shall have the right and power to buy, sell

Further enumeration
of powers of
trustees.

- or hold such real or personal property as may be necessary, and to do any and all things necessary for the successful conduct and management of said schools. The trustees shall have the power, upon such terms as they deem just, to allow children outside of said territory to attend said schools.
- Nonresident pupils.
- Examination of teachers.
- SEC. 7. That teachers in said schools shall stand like examinations before the county superintendent of schools to those required of other public-school teachers in said county.
- SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 9. This act shall be in force from and after its ratification.
- Ratified this the 27th day of February, A. D. 1909.

CHAPTER 188.

AN ACT TO AMEND CHAPTER 377 OF THE PRIVATE LAWS OF 1893 AND THE ACT OF THE GENERAL ASSEMBLY OF 1895, AMENDATORY THERETO.

The General Assembly of North Carolina do enact:

- Former laws rescinded.
- SECTION 1. That the words "and it shall be subject to all the provisions of law now existing in reference to incorporated towns," in section one, and all of sections two, three, four, five, six and seven of chapter three hundred and seventy-seven of the Private Laws of one thousand eight hundred and ninety-three, and all of the act of the General Assembly of one thousand eight hundred and ninety-five, amendatory thereto, be stricken out.
- Corporate limits.
- SEC. 2. That the corporate limits of the town of Bessemer City, in Gaston County, shall be as follows: Beginning at a point in the center of the Southern Railway main-line track, which point is one and one-fourth miles southwesterly in a direct line from the intersection of the center line of Twelfth Street, in said town, and the center line of Pennsylvania Avenue, in said town: thence northeasterly in a direct line, passing through said intersection of Twelfth Street and Pennsylvania Avenue, to a point two and one-half miles northeasterly from the beginning point. The above-described line shall be the longitudinal axis of a rectangle, whose length is two and one-half miles and whose width is one and one-fourth miles, and that the area included in said rectangle shall be and constitute the corporate area of said town.
- Board of town commissioners.
- SEC. 3. That the officers to be elected by the people of said town shall consist of seven commissioners, who, in their official capacity, shall be styled the board of town commissioners.
- Election of commissioners. Term of office.
- SEC. 4. That said commissioners shall be elected by the qualified voters of said town on the first Monday in May in each year, and

their terms of office shall begin on the first Monday in June next succeeding, and they shall hold office until the first Monday in June in the succeeding year and until their successors are elected and until at least four of their successors shall have qualified. Every person elected a commissioner shall qualify as such on the first Monday in June after his election or within thirty days thereafter; and in case any such person elected shall fail to qualify within said period, then said office to which he has been elected shall be deemed to be vacant, which vacancy may be filled by the members of the board then acting.

Commissioners-elect to qualify.

Failure to qualify to vacate office.

SEC. 5. That said board of commissioners shall have power:

Powers of commissioners.
In election of officers.

(a) To appoint a mayor, treasurer, tax collector, police and any such other officers and agents as they may deem necessary or expedient, and such officers so appointed shall hold office during the will and pleasure of said board, but not for a greater time than until the expiration of the terms of office of the commissioners making such appointments.

Term of office.

(b) To appoint a recorder for a term ending with the expiration of the terms of office of said commissioners, and such recorder shall be removable from office by said board for cause only.

In election of recorder.
Removable for cause.

(c) To pass all lawful by-laws, rules and regulations for the government of the town, and to provide for the enforcement of the same, and to prescribe the penalty for violation thereof; to prescribe the compensation to be received by the mayor and other officers and agents of the town, except that the compensation of the recorder shall be such fees, and none other, as justices of the peace would be entitled to for like services.

As to by-laws, rules and regulations.
In fixing compensation of officers.

(d) To determine the compensation to be paid the commissioners for their services, but no commissioner shall be entitled to more than two dollars for each commissioners' meeting which he shall attend, nor for more than twelve meetings per year for his services as commissioner.

To determine compensation of commissioners.
Limit.

(e) To levy license and taxes on the business and property of the town, and also upon polls: *Provided*, that said taxes shall not exceed sixty-six and two-thirds cents on the one hundred dollars valuation of property and two dollars on the poll, State and county valuation to be taken as a valuation of property taxed.

To levy taxes.
Proviso: tax limit.

(f) To borrow money and create other indebtedness on the credit of the town for a term not exceeding the unexpired terms of their office and for an amount not exceeding ninety per cent of the uncollected taxes of the current year then levied: *Provided*, no indebtedness shall be created except for necessary expense and improvements.

To borrow money.

Limit.

(g) To condemn private property for the public use of the town; and whenever private property shall be required for public use the said board of commissioners shall appoint an appraiser.

To condemn private property for public use.
Procedure for condemnation.

and the owner of such private property may appoint one appraiser, and the two appraisers so appointed shall appoint a third appraiser, each of which appraisers shall be a resident and freeholder in the said town. Such appraisers shall meet within three days after their appointment; and after being duly sworn to act impartially and according to their best judgment, they shall proceed to appraise the damage which will ensue to such private property owner in consequence of such condemnation, and shall report their finding, verified by their oaths, to the private owner and to the board of commissioners, without delay; and whenever within six months thereafter said board shall pay or tender payment of the amount named by said appraisers to such private owner, the property so appraised shall be deemed condemned for public use; but the owner of property so condemned shall have the right to appeal from the findings of such board of appraisers to the Superior Court for trial by jury. In case the private owner shall desire to appeal he shall cause written notice to be served upon the board of commissioners, by some proper officer leaving a copy of such notice with the mayor or any commissioner, within thirty days from the date of the finding of the appraising board; and the officer serving such notice shall return the original notice, with the manner and the time of service endorsed thereon, to the clerk of the Superior Court of Gaston County, who shall forthwith docket the cause for trial at the next ensuing term of the said Superior Court for the trial of civil actions, when the cause shall stand for trial as any other civil action. In case the private owner shall refuse or fail to appoint an appraiser, as hereinbefore provided, within thirty days after being notified to do so, he shall be deemed to have waived his right to so appoint, and the board of commissioners may appoint one in behalf of such private owner, and the appraisement be proceeded with in like manner as if such private owner had exercised his right to appoint.

Right of appeal.

Notice of appeal.

Return of notice.

Vacancies in board.

(h) Vacancies in the board of commissioners may be filled by the remaining members of the board for the unexpired term; and vacancies may be declared whenever the resignation of any member is tendered and accepted by the board, or whenever a member shall have been absent from three consecutive meetings of the board, of which he shall have had at least one day's notice in advance of each meeting; and removal from the corporation shall vacate the office of any commissioner so removing.

Eligibility to office.

SEC. 6. No person shall be eligible to election to the office of commissioner unless he shall be a qualified voter at the town election at which he shall be elected; and no person shall be eligible to appointment or election to or to hold the office of mayor, treasurer, recorder or tax collector who is a commissioner. Any male person above the age of twenty-one years shall be eligible to hold any other office or agency in said town.

SEC. 7. (a) The mayor shall be chairman of the board of commissioners, but he shall have no vote on any question being considered by the board. It shall be his duty to report to the board at each meeting any conditions then existing in said town which in his judgment requires the attention of the board. He shall sign all orders drawn on the treasurer by order of the board, and shall execute all orders and resolutions of the board, the execution of which is not otherwise provided for.

Mayor chairman
of board.
Vote of mayor.
Duties.

(b) The treasurer shall receive all moneys of the town from the tax collector, and receipt for the same. He shall pay them out only upon orders of the board of commissioners, signed by the mayor and countersigned by the clerk, and he shall give bond for the faithful discharge of his duties, in such penalty as may be directed by the board. He shall render a statement to the board, whenever required to do so, showing receipts, disbursements and balance on hand, and shall render a full and complete statement to said board at the close of his term of office.

Duties of
treasurer.
Bond of treasurer.
Statements to be
rendered.

(c) The tax collector shall give bond for the faithful discharge of his duties, in such sum as may be required by the board, and it shall be his duty to receive the tax books when tendered to him by the board, and to use due diligence in collecting all taxes, licenses and penalties and other moneys due the town, and shall pay over all moneys collected to the treasurer each month and at any time when requested to do so by order of the board. He shall render an account to the board whenever required to do so, showing items collected and items uncollected, and shall render a full account at the close of his term of office. He shall be liable for all uncollected taxes, except such as he may be relieved of by the board.

Tax collector
to give bonds.
Duties.

Accounts to be
rendered.

(d) The chief of police shall give bond in such sum as may be required by the board of commissioners, and his duties shall be the same as are provided by the general statutes of North Carolina for police in towns. Special or subordinate police shall act only under and by direction of the chief.

Bond of chief of
police.
Duties.

Special police.

(e) The recorder shall be deemed an inferior court, with jurisdiction, concurrent with justices of the peace, to try all offenses committed within the limits of said town; and the code of procedure applicable to courts of justices of the peace shall likewise apply to said recorder's court, except that no cause shall be removable from said recorder's court to that of a justice of the peace.

Recorder an
inferior court.
Jurisdiction.
Procedure.

(f) The duties of all other officers and agents shall be such as may be imposed by the board of commissioners.

Duties of other
officers.

SEC. 8. License shall not be granted to anyone to sell intoxicating liquors within the corporate limits of said town.

Prohibition.

SEC. 9. This act shall be in force and effect on and after the first Monday in May, one thousand nine hundred and nine.

When act
effective.

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 189.

AN ACT TO ALLOW THE TOWN OF KERNERSVILLE TO ISSUE BONDS FOR IMPROVING THE STREETS.

The General Assembly of North Carolina do enact:

Bond issue authorized.	SECTION 1. That the board of commissioners of the town of Kernersville, in Forsyth County, is hereby authorized and empowered to issue bonds, in the name of the said town of Kernersville, not to exceed in amount fifteen thousand dollars (\$15,000), for the purpose of improving and macadamizing the streets and sidewalks in said town, first submitting the question of creating said debt and issuing said bonds to the qualified voters of said town; and said debt may become a valid obligation, and said bonds may be issued in accordance with this act if the same is approved by the majority of the qualified registered voters having voted in favor thereof.
Amount.	
Question submitted to voters.	
Denominations.	SEC. 2. That said bonds shall be of the denomination of one
Maturity.	hundred dollars (\$100) or any multiple thereof; they shall run
Interest.	for twenty years from the date of issue, and shall bear interest at not to exceed six per cent per annum, and the principal of said bonds and the interest thereon shall be payable at the office of the treasurer of said town. The interest shall be payable semi-annually.
Authentication.	SEC. 3. That the bonds issued under this act shall be signed by the mayor and countersigned by the secretary and treasurer of the board of town commissioners.
Special tax for interest and sinking fund.	SEC. 4. That for the purpose of paying off, taking up and cancelling the coupons and bonds issued by the town of Kernersville as the same shall become due, and to provide a sinking fund, the board of town commissioners are hereby empowered to levy and collect sufficient special tax, each and every year, upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under the charter of the town of Kernersville, and acts amendatory thereto, or the laws of North Carolina.
Powers of town as to streets and sidewalks.	SEC. 5. That the town of Kernersville shall have entire and exclusive ownership and control over the streets, sidewalks, drain ways, culverts, sewers and draining system within its corporate limits; and for the purposes of construction, maintenance, repairing and operation thereof the town of Kernersville, through any of its officers, shall have the right to enter upon any or all private premises, with or without the consent of the owner.
Expense of sidewalks apportioned.	SEC. 6. That the expense of the curbing or paving of the sidewalks shall be borne one-fourth by the town at large and three-fourths by the owner or owners of the lots abutting upon said side-
Proportion of town.	walks, each lot to bear its proportion of the expense according to
Proportion on abutting property.	

the frontage of each lot upon the sidewalk, and the same shall constitute a lien upon the respective lot so assessed, until fully paid. Apportionment a lien on property.

SEC. 7. That whenever any sidewalk in the town of Kernersville shall be graded or ready for paving, and the board of town commissioners shall have ordered the paving or repairing of the sidewalk, it shall, through the town secretary, notify the owner or owners of the land fronting on said sidewalk to at once pave or repave the sidewalk abutting on said frontage, according to specifications provided by said board relating to the paving, material and the manner in which the work should be done, and charge said proportions of the cost thereof against such lots, respectively, and cause the same to be entered by the town secretary, as the board may determine, in a book to be kept by him for that purpose; and the town secretary shall place in the hands of the town tax collector of said town immediately copies of said charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said town. The amount of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are charged; and if any of them are not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay same, with interest and costs for the whole of said lot, shall be advertised and sold by the tax collector of said town, in the same manner as is provided by law for the sale of real estate for unpaid taxes. That the board of town commissioners may in its discretion provide that the same may be paid, in three or more annual installments, from and after the commencement of such work, with interest at six per cent per annum from the date of said commencement. Notice to owners.
Collection of apportionment.
Liens on lots.
Enforcement of payment.
Payment in installments.

SEC. 8. That the board of commissioners of the town of Kernersville, upon petition of twenty or more qualified voters of said town, shall call an election, first giving four weeks' notice of the election in some newspaper published in said town, if any, and by thirty days' notice posted in four places in said town, stating the time and place of said election and the purpose thereof. They shall appoint a registrar and two judges of election for the purpose of this election, who shall have the powers now conferred by the law of the State on such officers, as far as the same may be applicable to this election. That the board of town commissioners shall order a new registration whenever said question is submitted to the voters, and said registrar shall keep open the registration books, and the registration of voters and the election shall be conducted under the same rules and regulations as provided by law for municipal elections in said town. Petition for election.
Notice of election.
Registrar and judges of election.
New registration.
Law governing registration and election.

SEC. 9. That the voting shall be by ballot, written or printed. Those voting for the aforesaid levy and issue of said bonds shall Ballots.

vote a ticket with the words, written or printed, "For Bonds," and those against said levy and bonds shall vote a ticket with the words, written or printed, "Against Bonds."

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 190.

AN ACT TO AMEND CHAPTER 309 OF THE PRIVATE LAWS OF NORTH CAROLINA FOR THE SESSION OF 1903, AMENDING THE CHARTER OF THE TOWN OF CHINA GROVE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section seventeen, chapter three hundred and nine of the Private Laws of North Carolina for the session of one thousand nine hundred and three, be amended as follows: Strike out all of said section after the word "suitable," in line five, and insert in lieu thereof the following: "and collect the expense thereof as other taxes in the town of China Grove are collected. In order to keep the sidewalks uniform, the aldermen, in said notice, may declare what kind of sidewalk shall be made, and shall furnish an estimate of the probable cost."

Improvement of
sidewalks.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1909.

CHAPTER 191.

AN ACT TO AMEND SECTION 21 OF CHAPTER 40 OF THE PRIVATE LAWS OF NORTH CAROLINA OF THE SESSION OF 1899, THE SAID ACT TO BE SO AMENDED BEING THE CHARTER OF THE TOWN OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-one of chapter forty of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out the word "forty," between the words "exceed" and "cents," in line seven of said section, and substituting in lieu thereof the word "sixty"; by striking out the words "one

Tax limit.

dollar and twenty cents," between the words "and" and "on," in lines eight and nine of said section, and inserting in lieu thereof the words "one dollar and eighty cents."

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 1st day of March, A. D. 1909.

CHAPTER 192.

AN ACT TO AUTHORIZE THE MERGER OF A RAILROAD COMPANY TO BE ORGANIZED IN ASHE AND ALLEGHANY COUNTIES WITH THE VIRGINIA SOUTHERN RAILROAD COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That authority is hereby given to any railroad corporation which may hereafter be created under chapter sixty-one of the Revisal of one thousand nine hundred and five, for the purpose of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property between the town of Jefferson, Ashe County, or the town of Sparta, Alleghany County, Boone, in Watauga County, or any other points in either or any of said counties, and the Virginia line, to merge or consolidate with the Virginia Southern Railroad Company, a corporation created, organized and existing under the laws of the State of Virginia.

Companies given power of consolidation.

SEC. 2. That such merger or consolidation shall be made in the following manner and under the following conditions, provisions and restrictions:

Proceedings for merger.

SEC. 3. That the boards of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement, under the corporate seals of their respective corporations, for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation or of the merged or consolidated corporation; the number, names and places of residence of the directors, and principal officers of such merged or consolidated corporation, who shall hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation; the aggregate amount of the capital stock, with the par value of each share proposed to be issued in connection with such merger or consolidation by such merged or consolidated corporation, and if the capital

Joint agreement of directors.

stock is to be divided into classes, the classes thereof, with the terms on which issued; the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such merged or consolidated corporation, and how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed, together with all such other agreements as shall seem necessary or convenient to perfect the merger or consolidation of said corporation.

Agreement submitted to stockholders.

SEC. 4. That the agreement shall be submitted to the stockholders of each of said merging or consolidating corporations, separately, at a meeting thereof to be called for the purpose of taking the same into consideration, of the time, place and general object, of which meeting due notice shall be given by publication for two successive weeks in a newspaper published in or near the place where the principal office of each of said merging or consolidating corporations is located, and by mailing a copy of such notice, at least ten days prior to such meeting, to the last-known post-office address of each of the stockholders of record; and at said meeting the said agreement shall be considered, and a vote by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of said agreement, consolidation and merger, then that fact shall be certified by the president or one of the vice presidents of the corporation, under the corporate seal, attested by the secretary; and said certificates, duly acknowledged by the president or vice president signing the same, and by the secretary of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be filed with the Secretary of State.

Deed or conveyance on merger.

SEC. 5. That when such consolidation or merger shall have been agreed to, in the manner and form hereinbefore prescribed, then the same shall be effected by the execution and delivery of a deed or other proper conveyance from the merging or consolidating railroad companies to such merged or consolidated corporation, conveying by proper description all of the property, real, personal and mixed, including the roadbed, right of way and superstructures, as well as all equipment and other personal property, and all contracts of subscription to stock or bonds between either of said merging or consolidating corporations and any county or township, and all rights thereunder, and all the rights, powers, privileges and franchises of the said railroad company agreeing and consenting thereto, as aforesaid, to the said merged or consolidated corporation, subject to any and all existing liens on each of said railroad companies, respectively; and the said merged or con-

solidated company shall have the right to covenant and to assume as a part of the consideration of such conveyance the payment of the principal and interest of any or all such liens; and upon the execution and delivery of such conveyance the said new or consolidated corporation shall immediately be and become vested with the complete and full title to all the property, rights, powers, privileges and franchises conveyed thereby, including all rights which either of said merging or consolidating corporations may have acquired by reason of any county or town or township subscriptions to its capital stock or bonds, upon the conditions therein contained, with the right to own, maintain and operate the railroads and all branches theretofore owned and operated, and other works of the companies agreeing thereto as one railroad company.

SEC. 6. That the merged or consolidated company is hereby authorized to make and carry out any agreement that may be made for the transfer and delivery of shares of its capital stock to the holders of the shares of stock in either of said railroad companies consenting thereto, in exchange for such stock, on such terms and at such rates as may be mutually agreed upon; and said company is hereby authorized to purchase from the holder thereof any of the shares of stock in either of said railroad companies agreeing thereto, which may not be exchanged as aforesaid.

Consolidated company to carry out agreements.

SEC. 7. That if any stockholder of either of the corporations so consolidated or merged who shall not have given assent thereto, and who shall be dissatisfied therewith, shall signify such dissent by notice, in writing, served on the president, secretary or treasurer, either within or without this State, of such merged or consolidated corporation, at any time within three months after the said meeting of his corporation to act thereon, he shall receive from such merged or consolidated corporation the fair cash value of his stock as of the day before the vote for the agreement or consolidation of his corporation was so cast, as aforesaid. If the price cannot be agreed upon, then such stockholder may apply, by petition, as in other special proceedings, to the Superior Court of Ashe or Alleghany County, as the case may be, to appoint three disinterested persons to fix the value of said stock.

Dissenting stockholder to receive value of stock.

SEC. 8. The award of a majority of such appraisers shall be reported to the court for confirmation. If the court shall be of the opinion that the valuation is not just, it may set aside the award and appoint three other disinterested persons to make such valuation, who shall likewise make their report to the court for confirmation, subject to appeal for error of law. When the report shall be confirmed, it shall be the duty of the said merged or consolidated company to take and pay for the said shares of stock, at the valuation thereof, as fixed by such appraisers, upon its being transferred and delivered to it; and upon its failure to take and pay for the same within thirty days after the final confirmation

Procedure for settlement of value.

Report of award for confirmation. Award set aside; new valuation.

Duty of company on confirmation of report.

Proviso; payment on transfer of shares.

Assignment in lieu of transfer.

Corporations to continue.

Rights of consolidated company.

Accrued rights protected.

Domestic corporation.

of said award, then the amount of said award shall be a judgment against said company and collected as other judgments of said court are by law collected; *Provided, however,* that said company shall not be required to pay the said judgment except upon the surrender and delivery to it of the certificate for said shares, legally transferred; but if no certificate of stock shall have been issued to said dissatisfied stockholder he shall make a due assignment to the merged or consolidated corporation of all of his rights in respect thereof; and the merged or consolidated corporation may thereafter, in lieu thereof, reissue the same amount of stock to any other person or persons.

SEC. 9. That notwithstanding the conveyance of the property of the railroad companies referred to, to the said merged or consolidated corporation, as hereinbefore provided, the existence of the said railroad companies as corporations shall, respectively, continue so long as any of their shares of capital stock shall not be sold to or exchanged with the said merged or consolidated company, for the purpose only of protecting the interest of the said stockholders in said railroad companies as such; and in all meetings of the said railroad companies, respectively, thereafter held the said merged or consolidated company shall have the right to represent all the stock which it may have acquired or purchased, as aforesaid, in the railroad companies, respectively, casting such vote as it may be entitled to on the number of shares so acquired by it and standing in its name on the books of the said companies, respectively, and to that end the said merged or consolidated company may keep alive and hold, for that purpose only, all the shares of stock in any of said railroad companies which it may acquire by purchase or in exchange, as aforesaid, until it shall have acquired the whole of said stock in the said railroad companies, respectively, when the same shall be canceled, and the existence of the railroad company whose entire stock shall be so acquired shall cease and be at an end.

SEC. 10. That nothing herein contained shall be construed as in anywise impairing or changing any right of action which the State of North Carolina, or any of its agents, or any county of the State, or any person or party whomsoever may now or hereafter have against either of the railroad companies hereinbefore referred to; but such right of action shall remain unchanged, and may be enforced against any such corporation and against the rights, property and franchises thereof, the same as it might have been before the passage of this act, or any transfers in pursuance thereof.

SEC. 11. That the corporation formed or consolidated under the provisions of this act or affected thereby shall be a domestic corporation of North Carolina, and shall have all the rights, powers and privileges conferred upon, and be subject to all the duties and

obligations imposed upon a corporation created and organized under chapter sixty-one of the Revisal of one thousand nine hundred and five and acts amendatory thereof.

SEC. 12. That any county, township or town along or near the line of railroad of the consolidating or consolidated company may subscribe to the capital stock of the said company or for bonds issued by the same, in the following manner: Upon presentation of a writing, signed by not less than fifty freeholders and resident taxpayers of the county, township or town, to the board of county commissioners of said county, or of the county in which said township is situated, or to the proper authorities of said town, requesting them to submit to the qualified voters of the county, township or town where said petitioners reside a proposition to subscribe a definite sum named in said petition to the capital stock or bonds of said company, the board of commissioners of said county or proper authorities of said town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription": and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such elections shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county and at every polling place of said county, township or town where the said election shall take place; and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said town.

Municipalities may subscribe to stock.

Procedure for subscription.

New registration.

Election.

Ballots.

Law governing elections.

Notice of election.

Returns.

SEC. 13. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county or proper authorities of said town shall immediately make subscription, and shall issue coupon bonds, to the amount of said subscription, in order to pay the same; and the bonds shall upon their face indicate on account of what county, township or town they are issued; they shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate, not exceeding six per cent per annum.

Effect of result.

Bond issue.

Denomination.

Maturity.

Interest.

SEC. 14. The county authorities in any county voting for subscription or in which there is a township voting for subscription, and the authorities of any town voting for subscription, who are

Special taxes.

legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township or town to pay the interest on the bonds issued on account of such county, township or town, and shall also levy a sufficient tax to create a sinking fund to provide for payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they were levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county or by the proper authorities of such towns issuing such bonds.

Collection of taxes.

Specific appropriation.

Investment of sinking fund.

SEC. 15. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1909.

CHAPTER 193.

AN ACT TO PROVIDE FOR A SPECIAL-TAX ELECTION IN SCHOOL DISTRICT No. 5, HYDE COUNTY.

The General Assembly of North Carolina do enact:

Election authorized.

Tax rate.

Petition for election.

Tax to be levied.

Petition of two-thirds of voters to rescind tax.

Defeat of proposed tax not to affect present tax.

SECTION 1. That School District Number Five, in Currituck Township, Hyde County, be and is hereby empowered to hold an election for special tax for school purposes, and to raise the taxes from ninety cents on the poll to one dollar and eighty cents on the poll, and from thirty cents on the one hundred dollars valuation to sixty cents on the one hundred dollars valuation.

SEC. 2. That the Board of County Commissioners of Hyde County shall, upon a petition signed by one-third of the qualified voters of said school district, order an election held on the day named by said petitioners.

SEC. 3. That if a majority of the qualified voters at said election are for the special tax, as enumerated in section one of this act, this tax shall be levied. Whenever two-thirds of the qualified voters of the said school district shall petition the county commissioners not to levy the special tax, their petition shall be granted.

SEC. 4. That if at the election provided for in this act a majority of the votes cast are against the special tax, it shall in no way affect the present special tax in said district.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 194.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, be amended by adding at the end of section forty-nine of said act the following: "Said board of aldermen may provide for the paving of the streets and sidewalks of said town, and may construct or lay said paving on or over any of the streets or sidewalks of said town, and extend the same as it may seem advisable, or cause the same to be constructed, laid or extended, maintained and repaired and kept in good condition. When said board of aldermen shall determine to extend any paving already laid along the sidewalks of said town, or to place any new pavement, it shall cause the clerk to issue a notice to the property owner in front of whose premises the sidewalk is to be paved, giving said property owner notice of the cost of said paving in front of his property, as aforesaid, and notifying him that he will be charged with one-half of the cost of laying and constructing said paving; and in the notice so issued by said clerk he shall give notice to said property owner of at least ten days, in which time the property owner shall pay to the treasurer of said town of Shelby the sum named in said notice, which said amount shall be one-half of the cost of the paving. In the event that the property owner so notified shall fail or refuse to pay to the treasurer of said town the amount specified in said notice, to wit, one-half of the cost of the paving of the sidewalk in front of his property, by the time given in said notice, then the board of aldermen of the town of Shelby shall have the right to proceed with the work of paving and have same laid and constructed in front of said property; and upon the completion of said paving in front of the property whose owner has been notified, as above provided, the town clerk shall hand to the tax collector a copy of the amount so charged against said property owner, the same being one-half of the cost of the paving, as above provided, and said tax collector shall immediately proceed to collect the same and account therefor in the same manner as the taxes of said town, and the said town clerk shall enter in a book to be kept for that purpose the name of the party and the amount of such charges as shall be placed by him in the hands of the tax collector. The amount of such charges shall constitute, from the commencement of the work for which they are charged, liens upon the respective lots upon which they are respectively charged; and if any of them are not paid upon demand, so much of the lot upon which charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be advertised and sold by the tax

Powers in paving streets and sidewalks.

Notice to property owners.

One-half cost to be paid by land-owner.

Work proceeded with.

Collection of assessment on lot.

Records kept by clerk.

Charges a lien on lot.

Sale of lot for payment.

collector for the payment of same, under the same rules, regulations, rights of redemption excepting, and in the same manner as is prescribed in the charter of the town of Shelby for the sale of real estate for unpaid taxes."

Bond issue authorized.
 Denominations.
 Amount.
 Interest.
 Bonds not sold below par.
 Use of proceeds.
 Issue supplemental to former issue.
 Proviso: election to be ordered.
 Ballots.
 Bonds not to issue but by vote of majority of voters.

SEC. 2. That the board of aldermen of the town of Shelby is hereby authorized and empowered to issue bonds, in the name of the town of Shelby, in such denominations and forms as it may determine, to an amount not exceeding fifteen thousand dollars (\$15,000), payable at such times and such places as the board of aldermen may prescribe, said bonds to bear interest at no greater rate than six per centum per annum, said interest to be payable annually or semiannually, as the board of aldermen may prescribe, and said bonds in no case to be sold, hypothecated or otherwise disposed of for less than their par value, and to use the proceeds arising from the sale of said bonds for the purpose of supplementing the bond issue provided for in chapter eight, Private Laws one thousand nine hundred and seven, section seven, for the purpose of buying, maintaining and operating an electric-light plant, as specified in said section seven and as authorized in the charter of said town, and for the further purpose of paving the streets and sidewalks of said town as the said board of aldermen may prescribe, and in accordance with such rules and regulations as they may adopt, and for the further purpose of erecting and equipping a city hall for the said town of Shelby. The bonds herein provided for, if issued by the said board of aldermen of the town of Shelby, shall be supplemental to the bond issue of ten thousand dollars (\$10,000) provided in section seven of chapter eight, Private Laws one thousand nine hundred and seven, reference to which is made in the above, and said board of aldermen shall have the right and authority to issue all or any part of the issue herein provided for, of fifteen thousand dollars (\$15,000), and to sell said bonds, in their discretion, at public or private sale; and the funds derived from the sale of said bonds may be used for any or all of the purposes herein provided for: *Provided*, that before the board of aldermen of the town of Shelby shall issue the fifteen thousand dollars (\$15,000) of bonds herein provided for, or any part of same, it shall order an election, under the rules and regulations provided in chapter one hundred and ninety-four, Private Laws one thousand nine hundred and one, and chapter eight of the Private Laws of one thousand nine hundred and seven, to be held at such time as said board of aldermen may prescribe; and at said election those favoring the issuing of said bonds shall vote a ticket, written or printed, containing the words "For Bonds," and those against issuing of said bonds shall vote a like ticket containing the words "Against Bonds"; and unless a majority of the qualified electors of said town of Shelby shall vote "For Bonds," then no part of the issue herein provided for shall be issued or sold by said board of aldermen of the town of Shelby.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they relate to said town of Shelby.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 195.

AN ACT FOR THE RELIEF OF SHARON PUBLIC-SCHOOL DISTRICT, OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Cleveland County may order an election to be held in and for Sharon Public-school District, Number Eight, in Cleveland County, to determine whether or not the special tax heretofore authorized for said school district shall continue to be levied and collected: *Provided*, that said election shall not be ordered unless same is recommended by the Board of Education of Cleveland County, which shall be guided by the facts relative to same, and use its discretion as to its recommendation. Election for continuance of tax.
Proviso: election to be recommended by board of education.

SEC. 2. That, if ordered, said election shall be conducted and held as is provided by section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina: and in case the majority of the qualified voters of said district at said election shall vote "Against Special Tax," then same shall not be collected or levied again, unless same is voted at some future election on said question, held under the same laws and regulations. Law governing election.
Effect of result.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 196.

AN ACT TO ESTABLISH REYNOLDSON GRADED-SCHOOL DISTRICT AND PROVIDE FOR AN ELECTION FOR SPECIAL TAX THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the special-tax school district of Reynoldson (District Number One, Reynoldson and Haslett's townships), Gates County, shall be and is hereby constituted a graded-school district. Graded school district constituted.

Powers of trustees.

SEC. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded-school property in said graded-school district; shall, with the advice and consent of the county superintendent, prescribe rules and regulations for the government of the school, not inconsistent with the provisions of this act; shall elect their own chairman and secretary for a term of two years each, and employ and fix the salaries of teachers:

Proviso: certificates of teachers.

Provided, no teacher shall be employed who does not hold a certificate, in date, from the superintendent of schools of the county; and do all other acts and things that may be lawful and just to

Proviso: free tuition.

conduct and manage the school interest in said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into the said graded school free of tuition charges: *Provided further*, that the said trustees may

Proviso: non-resident pupils.

receive as students nonresident children upon the payment of

Proviso: credit for tax in district to nonresident pupils.

reasonable tuition charges, to be fixed by said trustees: *Provided further*, that the said trustees shall allow such credit to the parents or guardians of nonresident children attending said school as they may think just and meritorious, on account of school taxes paid on property in said district by said parents or guardians.

Trustees named.

SEC. 3. That E. J. Freeman, J. C. Eure, E. L. Smith, I. A. Himes, J. B. Holland, R. W. Gatling, W. D. Langston and E. S. A. Ellenor are hereby appointed trustees for the said graded school of the said Reynoldson District, and they shall meet, qualify and organize within thirty days after the ratification of this act. As soon as the said trustees shall have qualified, they shall divide themselves into three classes, the first class to be composed of three members, the second class to be composed of three members and the third

Meeting, qualification and organization. Trustees to be classified.

Terms of office.

class to be composed of two members. The members of the first class shall hold their offices for a term of six years, the members of the second class for a term of four years, and the members of

Appointment of successors.

the third class for a term of two years. At the end of each succeeding two years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint

Term of office.

trustees to succeed those whose terms then expire. Members of the board of trustees shall be appointed for a term of six years.

Vacancies.

Vacancies caused by death, removal, failure to qualify or any other cause shall be filled by the board of trustees of said graded school.

Quorum.

All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof, and a majority shall constitute a quorum.

Date for election.

SEC. 4. That the commissioners of Gates County are hereby required to submit to the qualified voters of the said district, on the first Tuesday in May, one thousand nine hundred and nine,

Question to be submitted.

the question whether an annual tax of ten cents on each hundred dollars valuation of property and thirty cents on each poll shall be levied, in addition to the special tax now levied of twenty

cents on property and sixty cents on the poll, and said election to be governed by the law governing elections of members of the General Assembly, as nearly as may be. Law governing election.

SEC. 5. That at said election those favoring the levying of such tax shall vote a written or printed ballot with the words "For School Tax" upon it, and those opposed to the levying of the tax shall vote a written or printed ballot with the words "Against School Tax" upon it. Ballots.

SEC. 6. That for the purposes of this act a new registration shall be had. Said registration shall be provided for by the County Board of Commissioners of Gates County, subject to the general laws of the State governing the registration of voters. New registration.

SEC. 7. That if a majority of the qualified voters shall vote at said election in favor of levying such tax, then the said board of trustees shall, each year, on or before the first day of June, notify the county commissioners of the levy on property and polls desired to be made for that year, and the said board of county commissioners shall be bound to levy the amount asked for by the said board of trustees on property and polls: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars' worth of property and ninety cents on the poll. Trustees to notify commissioners. Commissioners to levy tax. Proviso: limit of tax rate.

SEC. 8. That said tax shall be due and collected annually by the Sheriff of Gates County as and at the time other county taxes are due and collected; that said tax shall be promptly paid over, as collected, by the sheriff of said county to the treasurer of the county, who shall pay out same only upon voucher signed by the chairman and secretary of said board of trustees and countersigned by the county superintendent of schools. Collection of tax.

SEC. 9. That said board of trustees and their successors shall have the right, after maintaining not less than six months nor more than nine months school in the district, to use whatever money may be in the hands of the treasurer to the credit of the district in improving the school property, building dormitories or in any way that in their judgment will promote the interests of schools in the district. Improvement of school property.

SEC. 10. It shall be the duty of the board of trustees to maintain a public school in said district for the colored children in said district; and the said board shall use and appropriate the funds derived from the special tax and from all other sources, and shall be just and equitable to both white and colored races, having due regard, however, to the relative cost of keeping up and maintaining the schools for both races: *Provided*, that all donations to said schools shall be applied as directed by the donors. School for colored children. Apportionment. Proviso: donations.

SEC. 11. That said board of trustees shall make all reports to the county board of education, as is required by the general school law of public-school committeemen. Reports.

as a street tax from each and every male person living within the corporate limits of said town between the ages of eighteen and forty-five years of age: *Provided*, that every male person between the ages of eighteen and forty-five years living within the corporate limits of said town shall pay, annually, on the first day of September of each and every year, to the tax collector of said town, the sum of one dollar as a street tax, or work on the streets of said town for two days, or furnish an able-bodied hand in his place in lieu of the one dollar for street tax. Any person failing or refusing to pay the said street tax or perform the labor required by this act, or failing to furnish the hand in his place, shall be guilty of a misdemeanor, and upon conviction shall be fined five dollars.

Proviso: work in lieu of tax.

Failure to pay street tax or work streets a misdemeanor.

Punishment.

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 force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 198.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BENSON, IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Benson, in Johnston County, shall be extended as follows, viz.: Beginning at a point on the Atlantic Coast Line Railroad seven hundred and seventy yards northeast of the center of Main Street, in said town, and running south 52° east seven hundred and seventy yards to a stake; thence parallel with said railroad south 37° west one thousand five hundred and forty yards to a stake; thence north 52° west one thousand five hundred and forty yards to a stake; thence parallel with said railroad north 37° east one thousand five hundred and forty yards to a stake; thence south 52° east seven hundred and seventy yards to the beginning.

Corporate limits extended. Boundary.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 199.

AN ACT TO AUTHORIZE THE TOWN OF SOUTHERN PINES TO ISSUE BONDS TO REFUND ITS BONDED INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Bond issue authorized.	SECTION 1. That the board of commissioners of the town of Southern Pines, at any time after the ratification of this act, be and they are hereby authorized and empowered to issue coupon bonds,
Denominations.	in the name of the town of Southern Pines, in denominations of five hundred dollars (\$500) each, and in such form as the said
Amount.	board of commissioners may determine, to an amount not exceeding twenty thousand dollars (\$20,000), to be due and payable
Maturity.	twenty years from the date of issue, and for the purposes herein-after specified, which said bonds are to bear interest from their
Interest.	date, at a rate not exceeding six per cent per annum, to be determined by the board of commissioners of said town, payable semi-annually on the first days of January and July in each year, at
Designation.	such place or places as the board of commissioners of said town shall determine. Said bonds shall be designated as "Series C" and
Authentication.	numbered consecutively from one upwards, in accordance with their issue, and shall be signed by the mayor of said town and attested by the clerk of the board of commissioners of said town, and shall have affixed thereon the corporate seal of said town, and the interest upon said bonds shall be evidenced by interest-bearing coupons thereto attached in such form as the said board of commissioners of said town shall determine, and said coupons shall be signed by the mayor of said town or have his lithograph signature thereon, and shall have such other evidences of identification as may be determined upon by said board of commissioners; and said bonds, when issued, and the interest accumulating thereon, shall be fully binding upon said town and its property.
Purpose of issue.	SEC. 2. That said bonds shall be issued for the purpose of paying off and refunding the bonds of said town, in the sum of twenty thousand dollars (\$20,000), heretofore issued for the purpose of defraying the expenses of providing and putting in a system of sewerage and waterworks in said town, and of macadamizing, paving, grading, draining and otherwise improving the streets of said town, and purchasing ground for public-school purposes, and erecting, equipping and furnishing school buildings, under the authority of chapter one hundred and ninety-four of the Private Laws of the General Assembly of North Carolina, passed at its session of one thousand eight hundred and ninety-seven and ratified the sixth day of March, one thousand eight hundred and ninety-seven, and chapter one hundred and sixty-seven of the Private Laws of the General Assembly of North Carolina of one thousand eight hundred and ninety-nine, ratified the twenty-eighth day of February,

one thousand eight hundred and ninety-nine, and amendments thereto; and said board of commissioners of said town are hereby authorized to arrange with the owners and holders of the outstanding bonds of said town, issued under the authority of the acts of the General Assembly hereinbefore referred to, so far as it can be done, at such time or times as they may determine upon, in their discretion, or when said bonds may mature, to surrender the bonds or any portion thereof held by them, upon the receipt by them of the par value of such bonds, with the interest thereon, in money, or to exchange or surrender the said bonds held by them or any portion thereof for like amounts of bonds authorized by this act; and upon perfecting such arrangement or agreement with said bondholders, or any of them, said board of commissioners of said town are directed to carry the same into effect by exchanging said bonds or any portion thereof for a like amount of said outstanding bonds, or by selling the bonds authorized by this act or any portion thereof at a price not less than their par value, and apply such amount of the proceeds of the sale of such bonds as may be necessary exclusively and only to the purpose of paying off and taking up the outstanding bonds of said town aforementioned; and the bonds issued under the authority of this act, or the proceeds arising from the sale thereof, shall be issued and applied for no other purpose than that above specified: but the purchaser or purchasers of said bonds, or any of them, shall not be bound to see to the application of the purchase money paid therefor; that when any of the present outstanding bonds of said town shall be exchanged for the bonds hereby authorized to be issued or paid off by any of the proceeds of the sale of said bonds, the said bonds so exchanged or paid off shall not again be issued or sold, but shall thereafter be null and void and shall be canceled and destroyed by said board of commissioners of said town.

Exchange of bonds.

Sale at not less than par. Specific appropriation of proceeds.

Responsibility of purchasers.

Bonds received in exchange to be canceled and destroyed.

SEC. 3. That a record shall be kept of said bonds issued under the authority of this act, showing the numbers and denominations thereof, the dates of issue of the same, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of the same, in case sale thereof has been made; and in case said bonds shall have been exchanged for the bonds heretofore issued by said town, a record of the same shall be made, showing what bonds have been taken up and paid off by such exchange, and such other record with respect to the issue of said bonds shall be made and kept as may be determined upon by said board of commissioners.

Record of bonds.

SEC. 4. That the treasurer of the said town shall receive all such moneys as may be paid for the purchase of said bonds in his official capacity as treasurer of said town, and he and his sureties on said bond shall be liable therefor, and he shall pay over the same as is provided by this act and as directed by the board of commissioners of said town.

Treasurer to receive moneys.

Liability on bond.

Special tax. SEC. 5. That the board of commissioners of said town of Southern Pines, upon the issuing of said bonds authorized by this act, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town and by-laws, sufficient to meet the interest on said bonds, and pay the principal thereof when they shall become due and payable, and said taxes shall be collected in like manner as the other taxes of said town and paid into the hands of the treasurer thereof for the purposes aforesaid: *Provided*, that the annual tax levied and collected for the purposes aforesaid shall not exceed one dollar on each one hundred dollars of assessed valuation of taxable property in said town and three dollars on each taxable poll.

Collection of tax.

Proviso: tax limit.

Further security for bonds.

SEC. 6. To further secure the payment of the bonds authorized by this act, and the interest coupons thereto attached, the board of commissioners of the town of Southern Pines shall be authorized and empowered, in their discretion, to execute to the purchasers of said bonds authorized by this act, or to a trustee for the benefit of the holders of said bonds, a mortgage deed, or deed in trust, conveying the entire system of waterworks, mains, pipes and all other property connected with or forming a part of said system of waterworks in said town, and containing such conditions and terms as may be determined upon by said board of commissioners of said town, and authorizing said trustee of the holders of said bonds to make sale of said system of waterworks to the highest bidder, for cash, at such time and place as said board of commissioners may determine upon, in case of default in the payment of the bonds and interest coupons authorized and issued under authority of this act.

SEC. 7. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 200.

AN ACT TO AUTHORIZE THE TRUSTEES OF WILSON GRADED-SCHOOL DISTRICT, WILSON TOWNSHIP, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Petition for election.

SECTION 1. That the county commissioners of Wilson County are hereby required, upon the petition of a majority of the members of the Board of Trustees of Wilson Graded-school District,

Wilson Township, to hold an election in the district upon the question of issuing bonds of said district, not exceeding in amount the sum of thirty thousand dollars (\$30,000), for the purpose of erecting and equipping additional public school buildings, funding the debt on the present school buildings and adding to them, and for acquiring grounds and sites for new school buildings for the said school district.

SEC. 2. That the election provided for by this act shall be held at the usual voting places in said district and at such time during the next two years as the Board of Trustees of Wilson Graded-school District may designate, under the rules and regulations governing general elections, as nearly as may be, and for said election there shall be a new registration. At said election those qualified voters who are in favor of the bond issue herein provided for shall vote a written or printed ballot containing the words "For School Bonds"; those opposing shall vote a written or printed ballot containing the words "Against School Bonds."

SEC. 3. That in the event a majority of the qualified voters at said election shall favor the issue of bonds, the Board of Trustees of Wilson Graded-school District are hereby authorized to issue the same, not to exceed in amount thirty thousand dollars, payable not more than thirty years after date of issue, and bearing interest not exceeding five per cent per annum, interest being due and payable semiannually; and the said trustees are hereby empowered to issue said bonds in such denominations as shall be advantageous to their sale. The proceeds arising from said issue and sale of bonds shall belong to and be a part of the public-school funds of said school district, to be kept and accounted for by the said board of trustees and its officers as other public-school funds, but only to be used for the purposes set forth in section one of this act: *Provided, however*, that the proceeds of said sale of bonds may be used in co-operation with the Wilson County Board of Education for the joint establishment in said graded-school district of a county high school, if in the opinion of the trustees such a plan can be carried out with advantage to the school interests of said Wilson Graded-school District.

SEC. 4. That for the purpose of paying the interest on the bonds herein provided for, and for the purpose of establishing a sinking fund for their payment at maturity, the trustees of Wilson Graded-school District shall devote such part as may be necessary of the annual special school tax now levied by a vote of the people of said district, which tax shall not exceed one-third of one per centum on property and one dollar on each taxable poll; and the commissioners of Wilson County shall levy the necessary taxes herein provided for.

SEC. 5. That the Board of Trustees of the Wilson Graded-school District, provided for by chapter two hundred and fifty-nine, Public Laws of one thousand eight hundred and ninety-nine, are

Election on bond
issue.
Amount.
Purpose.

Voting places.
Time for election.

Law governing
election.
New registration.
Ballots.

Bond issue
authorized.

Amount.
Maturity.
Interest.

Denominations.

Specific appro-
priation.

Proviso: establish-
ment of county
high school.

Payment of
interest and
establishment of
sinking fund.

Trustees
incorporated.

hereby created a body corporate and politic, and the usual powers exercised by such bodies are hereby conferred on said board.

Special school tax
specifically
validated.

SEC. 6. That in order to remove any doubt as to the authority to levy the special school tax now levied in said Wilson Graded-school District, it is hereby enacted that any defect existing by virtue of failure to record the return of the election held under chapter five hundred and nine, Public Laws of one thousand nine hundred and ninety-one, be removed, and that the election held under the said act be and the same is hereby declared to be legal in all respects, as if the return of said election had been properly recorded.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 201.

AN ACT TO INCORPORATE THE ALTAPASS AND LINNVILLE FALLS TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

Purpose of incorporation.

SECTION 1. That for the purpose of constructing a turnpike road, or any part thereof, from Altapass, Mitchell County, North Carolina, in a northeasterly direction, by way of Linnville Falls to Linnville City, Mitchell County, North Carolina, and from Linnville Falls, in Burke County, North Carolina, in a southeasterly direction, to Linnville Falls Station, on the Carolina, Clinchfield and Ohio Railway, in McDowell County, North Carolina, the formation of a corporation, with a capital stock not exceeding fifty thousand dollars (\$50,000), to be styled the "Altapass and Linnville Falls Turnpike Company," is hereby authorized.

Corporation
authorized.
Capital stock.
Corporate name.

Use of county
roads.

SEC. 2. That the county commissioners of Mitchell, McDowell and Burke counties, North Carolina, are hereby authorized and empowered to dedicate, convey or lease to said corporation such portions of the county roads as may come in contact with said turnpike or which may be needed or desired in its construction, upon terms to be agreed upon between them.

Books of sub-
scription.

SEC. 3. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Altapass, under the direction of the three following-named persons, to wit: Floyd Gardner, Ferdinand Powell and D. N. Lonon.

Shares of stock.

SEC. 4. That the capital stock of said association shall be divided into shares of ten dollars (\$10) each; and whenever one hundred (100) of such shares shall be subscribed for, on the books authorized to be opened for that purpose, the subscribers for same and their future associates are hereby declared to be a body politic, and incorporated, by the name and style of the "Altapass and

Corporation.

Corporate name.

Linnville Falls Turnpike Company," for a term of sixty years, and with all the rights, powers and privileges incident or belonging to corporations, as set forth or referred to in the chapter of The Code of North Carolina entitled "Corporations."

SEC. 5. So soon as one hundred shares of the capital stock of said corporation shall be subscribed for, it shall be lawful for the three persons hereinbefore named to call a general meeting of such subscribers, by notice, advertised at least two days prior thereto in one or more newspapers published in the counties of Mitchell and McDowell, North Carolina, and such subscribers shall at such meeting elect from among themselves a board of directors for said corporations, of such number, not less than five, as they may at such meeting or any subsequent meeting determine; and the directors, to be chosen at such meeting and at the subsequent annual meetings of the stockholders, as they may be fixed by the by-laws of said corporation, shall elect one of their number president of said corporation at said meeting or any subsequent meeting of the stockholders of said corporation. They may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time to time order and direct.

Term and corporate rights.

Notice of meeting for organization.

Organization. Directors.

Election of president.

By-laws.

SEC. 6. The board of directors may require payments on amount of subscriptions to the capital stock of said corporation to be made in such installments and at such times as they may think proper; and in case any subscriber fails to make payment of any such installments at the time required by the call for the same, the directors, after fifteen days' notice, advertised in one of the newspapers in said counties of Mitchell and McDowell, may sell by public auction the share or shares of stock subscribed for by him, or so many of them as will pay the whole of the remainder then unpaid on his subscriptions, whether then payable or not, and if a balance shall still remain after applying the proceeds of the sale of his shares, as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid.

Payments of subscriptions.

Enforcement of payment.

SEC. 7. Whenever any lands may be required for said turnpike, either for a roadway or for toll houses or other necessary appurtenances thereto, and an agreement cannot be made with the owner or owners of such lands, the company or such owner may, in writing, apply to the clerk of the Superior Court of the county in which said lands are situated (Mitchell, McDowell or Burke) to cause the damages of such owner, if any, to be assessed by three disinterested referees, one to be chosen by the owner, one by the said corporation and one by the said clerk of the court; but should either party, or both, fail to appoint, after five days' notice of such application to the clerk, then the clerk shall appoint instead. The

Procedure for condemnation of lands.

Amount to be condemned.	referees so appointed, being duly notified by the clerk, shall, being first duly sworn by some justice of the peace to act impartially, lay off a right of way forty (40) feet in width, or such less width as the company may elect, and also, if required by the company, shall lay off a suitable site or sites for a toll house or houses, not exceeding an acre of land, and assess the damages, if any, to the owners of the land, taking into consideration any benefit or advantage to accrue to such owner from the making of such road, and return their award, in writing, within ten days, to said clerk; and such award of such referees, or any two of them, when returned, shall become a judgment of the Superior Court of said county in which the property so condemned is situated, on which execution may issue, returnable in sixty days, if the amount is not paid by
Notice of appeal.	said company within ten days after notice of such return; but if either party is dissatisfied, and shall, within ten days after the return of such award, notify the clerk, in writing, of an intention to appeal to the next term of the Superior Court of said county,
Bond on appeal.	such party shall have ten days after such notice to give an appeal bond or undertaking, with two sufficient sureties, in such sum as the clerk shall fix, to cover damages and costs; and both parties may appeal from the same award, and the trial in the Superior Court shall be <i>de novo</i> , and the facts shall, if either party so re-
Entry upon lands.	quests, be submitted to a jury. So soon, however, as an award is returned by a majority of such referees, as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award and use them for making such turnpike road or erecting a toll house, as the case may be.
Tolls.	SEC. 8. That said company shall be authorized to demand, recover and receive from all persons using the road of such company, or any of its branches, such fare or toll as may from time to time be established or fixed by its board of directors, not exceeding the following rate per mile: Pedestrians shall not be charged anything; equestrians, not more than one cent; led loose horses, not more than one cent; cattle, not more than one cent; one-horse conveyances, not more than two cents; two-horse conveyances, not more than four cents; automobiles, not more than ten cents; and shall have the right to transport persons and freight over the same, at such rates of fare, tolls and compensation therefor as the directors may deem proper. Any person who shall use any part of said road or its branches without paying the fare or toll due and payable for such use, and demanded by any officer or agent of said company, shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace of the county in which such portion of the said turnpike is situated shall pay a fine of not less than two dollars (\$2) nor more than five dollars (\$5); and upon the failure to pay such fine, together with the costs of the proceedings against him, shall be
Use of road without payment of toll a misdemeanor.	
Punishment.	

imprisoned by the justice of the peace before whom the case shall have been tried not less than five days nor more than twenty days.

SEC. 9. Any person who shall in any manner injure or obstruct the road of said company, or any bridge connected therewith, besides being liable for damages in a civil action, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned, or both, at the discretion of the court.

Injury to or obstruction of road a misdemeanor.

Punishment.

SEC. 10. The said corporation may take, by purchase, devise or otherwise, all such real estate as may be necessary or convenient for its roadway or for toll houses and gardens appurtenant thereto, which shall not exceed one acre each, and may sell and convey the same at pleasure; and may make and construct its road, and the branches thereto, of any such different materials and in such manner and form as to its directors may seem best.

Right to acquire and convey real estate.

SEC. 11. The said corporation shall not have the power to condemn sites for hotels or houses of entertainment, and that said corporation shall keep their roads in good repair.

Sites for hotels.

Road to be kept in repair.

SEC. 12. That the stockholders shall not be individually liable for the debts of the corporation.

Stockholders not individually liable.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 202.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FOUR OAKS, JOHNSTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred and eighty-five of the Private Laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Four Oaks, in Johnston County," as amended by section one, chapter two hundred and sixty-six of the Private Laws of one thousand eight hundred and ninety-three, be stricken out and the following inserted in lieu thereof: "That the corporate limits of said town shall be as follows: Beginning at a blackjack, near the colored church, on a road leading into the town of Four Oaks, and runs south 10° west one hundred and fifty-six poles to a trestle on the Atlantic Coast Line Railroad, in a small branch; thence down said branch to the public road; thence south 62° east eighty-nine poles to the run of Juniper Branch; thence down the run of said branch to a small branch near the Smithfield Road; thence up said branch to the Smithfield Road; thence with said Smithfield Road to a road

Corporate limits.

leading to Four Oaks, near Keen's; thence with said road to another road leading to Four Oaks; thence through a field north 5° west one hundred and twenty-five poles to the head of a small branch; thence north 30° west one hundred and seventeen poles to a forked poplar in the head of a branch; thence south 71½° west one hundred and forty-two poles to the beginning. And the said lines shall be the boundary lines of said town."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 2d day of March, A. D. 1909.

CHAPTER 203.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Boundaries
changed.

Metes and
bounds.

Election of
recorder.

Duty of recorder.

Judicial powers of
mayor devolved
on recorder.

Business pending
transferred.

SECTION 1. That the boundaries of the town of Laurinburg be and the same are hereby changed, so as to include all the lands of Dickson Cotton Mill. The eastern boundary of said town shall be as follows: Running due north from the southeastern corner of the said town to the line of the lands of Dickson Cotton Mill, aforesaid; thence eastward with said boundary line of said cotton-mill lands to the run of Leith's Creek; thence up the various courses of said run to the boundary, as set out in chapter one hundred and twenty-four, Private Laws of one thousand nine hundred and one; thence with the various lines of the said boundary to the beginning.

SEC. 2. That in case the present session of the General Assembly of North Carolina shall not provide a recorder's court, under special act or general law, for the town of Laurinburg, it shall be the duty of the board of commissioners of said town to elect a recorder for said town, which recorder shall take and subscribe an oath before the Clerk of the Superior Court of Scotland County (which oath shall include the provisions of the oath of a justice of the peace) for the faithful discharge of the duties of his office as such recorder, which oath shall be recorded as in cases of justices of the peace.

SEC. 3. That upon election and qualification of such recorder, all duties of the mayor in the capacity of a court heretofore devolving on the mayor of said town shall devolve upon said recorder, and thereafter the said mayor shall have no judicial duties, powers or privileges by virtue of his office. All outstanding processes and all unfinished business shall be immediately transferred to the court of said recorder, which processes or business would otherwise have been returned to or come before the said

mayor's court but for the provisions hereof. All books, papers, trial dockets, all blanks, warrants issued, capiases, subpoenas, books and other records appertaining to the mayor's court, as heretofore constituted, shall be transferred to said recorder, and thereafter all offenses against the town ordinances shall be cognizable only in the said recorder's court, and all clauses of laws and ordinances applying to the said mayor's court shall be taken and deemed to apply to the recorder's court of said town as fully as if the same had therein the proper designation of said court as herein provided for: *Provided*, that there shall be a recorder *pro tem*, elected by the said board of commissioners of said town, who may exercise all the duties of the recorder in the absence of the recorder or the incapacity of the recorder to act; and such kinship as would prevent serving as a juror on the part of the said recorder shall be sufficient to disqualify such recorder for the trial of any person charged with an offense against the ordinances of said town. If the recorder *pro tem*, is likewise disqualified, the same shall be certified up to the mayor and commissioners of said town, and it shall be their duty to designate some suitable person or some acting justice of the peace to hear said cause, and same shall be transferred before him, and his action shall be valid, if not otherwise inconsistent with this act or contrary to the general law: *Provided*, that all the judicial authority heretofore enjoyed and exercised by such mayor shall be thereafter exercised by said recorder, be the same given under charter of said town or general law governing mayors of towns.

Sec. 4. The recorder heretofore provided for shall keep, in a permanently bound book to be furnished by said board, a docket of all causes coming before him, and make an entry, of sufficient clearness and fullness, to give a brief and sufficient history of every case, setting forth what disposition was made thereof, and the costs taxed, fines imposed, and what sums are collected from time to time thereon, and how disposed of. His docket shall be open to any citizen and taxpayer of said town, at any reasonable hour of the day, when not interfering with the proper discharge of the duties of said recorder, to inspect same on the part of any person entitled to so inspect same.

Sec. 5. Process from said recorder's court shall issue and be returnable and trials shall be had as are now provided by law shall be had by the mayor of said town prior to this act, and returns shall be made by said recorder to the Superior Court of the county, when same would or should be made by said mayor, as provided by law, prior to this act.

Sec. 6. The recorder shall from time to time report to the mayor and board of commissioners of the town of Laurinburg the proceedings had in his court, as now provided by law and ordinances for reports from the mayor, or as may be hereafter required by

Records transferred.

Jurisdiction of recorder's court.

Proviso: recorder pro tem.

Disqualification of recorder and recorder pro tem.

Proviso: judicial authority.

Recorder's docket and entries.

Docket to be open to inspection.

Process, trials and returns.

Reports of recorder.

Proviso: judicial acts not subject to review.

the board of commissioners: *Provided*, that nothing herein shall be construed as giving the mayor and board of commissioners any right to review and revise the judicial acts of said recorder.

Maintenance and care of cemeteries.

SEC. 7. The board of commissioners of the town of Laurinburg shall be empowered to provide for the maintenance and care of such cemeteries as may be provided for the said town: *Provided*, that persons of one race shall not be interred in the cemetery of a different race, be the cemetery inside or outside of the town limits, nor shall any new lot be entered or taken up by any person without conforming to the laws and regulations prescribing how same shall be done. The said town may contract with the Laurinburg Cemetery Company, a corporation chartered for the purpose of providing care for the cemetery, or other person or incorporation that in the judgment of the mayor and board of commissioners will provide satisfactory care and maintenance for any one or more cemeteries belonging to said town, and under such terms and conditions and for such time as the mayor and board of commissioners may deem best.

Contract with Laurinburg cemetery company.

Powers in improving streets and sidewalks.

SEC. 8. The board of commissioners of said town is hereby vested with full power and authority to cause the present streets and sidewalks of said town to be paved and curbed, with stone, concrete, brick, macadam or any other substance selected by them for repairs, when necessary, and to change the grading of any of the present streets or sidewalks, and fix the grade and all extensions or additions, or it may in its discretion permit the owner of the property fronting upon any of the sidewalks to make such improvements, under the direction of the board and the manner prescribed by it. In either case the procedure shall be as follows: The board of commissioners shall first adopt a resolution or ordinance, at any regular meeting or special meeting, indicating what streets or sidewalks or parts thereof are to be improved, and whether the work will be done by the town or the adjoining land-owners; the time in which the work shall be begun and completed, if done by such owners. The thirty days' notice of the work to be done shall be given, in writing, to the owners of the property abutting upon the streets or sidewalks to be improved; and if any owner be a nonresident of the county of Scotland, such notice may be given to his agent, if he has one in said county, and if none, then notice shall be given by thirty days' advertisement in some newspaper published in said town.

Procedure for improvement.

Division of expense of sidewalks.

SEC. 9. The expenses of the curbing or paving of the sidewalks shall be borne one-half by the town of Laurinburg at large and one-half by the owners of the lots abutting upon such sidewalks, each lot to bear its proportion of the expenses according to the frontage of each lot, and the same shall constitute a lien upon the

Charges a lien on lots.

respective lots so assessed, until fully paid; and the expenses of the grading, paving or improving the streets or any parts thereof shall be chargeable one-third to the town and one-third to each of the lots abutting upon either side of the street where the work is done, always in proportion to the frontage of such lot; and the amount so assessed against any lot, whether for sidewalks or streets, shall constitute a lien, and a statement of same shall be furnished by the town treasurer to each property owner, with a demand for payment thereof: *Provided*, that if such property owner be a nonresident, such demand may be made upon his agent, or if he has no agent in the county, then by publication for thirty days in any newspaper published in the town of Laurinburg. If not paid within twelve months after such statement is rendered and demand made, then an execution shall be issued by the clerk of the said town, directed to the tax collector in said town, who shall advertise the lands upon which the assessments have been made, as aforesaid, in the manner as prescribed by law for sale of land for unpaid taxes, as hereinafter provided for in this chapter, and shall sell the same and give to the purchaser a receipt, stating the time the land was advertised, the date of sale, the purchase price paid, the assessment due thereon, the cost of same, the name of the owner of the land and the description of the lot sold; and the owner shall have twelve months in which to redeem said land by paying to the purchaser the amount he paid and twenty per cent additional; and the town may bid on said land to protect the amount so due it; and if the land is not redeemed within twelve months, then the said tax collector shall make to the purchaser a deed for said land, which shall convey to him a title in fee simple thereto, and any surplus over and above said assessment, cost of advertising such sale and conveyance shall be paid over to the owner of the said land.

Division of
expense of street
paving.

Charges a lien on
lots.

Demand for
payment.

Proviso: if owner
nonresident.

Enforcement of
collection.

Right of redemp-
tion.

Conveyance of
unredeemed
property.

SEC. 10. That if the board of commissioners shall permit any property owner or owners to do the required work, and the same shall be inferior, either in material or in construction, to the work specified in the resolution or ordinance directing the same, then the said board of commissioners may at any time revoke the privilege granted to the property owners to do the work themselves, and shall finish the same or change it so as to conform to the requirements of the board, the cost of such completion or change to be taxed and collected as hereinbefore provided.

Work done by
owners.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 204.

AN ACT TO ENABLE THE TOWN OF WARSAW, DUPLIN COUNTY, NORTH CAROLINA, TO ISSUE BONDS TO ESTABLISH A BETTER SEWERAGE SYSTEM AND DRAINAGE SYSTEM AND OTHER PUBLIC IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Purposes of bond issue.	SECTION 1. That for the purpose of providing a better drainage system and sewerage system for the use of the town of Warsaw, North Carolina, and its inhabitants, and for the purpose of paving the streets in said town and for other public improvements in said town, the mayor and board of commissioners of said town of Warsaw, North Carolina, are hereby authorized to issue bonds of said town, from time to time, to an amount not to exceed in all five thousand dollars, of such denominations and in such proportions as the board of commissioners and the mayor may determine, bearing interest from their date at a rate not to exceed six per cent per annum, with interest coupons attached, payable annually, at such time and place or places as may be deemed advisable by said board of commissioners, said bonds to be of such form and tenor, signed by such officers and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding twenty years from their date, and at such place or places as said board of commissioners of said town and mayor of said town may determine, said bonds to be signed by said commissioners and mayor.
Bond issue authorized.	
Amount.	
Denominations.	
Interest.	
Authentication.	
Maturity.	
Bonds not to be sold below par.	SEC. 2. That none of the bonds provided for in the preceding section shall be disposed of, by sale, exchange, hypothecation or otherwise, for a less price than their par value, nor shall they or their proceeds be used for any other purpose than that declared in this act.
Specific appropriation of proceeds.	
Bonds subject to tax.	SEC. 3. That the bonds authorized to be issued by this act, and their coupons, shall be subject to tax as other property in said town.
Payment of interest and bonds.	SEC. 4. That the mayor and board of commissioners of the town of Warsaw, North Carolina, are hereby authorized and empowered and directed to pay the interest on the bonds issued under this act, and the principal of the bonds as they shall become due, out of the general taxes as now collected by said town.
Money paid to treasurer and kept separate.	SEC. 5. That the money arising from the sale of such bonds, when paid over to the treasurer of said town, whose duty it shall be to collect the money for the bonds, shall be kept by the treasurer separate and apart from the other moneys of said town, and that moneys arising from a sale of said bonds shall be used for the following purposes, and no other: (1) For better drainage of said town; (2) for paving the sidewalks in said town; (3) for improving said streets and sidewalks.
Appropriation.	

SEC. 6. That the treasurer shall give a justified bond, in an amount to be approved by the mayor and board of commissioners of said town. Bond of treasurer.

SEC. 7. That before any bonds are issued by said town or its mayor or board of commissioners, the question of issuing said bonds shall first be submitted to the qualified voters of said town of Warsaw, North Carolina; and if at said election a majority of the votes cast favor the issuing of said bonds, then the mayor and board of commissioners of said town may issue bonds; but if a majority of the votes cast be against the issuing of said bonds, then the mayor and board of commissioners of said town shall not issue said bonds. Question of bond issue submitted to vote.

SEC. 8. That the mayor and board of commissioners of the town of Warsaw shall give notice of said election by advertising the same at five public places in the town of Warsaw and once a week for thirty days immediately preceding said election in some newspaper in Duplin County; and, further, that there shall be a new registration of the voters in said town for said election, and no person shall be allowed to vote at said election unless he is properly registered under this act; that the mayor and board of commissioners shall appoint a registrar and two judges of election, whose duty it shall be to register said voters, and for this purpose he shall keep open the registration books on each Saturday during the time said election is being advertised, except the last Saturday before election, which day shall be challenge day; and it shall be the duty of the registrar to keep said registration books open on the days named from nine o'clock A. M. till sunset, and on the challenge day the books shall be open from nine o'clock A. M. till sunset for the purpose of hearing challenges. If any person becomes of age after the last day of registration and before the election day, he may register on the day of election. In all other respects said registration and challenges and election shall be governed by the existing election laws. Notice of election.
New registration.
Registrar and judges of election.
Registration.
Challenge day.
Registration on election day.

SEC. 9. That on the day of election those who favor the issue of said bonds shall vote a ticket on which shall be written or printed the words "For Bond Issue," and those who oppose the issuing of said bonds shall vote a ticket on which shall be written or printed the words "Against Bond Issue." That the size of the tickets shall be prescribed by the mayor and board of commissioners. Tickets.

SEC. 10. That the result of said election shall be certified by the registrar and judges of election to the board of commissioners and mayor of said town within two days from and after the election, and the board of commissioners of said town and mayor of said town shall verify the said returns and cause the results to be recorded in their minutes. Certificate, verification and record of result.

Responsibility of
purchaser.

SEC. 11. That nothing in this act is to be construed as to require the purchaser of any of said bonds to see that the purchase money paid for such bonds is applied to the purposes prescribed by this act.

Finance com-
mittee.

SEC. 12. That the Mayor and Board of Commissioners of Warsaw, North Carolina, shall appoint a finance committee, composed of three, whose duty it shall be to audit the reports of the treasurer of said town.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 205.

AN ACT TO ENLARGE AND DEFINE THE BOUNDARIES OF THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

Corporate limits.
Boundaries.

SECTION 1. That the corporate limits of the town of Columbia shall hereafter be located and defined as follows: Beginning on the east side of Scuppernong River, at the mouth of a ditch or canal known as the William McClees Ditch, or Canal; thence along the east bank of the said river to the mouth of a ditch known as the Hassell (or Zebidee) Ditch; thence eastwardly along said ditch, the various courses thereof, to the public road; thence eastwardly along the middle of the Zebidee Swamp to a point opposite T. W. Armstrong's southwest corner of the land known as the Rudder tract, wherein he lives; thence northwardly to said T. W. Armstrong's southwest corner; thence northwardly along said T. W. Armstrong's line (it being the dividing line between said T. W. Armstrong and Bateman and Majette) to the public road leading to Columbia, known as the Dillon Road; thence westwardly along said Dillon Road to a point opposite the southeast corner of the "Bustle farm," belonging to the heirs of J. A. Spruill, deceased; thence northwardly across said Dillon Road to said corner; thence along the east line of the said "Bustle farm" to the line of W. C. Alexander, at his ditch; thence westwardly along the said ditch to the public road leading from Columbia to Sound Side; thence by a continuation of the course of said W. C. Alexander Ditch to the Scuppernong River, and along the said river to the beginning.

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

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 206.

AN ACT TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL TAX FOR THE PURPOSE OF BUILDING A SCHOOLHOUSE FOR THE WHITES IN SCHOOL DISTRICT No. 1, IN WARSAW TOWNSHIP, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of increasing the annual tax for the purpose of building a brick school building for the whites in the Warsaw High-school and Graded-school District, in Warsaw Township, Duplin County, as now provided by law, the board of trustees of the Warsaw High School and Graded School of said district may apply to the Board of County Commissioners of Duplin County, asking that an additional tax of fifteen cents on the one hundred dollars of property and forty-five cents on the poll be annually levied and collected in said district for the purpose of building said school building in said district. Said application shall be made at any time within two years from and after the passage of this act; whereupon, at their next regular meeting to be held after said application shall have been made by said board of trustees, said board of county commissioners shall order and direct that the question whether such additional tax shall be levied be submitted to the vote of the qualified voters of said district at Warsaw. Said election shall be held under rules and regulations of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five: *Provided*, a petition to the county commissioners for this election shall be signed by one-fifth of the freeholders of the district.

Application for increase of tax. Purpose.

Rate.

Time for application.

Election to be ordered.

Law governing election.

Proviso: petition from freeholders.

SEC. 2. That the said board of county commissioners shall, for the purpose of the election to be held under this act, direct that there shall be an entirely new registration of voters in said district, notice of which shall be given by thirty days' advertisement in some weekly newspaper published in said district, said publication to begin not later than the day on which the books are opened for registration of voters; and the said election shall be advertised by said board of commissioners in some weekly newspaper published in Duplin County for thirty days prior to the day of election.

New registration.

Notice of registration.

Notice of election.

SEC. 3. That at said election those who are in favor of the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words "For Additional School Tax," and those who are opposed to the levy and collection of said additional tax shall vote a ballot on which shall be written or printed the words "Against Additional School Tax."

Ballots.

SEC. 4. That the number of votes cast for and against said additional tax shall be deposited in a special box, counted and duly certified by the registrars and judges of election, and returned to said board of county commissioners, who shall canvass said re-

Deposit of votes.

Returns and canvass.

Levy of tax.	turns and certify the result to the Secretary of State and to the Register of Deeds of Duplin County. If at said election a majority of the qualified voters of said district shall vote "For Additional School Tax," the said board of county commissioners shall thereafter annually levy said additional tax hereinbefore mentioned in said district, in the manner prescribed by law for the
Collection of tax.	levying of school taxes; and said additional tax shall be collected in the same manner as is now prescribed for the collection of other
Appropriation.	special school taxes, and when collected shall be appropriated and applied to the payment of the principal and interest of any money borrowed for the building of said school building.
Further elections.	SEC. 5. That if a majority of said qualified voters shall not vote for said additional tax, then other elections shall, upon application
Proviso: limitation.	by said board of trustees, be thereafter held under this act: <i>Provided</i> , said elections shall not be held oftener than once a year.
Construction of act.	SEC. 6. That this act shall not be construed to release or to repeal or in any manner interfere with any annual taxes heretofore voted by said district for school purposes.
	SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 207.

AN ACT AMENDATORY TO AN ACT ESTABLISHING THE GUILFORD GRADED SCHOOL, IN GUILFORD COUNTY, IN 1901, AS AMENDED IN 1903.

The General Assembly of North Carolina do enact:

Hours of election.	SECTION 1. To section one of the amendment made in one thousand nine hundred and three add the following: "said elections to be held between the hours of twelve M. and six P. M."
Additional territory.	SEC. 2. That the following-described additional territory is annexed to the district which in one thousand nine hundred and one was constituted the Guilford Graded-school District and heretofore known as District Number Five, in Friendship Township, Guilford County, namely: On the west a parcel of land bounded as follows: Beginning at Edward N. Hodgins' northwest corner, in the Guilford Graded-school line, running west 141½ poles to a stone, Harper Ward's southwest corner; thence north 183½ poles to a stone or stake, northwest corner of said Ward's land; thence east 139½ poles to a stone or stake in the Guilford Graded-school line; thence with said Guilford Graded-school line 183½ poles to the beginning.
Boundaries.	
Election for ratification of extension.	SEC. 3. For the ratification of the above section of this amendment, namely, section two, there shall be held an election to be

governed by the same rules as govern the election of members of the graded-school board, on the first Monday in May next, one Date.
thousand nine hundred and nine, at which the qualified voters in said added parcel of territory shall vote, those in favor of adding Tickets.
the territory, tickets on which are printed or written the words "For Annexation," and those opposed, tickets on which are printed or written the words "Against Annexation."

SEC. 4. If a majority of the qualified voters in the said added Territory to
territory shall vote for annexation, then the additional territory become part of
herein described shall become a part of the Guilford Graded-school district.
District and become subject to the same laws of taxation and gov-
ernment as were enacted in the original bill enacted in one thou-
sand nine hundred and one, constituting the Guilford Graded-school
District and establishing said school.

SEC. 5. This act shall be in force from and after its ratification.
Ratified this the 2d day of March, A. D. 1909.

CHAPTER 208.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF SALISBURY TO ISSUE MORTGAGE BONDS ON THE WA- TERWORKS PLANT OF SAID CITY, WITH THE APPROVAL OF THE BOARD OF WATER COMMISSIONERS OF SALIS- BURY.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the city of Salisbury is Bond issue
hereby authorized to issue not exceeding fifty thousand dollars in authorized.
bonds, in such denomination and form as the said board of alder- Amount.
men may determine, to be secured by a first-mortgage lien on the Denomination.
real estate, machinery and plant of the waterworks system of said Security.
city.

SEC. 2. Said bonds shall be made payable at such place and Maturity.
time as may be determined by said board of aldermen, but the
time of payment of the principal of said bonds shall be fixed at
not less than twenty nor more than thirty years.

SEC. 3. Said bonds shall bear interest at not exceeding six per Interest.
centum per annum, and the interest shall be payable semiannually,
and said bonds shall in no case be sold, hypothecated or otherwise
disposed of for less than par; and the moneys arising from the Bonds not to be
sale thereof shall be paid over to the board of water commissioners sold below par.
of the city of Salisbury, to be used for the operation and extension Appropriation of
of said city's system of waterworks, including the purchase of real proceeds.
estate and other property and machinery as may be required for
the operation and maintenance of the same; and there may be also

used out of the proceeds of the sale of said bonds a sum not exceeding ten thousand dollars to pay the existing indebtedness of the board of water commissioners of said city.

Approval of water commissioners. SEC. 4. Said bonds shall not be issued nor shall the mortgage deed to secure the same be executed by the board of aldermen of the city of Salisbury until a resolution is adopted by the board of water commissioners of said city approving the same.

Authentication. SEC. 5. Said bonds shall be signed by the mayor, attested by the treasurer of the city and sealed with the corporate seal of the city. Said bonds and their coupons shall be exempt from city taxation: and the entire plant, property, real estate and machinery of the waterworks system of said city shall be liable for the payment of said bonds and the interest thereon until paid in full: but the city of Salisbury shall not be liable to pay said bonds if said mortgaged property shall not be sufficient to pay the same.

Bonds and coupons exempt from city tax. Property liable for payment. City exonerated.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 2d day of March, A. D. 1909.

CHAPTER 209.

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO ISSUE BONDS FOR ADDITIONAL BUILDINGS AND EQUIPMENTS FOR THE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Purpose of issue. SECTION 1. That for the purpose of building and erecting additional buildings on the site of the present graded schools of the city of Kinston, and for the further purpose of better equipping the said graded schools and making necessary repairs in same, the board of aldermen of the city of Kinston is hereby authorized, empowered and directed to issue bonds of the said city, to an amount not to exceed twenty-five thousand dollars (\$25,000), payable at such time and place as the board of aldermen may prescribe: *Provided*, that the time and payment of such bonds shall not be less than thirty nor more than fifty years from the date of issue.

Bond issue authorized.

Amount.

Maturity.

Interest.

SEC. 2. That the said bonds shall bear interest at a rate not exceeding five per cent per annum, and the interest shall be made payable annually or semiannually, as the board of aldermen may prescribe, and the said bonds shall not be sold, exchanged, hypothecated or otherwise disposed of for less than par value.

Bonds not sold below par.

Authentication.

SEC. 3. That the said bonds shall be signed by the mayor of the city of Kinston and attested by the clerk of the board of aldermen of the said city and have the corporate seal of the said city affixed thereto, and the coupons thereto attached shall be signed

Record of bonds. by the mayor of said city and countersigned by the said clerk, and

a record shall be kept of the said bonds, showing the numbers and denominations thereof, and to whom sold, date of issuing thereof, and when the same shall mature, and the amount received from the sale of the same, and the date of paying the proceeds into the treasury of the said city, and such other data in relation to the same as the board of aldermen may direct to be kept.

SEC. 4. That the said bonds shall be in such denominations and Denomination. in such classes and mature at such times as may be deemed proper, in the discretion of the board of aldermen.

SEC. 5. That in order to pay interest on said bonds as they be- Special tax. come due, or the coupons on said bonds as they may become due, the board of aldermen is required and directed to levy and collect, in addition to all other taxes in said city, a tax sufficient to pay said interest or coupons, and, also, on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for same or to provide for the payment thereof: that the tax so levied upon the property shall be an *ad valorem* Levy of tax. tax, and the tax upon the polls and the property to be in the pro- Constitutional portion required by the Constitution of North Carolina. Said equation. special tax shall be levied and collected at the same time and in the Levy and collection. same manner as other tax upon property and polls of the city, and turned over to the treasurer of the said city: *Provided*, that Specific appro- the tax collected under this act for the purpose aforesaid shall be priation. kept separate and apart from the other taxes, and shall be used for no other purpose. It shall be the duty of the treasurer of the city of Kinston, as said coupons are paid off and taken up, to cancel the same and report to the board of aldermen the number and amounts of the coupons so canceled.

SEC. 6. That the said bonds shall be sold at public, or private Sale of bonds. sale, with or without notice, as the board of aldermen of said city may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the city of Kinston, who shall Bond of treasurer. give such bond for the safe-keeping and proper disbursement of said fund as shall be required of him by the board of aldermen; and his compensation, both for receiving and paying out said fund, Compensation. shall be such as shall be determined by the said board of aldermen.

SEC. 7. That the aforesaid bonds shall be issued for the pur- Purpose of bonds. poses set forth in this act, and the proceeds arising from the sale Use of proceeds. of said bonds shall be used for the erection and construction of such additional buildings for the Kinston Graded Schools, and for such additional equipment, repairs and furnishing of said schools as may be deemed proper: and the said funds shall be expended Vouchers. under the supervision and direction of the trustees of Kinston Graded Schools and upon the vouchers of the said trustees (the said trustees being a corporate body, created by and existing under chapter ninety-six of the Laws of one thousand eight hundred

Proviso: responsibility of purchaser.
Election on question of bond issue.

and ninety-nine), and the said trustees shall expend said funds as they may deem proper, observing the provisions of this act: *Provided, however,* that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Notice of election.

SEC. 8. That the board of aldermen shall not issue the aforesaid bonds, nor any of them, nor levy nor collect the aforesaid tax until it shall have been authorized and empowered to do so by a majority of the qualified voters of the said city of Kinston, at an election to be held at such time and place as the said board of aldermen may appoint, of which election a notice shall be given by public advertisement for thirty days prior to the day of election in some newspaper published in the city of Kinston, and also at the courthouse door in the said city. At such election those electors favoring the issuing of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds and for the payment of the principal of said bonds shall vote a ballot with the following words written or printed thereon, "For School Bonds," and those electors opposing the issuing of said bonds and the levy and collection of said taxes, as herein set out, shall vote a ballot with the following words written or printed thereon, "Against School Bonds." Said election shall be held, as nearly as is practical, in the manner prescribed for the election of mayor and aldermen of the city of Kinston, as provided by the charter and acts of the General Assembly relative to said city.

Law governing election.

Returns.

SEC. 9. The original returns of said election shall be made by the election officers, or one of their number appointed by them for that purpose, to the board of aldermen of said city, and the board of aldermen shall within three days after said election canvass the returns and declare the result of the election, and the result of said election shall be inscribed upon the records of said city. If, at the election aforesaid a majority of the qualified voters of said city shall vote "For School Bonds," then the bonds provided for shall be issued and sold according to the provisions herein contained: *Provided,* that if any other bond election shall be held in the city of Kinston on the same day, that the same election officers holding said election may be appointed to hold and may hold and conduct this election as provided by this act.

Proviso: other election.

Further elections.

SEC. 10. That if at the election aforesaid a majority of the qualified voters of said city shall vote "Against School Bonds," then the board of aldermen of said city may, at any time and as often thereafter as it may deem best, not oftener, however, than once in any one year, order another election on said question, herein provided for, to be held in the same manner as is herein set out, after advertisement as is herein set out, and at each of the said elections the ballots shall be as hereinbefore directed; and if at any such election a majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds and

levy of said tax, as is herein set out, then the said bonds shall be issued as is provided for under the terms of this act, and the proceeds from the sale of same shall be applied to the purpose and upon the terms and conditions hereinbefore stated in this act.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 210.

AN ACT TO INCORPORATE THE AHOSKIE SCHOOL DISTRICT AND ALLOW IT TO VOTE ON A SPECIAL TAX FOR SCHOOLS AND ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the following-described territory, lying and being in Hertford County, in Ahoskie Township, bounded as follows, to wit, beginning at Bonner's Bridge, running thence northerly along the county road to the dividing line between the bounds of L. Taylor's heirs and J. E. Britt; thence easterly to the run of the Horse Swamp; thence along said swamp's meandering course to the east side of the right of way of the Atlantic Coast Line Railroad; thence southerly along the east side of the said railroad's right of way to the First Avenue in the town of Ahoskie; thence easterly along said avenue to Rue Street; thence northerly along said Rue Street to Third Avenue; thence easterly a line through the woods to the original school district line; thence southerly along said line to the county road leading from Ahoskie to Bethlehem; thence a straight line to the county road leading from Ahoskie to Powellsville; thence a straight line to Ahoskie Swamp, at the eastern side of the Wellington and Powellsville Railroad's right of way; thence a westerly course up said swamp's meandering course to the east side of the Atlantic Coast Line Railroad's right of way; thence southerly along said right of way to the west side of W. H. Hill's farm; thence across the Atlantic Coast Line Railroad and around said W. H. Hill's farm to the county road leading from Jernigan's to Poor Town; thence along the county road to Bonner's Bridge, at first station, be incorporated into and established as a special-tax school district for the white race and to be known as the "Ahoskie School District Number Eleven."

Boundary.

Incorporation and establishment.

Name.

SEC. 2. That the said board of trustees hereinafter named shall, within ninety days after the ratification of this act, submit to the qualified voters of said district above created the question of establishing a special-tax school district. The said trustees shall

Trustees to call election.

Notice of election.	give thirty days' notice of said election by notices posted at four
Registrar and poll holders.	public places in said district. Said board of trustees shall select three of the qualified voters of said district, one of whom they shall appoint registrar and the other two poll holders, to hold said
Law governing elections.	election, and these three shall hold said election, and shall be governed in their acts in all particulars as to registration of voters, challenges, etc., by the same rules and regulations as prevail in
Tickets.	the election of members of the General Assembly. The qualified voters of said district shall vote at said election tickets on which shall be printed or written the words "For School Tax" or "Against
Declaration of result.	School Tax," and the results of the election shall be declared by the same rules that govern the election of members of the General
Voting place.	Assembly: that said election shall be held at the schoolhouse in
Levy of tax.	said district; that if a majority of the qualified voters of said district shall vote at said election "For School Tax," it shall be the duty of the board of county commissioners to levy, at their annual meeting for levying State and county taxes next after the passage of this act, one thousand nine hundred and nine, and annually thereafter, a special tax not to exceed fifty cents on the one hundred dollars valuation of all the taxable property of said
Rate.	school district and not to exceed one dollar and fifty cents upon each taxable poll. The tax so levied shall be collected as other
Collection.	State and county taxes are collected and at the time the county taxes are due and collected, and the said collector shall be subject to the same laws governing the collection and settlement of State and county taxes, and shall be subject to the same penalties prescribed by said laws, and shall give a good and sufficient bond to secure all taxes collected under this act, said bond to be ap-
Compensation of tax collector.	proved by the county commissioners, and shall receive as compensation for his services the same fees as are allowed by law for the collection of State and county taxes.
Tax paid over to treasurer of trustees.	SEC. 3. That said tax shall be promptly paid over, as collected by the collector of said county, to the treasurer of the board of trustees for the graded schools of said district.
Trustees named.	SEC. 4. That the following persons be and they are hereby appointed trustees for said school district: Dr. J. H. Mitchell, J. R. Garrett, J. A. Copeland, A. E. Garrett, J. J. Askew and E. J. Gerock. Immediately after the ratification of this act, the said board shall meet and, by lot, divide themselves into three classes, two of whom shall hold office for two years, and two for four years, and two for six years, until their successors are duly elected, as provided in section five of this act.
Trustees to be classified. Terms of office.	
Election of successors.	SEC. 5. Whenever the term of office of any class shall expire, as above provided, their successors shall be elected for a term of six years by the qualified voters of the Ahoskie Graded-school District, at an election to be held in conjunction with and on the same date of and under the same rules and regulations governing elections for mayor and aldermen of the town of Ahoskie, in said

district. All vacancies in said board of trustees, caused by resignation or otherwise, shall be filled by the remaining members of the board, by a majority vote thereof, until the next general election, when such vacancies shall be filled by election, as hereinbefore provided.

SEC. 6. That said Board of Trustees of Ahoskie Graded-school District shall be and remain a body corporate, under that name, and may adopt and use a common seal, and shall be capable of receiving gifts and grants, or purchasing and holding property, real, personal and mixed, or selling, mortgaging and transferring the same, and of prosecuting and defending suits for or against the said corporation. Conveyances to said board shall be to them and their successors in office: and all deeds and mortgages and other agreements affecting real estate and all bonds and other obligations shall be sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Trustees incorporated.
Corporate name.
Corporate powers.

Conveyances to trustees.
Execution of instruments by trustees.

SEC. 7. That said board of trustees are hereby authorized to issue coupon bonds, not to exceed in amount the sum of eight thousand dollars and in denominations of one hundred dollars or multiple thereof, bearing interest from the date of the bonds at a rate not to exceed five per cent per annum, payable annually on the first day of January of each year, at such place as said trustees may designate, until the said bonds are paid; that said bonds are to be made payable at a time and place to be fixed by said trustees and named therein, not to be less than five nor more than thirty years from the date of issue. The said bonds and their coupons shall be numbered and the bonds shall be signed by the chairman of said board and countersigned by its secretary and have the corporate seal of said board affixed thereto, and the coupons attached thereto shall be signed by the chairman of said board. A record shall be kept of said bonds, showing the number of the denominations thereof, and to whom sold, and the date of issuing thereof, the amount received from the sale of same, and the date of payment of the proceeds into the treasury, and such other data in relation to the same as the board may direct to be kept.

Bond issue authorized.
Amount.
Denomination.
Interest.

Maturity.

Authentication.

Record of bonds.

SEC. 8. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the said board of trustees shall not deliver said bonds, or any of them, to the purchaser thereof until the purchase money shall be paid to the treasurer of said board of trustees and receipts to the purchaser produced as evidence of said payment, and the treasurer of said board shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said board, and he and his sureties on his official bond shall be liable to account for and pay over the same; and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide

Bonds not to be sold below par, nor delivered until paid for.

against any loss of money arising from the sale of such bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.

Moneys kept separate.

SEC. 9. That the treasurer of said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of lands for a school site, in erecting suitable buildings and in furnishing the same with necessary equipments for the accommodation of a graded school of said district, and for such other school purposes as the trustees may order.

Sinking fund.

SEC. 10. That it shall be the duty of the board of trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected or moneys apportioned to said school district a sum to equal at least four per cent of the principal of said bonds, which shall be kept securely invested or loaned out on first mortgage on real estate worth not less than double the amount of the loan.

Payment of interest.

SEC. 11. It shall be the duty of said board of trustees to provide each year for the payment annually of the interest on said bonds, and for that purpose to set apart each year from the taxes collected for or money apportioned to said district for public schools a sum sufficient to pay the same.

Bond issue to be voted on.

SEC. 12. The question of issuing said bonds shall be submitted to the qualified voters of Aloskie Graded-school District at the same election to be held under the provisions of this act for the purpose of voting on the question of a special school tax in said district, and on the same date. The said election shall be ad-

Advertisement of election.

vertised by the trustees of said district, for thirty days prior to the day of election, in the *Roanoke and Chowan Times* and by notices posted at four public places in said district; and the said election shall be held under such rules and regulations as prevail

Law governing election.

in the election of members of the General Assembly. At said election those who are in favor of issuing said bonds shall vote a written or printed ballot with the word "Approved" upon it, and those opposed to issuing said bonds shall vote a written or printed ballot with the words "Not Approved" upon it. The number

Ballots.

of ballots cast for and against said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Hertford County, who shall furnish the chairman of the said board of trustees a certified copy of said returns, under seal, and also send a like copy of said returns to the Secretary of State, which said secretary shall file in his office. If at the

Returns.

Issue and sale of bonds.

election a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall proceed at once to issue and sell said bonds for the purpose aforesaid.

SEC. 13. That said board of trustees, at their first regular meeting in one thousand nine hundred and nine, and annually thereafter, on the first Tuesday in June of each year, shall elect a treasurer from among their number, who shall have charge of all the moneys received and disbursed, and shall report monthly to said board his receipts and disbursements, with vouchers for the same. The said treasurer shall receive such compensation as may be agreed upon, and give such bond as may be required by the said board of trustees and their successors.

Election of treasurer.
Monthly reports.
Compensation and bond.

SEC. 14. That said trustees shall have power to employ all teachers and select all officers necessary for the management of said school, and shall have the power, upon such terms as may seem just, to allow children outside of said territory to attend such school.

Employment of teachers and officers.
Nonresident pupils.

SEC. 15. That all public-school funds derived from the State and county, together with the amounts coming from the special tax above provided for, shall be by the proper officers paid to the board of trustees, as herein provided for, and shall by them be used for the benefit of the schools of said district.

School funds.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 211.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GASTONIA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Gastonia shall be extended on the southern side so as to include the southmost limit of the street or road known as Fifth Street, extending the whole southern line of the incorporate limits, from the eastern boundary to the western boundary, as far as a straight line drawn to coincide with said southmost limit of Fifth Street, now laid out between the extension of Oakland and York streets.

Limits extended.

SEC. 2. That the portion of the added territory between York Street, the extension of York Street and the line of the corporate limits on the west, shall be included in Ward Number Three; that the portion of the added territory between Oakland Street and York Street, and the extension of Oakland and York streets be

included in Ward Number Four; that the portion of the added territory between Oakland Street and the corporate limits of the town on the east be included in Ward Number Five.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 212.

AN ACT TO AMEND THE CHARTER OF THE FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amount of insur-
ance in force.

SECTION 1. That chapter three hundred and forty-three, Private LAWS of one thousand eight hundred and ninety-three, be and the same is hereby amended by striking out the word "one," in line two of section six, between the words "exceed" and "million," and inserting in lieu thereof the word "two."

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 213.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF HIGHLAND, CATAWBA COUNTY, TO CALL AN ELECTION TO VOTE ADDITIONAL TAX FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Application for
election.

Date for election.

Question of levy-
ing additional
school tax.
Rate.

Ballots.

SECTION 1. That upon the written application of fifty citizens of the town of Highland it shall be the duty of the commissioners of said town, on the first Monday in May, one thousand nine hundred and nine, to submit to the qualified voters of said town of Highland the question of levying a special tax, in addition to the tax now levied, for the graded public schools of said town, said additional special tax not to exceed thirty cents on the one hundred dollars valuation of all the taxable property of said town and not to exceed ninety cents additional tax on the poll; that at the election held under this act those who favor the levying of such additional special tax to the tax now levied under the charter shall vote a written or printed ballot with the words "For Schools" upon

it, and those opposed to levying such additional tax shall vote a written or printed ballot with the words "Against Schools" upon it; and if a majority of the qualified voters shall vote for such additional tax, the same shall be levied and collected annually by the town authorities: *Provided*, a majority of the qualified voters of said town shall, on the first Monday in May of each year thereafter, vote for said additional tax, under the same rules and regulations as are provided by law for levying and collecting all other town taxes in said town: *Provided*, that said school taxes shall not exceed fifty cents on the one hundred dollars valuation of all the taxable property of said town and one dollar and fifty cents on the poll. If a majority of the qualified voters shall vote against said additional tax, then the tax to be levied and collected shall stand as provided in section seven of the school charter (Acts one thousand nine hundred and seven, House bill four hundred and fifty-three, Senate bill five hundred and seven), not to exceed twenty cents on the one hundred dollars valuation of all taxable property of said town and sixty cents on the poll.

Levy and collection.

Proviso: annual elections.

Proviso: limit of tax.

SEC. 2. This act to be in effect from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 214.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF BEAUFORT, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the corporate limits of the town of Beaufort, and also all the territory embraced and included as it is now laid out in the present Public-school District, Number Eighteen, in Beaufort Township, shall be and is hereby constituted a school district for the white and colored children, to be known and designated as the Beaufort Graded-school District.

Territory constituted school district.

Designation.

SEC. 2. That on the twentieth day of May, one thousand nine hundred and nine, there shall be held in the town of Beaufort, Carteret County, an election to determine whether an annual tax shall be levied for the support of a graded school in said Beaufort Graded-school District.

Date for election on school tax.

SEC. 3. That at the election held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot with the words "For Graded Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot with the words "Against Graded Schools" upon it. The penalty for an illegal or fraudulent voting shall be the same

Ballots.

Penalty for illegal or fraudulent voting.

Notice of election.	as in the election for members of the General Assembly. The board of county commissioners shall give thirty days' notice of the time of holding said election, in some newspaper published in Carteret County and shall post the said notice at the courthouse door in said county and at four other public places in said graded-school district. It shall be the duty of the said board of county commissioners, at its regular meeting in April, to appoint a registrar and two judges of election for said election, whose duties shall be those prescribed in the general election law; that there may be a new registration of the voters of said district, in the discretion of the board of county commissioners, and said election shall be conducted under such rules and regulations as prescribed in the general election law for the election of members of the General Assembly, except as herein especially provided; and it shall be the duty of said registrar and judges of election to determine the result of said election and certify the same, under their hand, to the clerk of the board of said commissioners within three days after said election, and said commissioners shall canvass said returns at their next regular meeting and declare the result of the same and have the same entered upon the minutes of said meeting.
Registrar and judges of election.	
New registration discretionary.	
Law governing election.	
Certificate of result.	
Canvass of returns and declaration of result.	
Levy of tax.	SEC. 4. That in case a majority of the qualified voters of the said Beaufort Graded-school District shall be in favor of such tax, the Board of Commissioners of Carteret County shall, in addition to other taxes laid upon said school district, annually compute and levy, at the time of levying other taxes, a sufficient special tax upon the property of white and colored persons of said Beaufort Graded-school District to raise such a sum of money as the trustees of said graded schools in said graded-school district shall deem necessary to support and maintain said graded schools, which sum shall not exceed thirty cents on the one hundred dollars valuation of property and ninety cents on each poll. The said trustees, whose appointment is hereinafter provided for, upon their appointment and qualification after the election herein provided for, shall meet and organize and report to the commissioners of Carteret County what sum said trustees deem necessary to support and maintain said graded schools during the first year; and annually thereafter the said trustees, thirty days prior to the time for levying the county taxes, shall report to the said Board of Commissioners of Carteret County what sum is necessary to support and maintain said graded schools during the next year.
Limit of rate.	
Trustees to meet and organize.	
Report of amount needed for school.	
Collection of tax.	The taxes levied for the support of said schools, as hereinafter provided, shall be annually collected as other taxes are collected, and paid over by the sheriff or other collecting officer to the Treasurer of Carteret County for the safe-keeping and proper distribution of the same, and the said tax levied and collected for said graded schools shall be kept sacred and separate and distinct from other taxes by the said officers, and shall be used only for the purposes for which they were levied and collected.
Specific appropriation.	

SEC. 5. That the trustees to be appointed for said graded schools, as hereinafter provided, are hereby created and their successors shall be a body corporate, by the name and style of the board of trustees of the Beaufort Graded School, and by that name shall be capable of receiving gifts, grants and apportionments, purchasing and holding real estate and personal property, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to the said trustees shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting the real estate and personal property shall be deemed sufficiently executed when signed by the chairman of the said board of trustees and attested by the secretary of said board.

Trustees incorporated.

Corporate name.

Corporate powers.

Conveyance to trustees.
Execution of instruments.

SEC. 6. That it shall be the duty of said board of trustees to establish graded public schools for the white and colored children of said Beaufort Graded-school District, and the said board of trustees shall use and appropriate the funds derived from said special tax herein provided for in such manner as shall be just to both races, without prejudice, and giving to each equal school facilities, due regard being had, however, to the cost of establishing and maintaining the graded schools for each race.

Trustees to establish schools.

SEC. 7. That the board of trustees, whose appointment is provided for by this act, shall have entire and exclusive control of the public schools and property in said district; shall prescribe rules and regulations for its own government and the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of the officers and teachers of the public schools in said district; shall make an accurate census of the school population of the district, as required by the general school law of the State, and do all other acts that may be just and lawful in the management of the public-school interests in said district: *Provided*, that all children resident in the said district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and the board of trustees may permit attendance upon the said school of children residing without the territory embraced in said graded-school district, or admit pupils to said school over twenty-one years of age upon such terms as the board of trustees may prescribe.

Powers of trustees.

Proviso: free tuition.

Nonresidents and pupils above school age.

SEC. 8. That all public-school funds derived from the State and the county of Carteret, and which may from time to time be collected and apportioned under the general school law for school purposes for the children in said district, and all moneys to which said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the Treasurer of Carteret County and shall be applied to the keeping-up of said graded schools under the order of the said board of trustees. The

Apportionments from general school funds.

Liability of treasurer.

Liability of sheriff. said Treasurer of Carteret County and sureties on his official bond shall be responsible for the proper disbursement by said treasurer of all moneys collected under this act and received by him; and the Sheriff of Carteret County and the sureties on his official bond shall be responsible for all moneys collected by him under this act until the same are paid over to the treasurer of said county.

Appointment of trustees. SEC. 9. That at the first regular meeting of the Board of Education with the Superintendent of Public Schools of Carteret County after the election has been held under this act, and it has been ascertained that a majority of the qualified voters of the Beaufort Graded-school District has voted for graded schools in said district, the said Board of Education, in conjunction with the Superintendent of Public Schools of Carteret County, shall appoint nine trustees for the graded schools of said district, as follows: Three trustees for the term of six years from and after the date of their appointment, three trustees for the term of four years from and after the date of their appointment, three trustees for the term of two years from and after the date of their appointment. The said trustees shall meet and organize by electing one of their number as chairman and one of their number as secretary, and they and their successors shall be a body corporate, as hereinbefore described, by the name and style of the Board of Trustees of Beaufort Graded School, and shall have all the powers as such corporate body as are set out in section five of this act. All vacancies occurring in the said board of trustees from any cause shall be filled by the Board of Education, in conjunction with the Superintendent of the Public Schools of Carteret County, for the term of six years, except in the cases of death or resignation, and, in the event of either of these cases, for the unexpired term of the trustee so dying or resigning.

Terms of office. Trustees to meet and organize. Body corporate. Vacancies. SEC. 10. That the said board of trustees shall have the power to employ and fix the compensation of a superintendent for said graded schools and such teachers as are necessary, and to do all such other acts as may be necessary to carry on said school. It shall have power at any time to remove said superintendent or any teacher and to employ others in his or her stead.

Superintendent and teachers. Removal for cause. SEC. 11. That the beginning and end of the school term of each year shall be fixed by the said board of trustees; that the property, both real and personal, of the public school of said district shall become the property of the said graded school and shall be vested in the said board of trustees and its successors, in trust for said graded school; *Provided* that said election carries for graded school; and that in case of the discontinuance of the said graded school all the property thereto belonging shall revert to and become the property of the public school of said district.

School term. School property. Proviso: election to result in favor of school. Property to revert. SEC. 12. Under the direction and under the rules prescribed by the said board of trustees, the superintendent elected by it shall

Examinations of teachers.

examine all applicants for positions as teachers in said school and certify the result to said board before their election as such teachers by the board. No other certificates of qualification shall be necessary for such teachers before their election as teachers in said graded school. The superintendent shall also act as secretary to the said board of trustees, should the said board elect or require him to serve. Secretary to trustees.

SEC. 13. That the moneys received as herein provided for shall be held by the Treasurer of Carteret County, to be disposed of under the direction of the board of trustees, whose warrant, signed by the chairman of the board of trustees and countersigned by the secretary of the said board, shall be the only valid voucher in the hands of said treasurer for the disbursement of said money in any settlement required of him by law or by the said board of trustees. School orders.

SEC. 14. That it shall be the duty of the said board of trustees to make, annually, after the close of each school year, a full and complete report of the operations of the said graded schools, together with a financial report, which shall show receipts and disbursements, and shall also make such recommendations and estimates and plans for the future as in its judgment may be advisable to the Board of Education of Carteret County. Said trustees shall also include in their reports such data and other information as may be required under the general school law. Annual reports.

SEC. 15. That no person shall be appointed as trustee of the graded schools who has not arrived at the age of twenty-one years, and nothing in this act shall prevent persons acting as trustees from holding any other office of profit or trust while acting as trustee. Eligibility of trustees.

SEC. 16. That the expense and cost of holding the election authorized by this act shall be paid out of the funds raised under this act by the treasurer of the county. Expense of election.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 18. This act shall be in force from and after its ratification.

Ratified this 2d day of March, A. D. 1909.

CHAPTER 215.

AN ACT TO INCORPORATE THE LAURINBURG AND SOUTHERN RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That John F. McNair, John Blue, A. L. James, J. A. Jones, D. M. Flynn and N. G. Wade, their successors, associates and assigns, are hereby created and constituted a body politic and corporate, under the name of the Laurinburg and Southern Rail- Corporate name.

Corporate rights.	road Company, to have perpetual succession, and under such name to sue and be sued and plead and be impleaded in any court in North Carolina; that the said company may have and use a corporate seal and shall be capable of acquiring, by purchase, gift, devise, lease or otherwise, estate, real and personal and mixed, and of leasing or selling the same as the interests of the company shall require, and may make such by-laws for the government of the company as may be deemed proper.
Capital stock.	SEC. 2. That the capital stock of the said company shall be twenty-five thousand dollars, with the power from time to time to increase the same to not exceeding one million dollars, upon payment to the Secretary of State of proper fees, as required by law, in shares of one hundred dollars each; that it shall be lawful for subscriptions of the capital stock to be made payable in labor, real estate, personal estate, material, stock, bonds or other securities, or otherwise, as may be agreed upon between the corporation and subscribers.
Increase of capital.	
Payment of subscriptions.	
Books of subscription.	SEC. 3. That a book or books of subscription to the capital stock of the said company shall be opened by the corporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe; that as soon as five thousand dollars shall have been <i>bona fide</i> subscribed, the said corporation shall be entitled to commence operations and exercise all the rights, powers, privileges and franchises granted by this charter; and the said corporators, acting in person or by proxy, shall have power to call a meeting of the stockholders for the purpose of organizing, giving ten days' notice thereof, by publication in some newspaper published in Laurinburg, North Carolina; that at such meeting and at each annual meeting thereafter a president and six directors shall be elected by the stockholders; that they shall hold office for one year and until their successors shall be elected; that the said board of directors may appoint a vice president, treasurer and such other officers and agents as it may deem proper, and fix their duties, and may fill any vacancy occurring in the office of president or director, until the next meeting of the stockholders.
Operations to commence.	
Meeting for organization.	
Election of president and directors.	
Term of office.	
Vice president and other officers.	SEC. 4. That after the company shall be organized, the president and board of directors may from time to time open a book or books of subscription to the capital stock of the company, at such time and places and under such rules and regulations as they may prescribe: <i>Provided</i> , that no subscription shall be received beyond the limit that may have been fixed by a majority of the stockholders, according to the provisions of this act; that no stockholder shall be responsible for more than the amount of his unpaid subscription.
Vacancies.	
Subscriptions after organization.	
Proviso: limit of subscription.	SEC. 5. That this company shall have the power to construct, maintain and operate a line of railroad, with one or more tracks, from a point at or near Laurinburg, in Scotland County, on the
Responsibility of subscribers.	
Power to construct, maintain and operate railroads.	

line of the Seaboard Air Line Railroad, southward, to some point connecting with the Atlantic Coast Line Company, and in a northerly direction through the counties of Scotland, Robeson, Cumberland or Moore, to connect with the Aberdeen and Rockfish Railroad Company, with the power to build branches not exceeding thirty miles in length: that this corporation is authorized to commence work on any part of its line; and upon completion of any section thereof, to maintain and operate the same, with all rights and powers hereby conferred upon this company.

Termini and route.
Branches.
Commencement of work and completion of road by sections.

SEC. 6. That in order to carry into effect the purposes of this act, the company may survey one or more routes for such road as may be deemed practicable, and shall have power and authority to appropriate and occupy as much land as may be necessary for the construction of said railroad and its branches, of the width of eighty feet on each side of its main track and branches, and as much additional land as may be necessary and convenient for the station houses, depots and all other purposes necessary and convenient for the construction, maintenance and operation of said railway and its branches.

Survey of routes.
Power to appropriate lands.

SEC. 7. That any railroad or transportation company incorporated in this State or any adjoining State may subscribe to or purchase and own the stocks or bonds, or both, of this corporation, and may guarantee or endorse the same, or may purchase, lease or use the road, property and franchise of this corporation for so long a time and upon such terms as shall be mutually agreed upon between the two corporations; that this corporation may subscribe to or purchase and own the stocks or bonds, or both, of any other railroad company incorporated in this or in any other State, and may guarantee or endorse such stocks or bonds; and may purchase, lease, or use the road, property and franchise of such company upon such terms and for such time as may be agreed upon between the two companies.

Rights of subscription, purchase, sale or lease in connection with other companies.

SEC. 8. That this company is authorized to borrow money for the purposes of the company, to such extent and at such lawful rate of interest as the majority of the stockholders may determine, and to issue therefor its bonds, in such manner and form as may be determined by the president and directors, and to secure them by a deed or deeds of trust or mortgage upon the whole or any portion of the road, property and franchise of the company as they may direct or approve; and the said company is hereby authorized to sell its bonds when, where and at such rates and prices as the president and directors shall deem most advantageous to the company.

Power to borrow money, issue bonds and make mortgages.
Sale of bonds.

SEC. 9. That this company is authorized to consolidate its capital stock, property and franchises with those of any other railroad company or companies incorporated under the laws of this or any other State (and such other railroad company or companies chartered by the laws are hereby authorized to merge and

Power of consolidation.

consolidate with this company), whenever the two or more railroads of the companies to be consolidated shall be connected with each other directly or by means of intervening road or roads; and such consolidation may be effected in such manner and on such terms as a majority of the stockholders of each of said companies may determine; that upon the said consolidation being effected, the consolidated company shall have all the rights, privileges and franchises which each of the companies forming it theretofore held and possessed.

Municipalities may subscribe bonds to stock.	SEC. 10. That it shall be lawful for any county, township, city or town interested in the said railroad to subscribe to the capital stock of the said company such sum or sums, in bonds, as a majority of all its qualified voters may authorize, said bonds to bear five per centum interest, to be payable forty years after date thereof, and to be of the denominations of one hundred and five hundred dollars, interest payable semiannually, the bonds to be received by the company at par.
Amount.	
Interest.	
Maturity.	
Denomination.	SEC. 11. That upon the petition, in writing, of one-fourth of the resident taxpayers of any county, township, city or town interested in the construction of the said road, specifying therein the amount they wish subscribed, the board of commissioners of the county or the municipal authorities of the city or town shall order and provide for an election to be held within sixty days in said county, township, city or town, of which a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition; that said election, when held in and for a county or township, shall take place and be conducted in the manner prescribed by the law for electing members of the General Assembly; that those who favor said subscription shall vote a written or printed ballot "For Railroad," and those opposing such subscription shall vote a written or printed ballot "Against Railroad"; that the return of said elections in the counties and townships shall be made to the county commissioners, and in case of cities and towns shall be made to the municipal authorities thereof; that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof; that if a majority of all of the qualified voters in the county, township, city or town shall vote "For Railroad," then the chairman of the board of commissioners, in all cases of county or township subscriptions, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which has been fixed and named in the said petition; and in case of city or town elections, if a majority of all the voters shall vote "For Railroad," then the proper corporate authori-
Procedure for calling election.	
Time for election.	
Notice.	
Law governing elections.	SEC. 12. That the board of commissioners of the county or the municipal authorities of the city or town shall order and provide for an election to be held within sixty days in said county, township, city or town, of which a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition; that said election, when held in and for a county or township, shall take place and be conducted in the manner prescribed by the law for electing members of the General Assembly; that those who favor said subscription shall vote a written or printed ballot "For Railroad," and those opposing such subscription shall vote a written or printed ballot "Against Railroad"; that the return of said elections in the counties and townships shall be made to the county commissioners, and in case of cities and towns shall be made to the municipal authorities thereof; that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof; that if a majority of all of the qualified voters in the county, township, city or town shall vote "For Railroad," then the chairman of the board of commissioners, in all cases of county or township subscriptions, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which has been fixed and named in the said petition; and in case of city or town elections, if a majority of all the voters shall vote "For Railroad," then the proper corporate authori-
Ballots.	
Returns.	
Canvass and declaration of result.	
Subscriptions to stock.	

ties of such city or town are authorized and required to subscribe in behalf of such city or town in like manner as the county commissioners are herein required to subscribe in all cases of county and township subscription.

SEC. 12. That in order to make provision for the payment of interest on said bonds and their redemption at maturity, the said board of commissioners or the said municipal authorities, as the case may be, shall, in addition to other taxes for each year, compute and levy on all property and polls in such county, township, city or town a sufficient tax to pay the interest on the bonds, as aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax list as the Laurinburg and Southern Railroad tax, and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to the fortieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, township, city or town or other officers authorized by law to perform the duties of commissioner of the sinking fund, and by him invested in such bonds, at par or less than par; but in case such treasurer or other officer shall be unable to invest said sinking fund in said bonds at or below par, he shall invest the same in such solvent bonds or securities as shall be selected and approved by the said county commissioners or corporate authorities.

Special tax for interest.

Special tax for sinking fund.

Collection.

Investments of sinking fund.

SEC. 13. That upon delivery to the said railroad company of the bonds subscribed by any county, township, city or town, the said company shall issue to said county, township, city or town the amount of its stock equal to the par value of the said bonds, and all dividends which shall be declared on said stock and paid over to the said county, township, city or town holding said stock shall be applied to reduce the taxes for the sinking fund provided by this act.

Stock to be issued on receipt of bonds.

Dividends to use of sinking fund.

SEC. 14. That all the townships along the line of the railroad or which are interested in its construction are hereby incorporated, and that the county commissioners of the counties in which the said townships are respectively situated are declared to be the corporate agents of the said townships.

Townships incorporated.

Corporate agents.

SEC. 15. That the work on said railroad shall be commenced and prosecuted with vigor within two years of the ratification of this act.

Work to commence within two years.

SEC. 16. That nothing in this act shall be deemed or taken to exempt the property or franchise of this company from taxation.

Property and franchise subject to tax.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 216.

AN ACT TO AMEND AND RE-ENACT CHAPTER 344 OF PRIVATE LAWS OF 1899, INCORPORATING THE SALISBURY AND FAYETTEVILLE COAST LINE RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporator.

Reference to
general law.

Charter
re-enacted.

Time for organ-
ization and
beginning of work.

Time for com-
pletion.

SECTION 1. That section one (1) of chapter three hundred and forty-four of the Private Laws of one thousand eight hundred and ninety-nine, being "An act to incorporate the Salisbury and Fayetteville Coast Line Railway Company," be and the same is hereby amended by striking out the name "F. H. Mauney," in lines one and two, and substituting therefor the name "R. E. L. Mauney"; and by striking out, in lines twenty-two and twenty-three of said section one, the words "forty-nine (49) of The Code, volume first," and by inserting in lieu thereof the words "sixty-one (61) of the Revisal of one thousand nine hundred and five of North Carolina."

SEC. 2. That said chapter three hundred and forty-four of the Private Acts of one thousand eight hundred and ninety-nine, as amended by chapter two hundred and thirty-seven of the Private Laws of one thousand nine hundred and one, entitled "An act to amend the charter of the Salisbury and Fayetteville Coast Line Railway Company," and as amended by section one of this act, be and the same is hereby re-enacted.

SEC. 3. That two years from and after the first day of March, one thousand nine hundred and nine, shall be allowed said Salisbury and Fayetteville Coast Line Railway Company within which to organize and begin the construction of its road and expend thereon ten per cent of the amount of its capital; and that ten years from and after the first day of March, one thousand nine hundred and nine, shall be allowed said company within which to finish its road and put it in operation.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 217.

AN ACT TO AMEND CHAPTER 307, PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

Grade lines for
streets and side-
walks.

SECTION 1. That section twenty-six of chapter three hundred and seven of the Private Laws of one thousand eight hundred and ninety-nine be amended by adding to said section the following: "The board of aldermen may establish grade lines for the streets

and sidewalks of the town of Sanford, and grade the same in accordance therewith. They may from time to time, for the purpose of grading, paving and otherwise improving the streets of the said town of Sanford, create and establish assessment districts within said town, and they may require every owner of real estate abutting the streets in any of the said districts to pave the sidewalks fronting such lot or premises, in such manner and with such material as the street committee of the said town may require, and enforce such requirement by proper fines and penalties; and upon the failure of such owner to do such paving, after twenty days' notice, given by the chief of police of the said town of Sanford to said owner, or, if he be a nonresident of the county of Lee, to his agent, or if such nonresident has no agent in said county, or notice cannot be served upon the owner or agent personally, then after publication of notice by the chief of police for thirty days in some newspaper published in the said town of Sanford, notifying said owner or agent to do such paving, the town of Sanford may have the same done, and the cost thereof may be assessed upon said property and entered on the tax list of the town against said property for the current year, and the said assessment so entered on said tax list shall constitute a lien upon the said property, and the same may be collected either in the same manner that other taxes are collected or by an action, instituted in the name of the town of Sanford against said owner, in the Superior Court of the said county, in the nature of an action of foreclosure, in which said action judgment may be taken for the sale of the property to satisfy the amount due the said town of Sanford by the owner thereof, as aforesaid: *Provided*, that in that portion of the town lying east of Little Buffalo Creek and south of McIver Street and Winston Avenue and east of Fifth Street the owners of property shall not be required to expend in any one year in improving sidewalks abutting their properties more than one per cent of the value, as assessed for taxation in that year. That the board of aldermen of the town of Sanford may require the owner or lessee of any lot or premises within the town who shall desire to erect a building thereon, or add to, remodel or alter any building or buildings already built thereon, or make other improvements on the same, to take out a building permit, to be issued by the clerk of the town of Sanford, for which said clerk may charge a fee of twenty-five cents, under such rules and regulations as may be prescribed by ordinance, and enforce the same by proper fines and penalties against said owner or lessee. That the board of aldermen of the town of Sanford shall have the power to sell water along the line of its water main, extending from the pumping station to the corporate limits of the said town of Sanford."

Assessment districts.

Owners of abutting property to pave sidewalks.

Work done by town on failure of owner.

Cost assessed on property and entered on tax list. Assessment a lien on property.

Collection.

Proviso: limit on assessment in defined territory.

Building permits.

Fee.

Power to sell water.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 218.

AN ACT RELATING TO THE BOUNDARY LINES OF BARNARDSVILLE SPECIAL SCHOOL-TAX DISTRICT, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Buncombe County is hereby authorized and empowered to fix, determine and modify the lines and boundaries of Barnardsville Special School-tax District, Ivy Township, Buncombe County, North Carolina.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 219.

AN ACT CHANGING THE BOUNDARY LINES OF THE MONTREAT SPECIAL SCHOOL-TAX DISTRICT, IN BUNCOMBE COUNTY, BLACK MOUNTAIN TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Buncombe County is hereby authorized and empowered to fix, determine and modify the lines and boundaries of the Montreat Special School-tax District, Black Mountain Township, Buncombe County. Beginning on the top of Allen Mountain ridge, at Walker and Griggs' corner, and running thence in a southeasterly direction to Mallonee and Walker's corner; thence with Mallonee and Reed's line to the gap south of Allen's Mountain; thence to Mallonee and Dougherty's corner, a spanish oak in the old Pinkerton line; thence north 75° 30' east to R. O. Alexander's southwest corner; thence with said Alexander's south line east to his southeast corner, on the Black Mountain and Montreat Road; thence with said road south to the northeast corner of the William Suttle (now Buchanan) lot; thence around said lot, following the northern, western and southern boundaries to its southwest corner, on the west margin of the Montreat Road; thence north 61° east to the Enthroffer corner of the Graham lot; thence east 70 poles to Howard Kerlee and Enthroffer's corner; thence about north 60° east to C. B. Kerlee's northeast corner; thence south to the Southern Railway; thence east with said railroad to the top of the Blue Ridge; thence in a northerly direction along the top of the Blue Ridge to the top of the Rattlesnake Knob; thence about one-

County board of education to fix, determine and modify boundaries. Boundaries.

fourth of a mile in a northerly direction with the top of the Blue Ridge to a high knob, where a large ridge comes up from near the Southern Railway track west of the Swannanoa tunnel; thence down said ridge to Mrs. McDonald's south line; thence with said south line about north 85° west to C. P. Kerlee's northeast corner; thence west with said Kerlee's and Enthroffer's lines to said Enthroffer's white-oak corner; thence south with said Enthroffer's to a point in said west line directly east of R. O. Alexander's southeast corner; thence west to R. O. Alexander's southeast corner; thence with said Alexander's south line to his southwest corner; thence with said Alexander's west line to the North Fork Road; thence with said road in a westerly direction to the place where the old stock-law gate stood; thence north 60° west to the beginning.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 220.

AN ACT FOR THE RELIEF OF MRS. MARY ARIS McDUFFIE, OF CUMBERLAND COUNTY.

Whereas Mrs. Mary Aris McDuffie, wife of John McDuffie, of Preamble, Cumberland County, is a minor, eighteen years of age, and she desires to join her husband in the conveyance of real estate, the title of which is in her; and whereas her husband is a man of Preamble, mature years and experience, and they desire that her disability of nonage be removed: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Mary Aris McDuffie, wife of John McDuffie, of Cumberland County, be and she is hereby relieved of the disability of nonage, and she is hereby authorized and empowered to make contracts, to convey her real estate and to do any and all things which she might lawfully do if she were of the age of twenty-one years, by and with the consent of her husband, and any such contracts or conveyances executed by her after the passage of this act are hereby declared to have the same force and effect as if she were of full age.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 221.

AN ACT TO CHANGE THE NAME OF THE TOWN OF SCOTLAND VILLAGE, IN THE COUNTY OF SCOTLAND, TO THE TOWN OF EAST LAURINBURG, AND AMEND THE CHARTER THEREOF.

The General Assembly of North Carolina do enact:

- Name changed. SECTION 1. That the name of the town of Scotland Village, in the county of Scotland, be and the same is hereby changed to East Laurinburg, and as such shall be subject to and governed by all of the provisions of chapter seventy-three of the Revisal of North Carolina, session of one thousand nine hundred and five, except as hereinafter provided.
- Provisions of general law.
- Corporate limits. SEC. 2. That the corporate limits of East Laurinburg shall include the present corporate limits and be extended to the following lines, to wit: Beginning in the center of the run of Leith's Creek, near Scotland Cotton Mill property, one hundred feet north twenty-three east from the center of the railroad track; thence south sixty-seven east fifty chains to a stake near the head of a small branch of Leith's Creek, near a cemetery for the colored race; thence two hundred feet to the northeast corner of the lands owned by John F. McNair, January first, one thousand nine hundred and nine, the same being the Waverly Cotton Mill site; thence with the eastern and southern boundary of said lands to the fourth corner thereof, also the third corner of Scotland Mill lands; thence with the southern boundary of Scotland Mill lands to the run of Leith's Creek; thence up the run of said creek to the beginning.
- Town officers. SEC. 3. That the officers of said town shall consist of a mayor and three commissioners, treasurer, town clerk and town constable.
- Town elections. SEC. 4. That the mayor and commissioners of said town shall be elected as provided under the general law governing municipal elections, and at the same time, and shall hold office for such term as is provided by the general law.
- Elections of other officers. SEC. 5. The treasurer, town clerk and town constable shall be elected by the mayor and commissioners at their first meeting held after their own election, and the mayor and commissioners shall prescribe the bonds to be given by such officers as shall have the handling of the funds of the town.
- Bonds of officers.
- Terms of office. SEC. 6. That the several officers of said town shall hold office, upon qualification, until their successors shall be elected and qualified. All vacancies shall be filled by election by the mayor and commissioners.
- Vacancies.
- Powers of mayor and commissioners. SEC. 7. That the mayor and commissioners shall have the power to enact ordinances, rules and regulations for the government of said town, not inconsistent with the laws of the State of North

Carolina and the United States. All officers of Scotland Village shall retain their offices under the amended charter, and all ordinances, rules and regulations lawfully in force under and by virtue of the charter of Scotland Village shall be and remain in force until lawfully amended or repealed, and it shall be no defense for any person charged with an offense under same that the same purports to be for Scotland Village instead of the town of East Laurinburg. All warrants outstanding in the name of Scotland Village shall be good and valid for the lawful purposes therein expressed, as fully as if purporting to be for the town of East Laurinburg, and the same be read and the town ordinances may be construed as having the words "East Laurinburg" inserted wherever the words "Scotland Village" occur in the provisions thereof: *Provided further*, that all offenses against the said town of Scotland Village and the ordinances thereof prior to the enactment of this chapter shall be cognizable in the courts of East Laurinburg as fully as if this act had preceded the commission of the offense, save that nothing herein shall be deemed sufficient to establish an offense in that portion of the boundaries of said town as amended, which boundaries were not included in said town at the time of the commission of the act complained of.

Officers of village to hold over. Ordinances to remain in force.

Warrants outstanding.

Proviso: offenses against village cognizable.

SEC. 8. That the commissioners of said town shall have the power to levy and collect taxes on the poll and property within said town each year, but that said taxes shall not exceed the sum of thirty cents on the one hundred dollars valuation of real and personal property and ninety cents on the poll.

Taxing power.

Limit.

SEC. 9. That it shall be unlawful for any person to sell, barter, exchange or dispose of, in any manner whatever, directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters, ginger tonic or any drink of whatsoever kind or name which is intoxicating, within the corporate limits of said town or within the police jurisdiction thereof.

Prohibition.

SEC. 10. That the sheriff of the county of Scotland and the constable or chief of police or other chief police officers of the town of Laurinburg shall be and are hereby required to receive into the jail of the county or into the town prison or guardhouse of the town of Laurinburg any person duly committed to such jail or town prison or guardhouse by the mayor of said town of East Laurinburg, and there keep such person until discharged according to law; and for such services the sheriff, jailer or town constable or chief police officer shall be entitled to such fees as in other like cases are allowed the common jailer, the fees to be paid by the town of East Laurinburg.

Commitments by mayor.

Jail fees.

SEC. 11. That the police jurisdiction of said town of East Laurinburg shall extend to the lands lying between the boundaries thereof and Leith's Creek and the aforesaid branch of Leith's Creek, as fully as within said town, for the purposes of quelling

Police jurisdiction.

all disorders, all breaches of the peace and for the suppression of all nuisances; and all officers of said town of East Laurinburg qualified to make arrests in said town of East Laurinburg shall have the right to make arrests without the town limits and between said town limits and the run of Leith's Creek, aforesaid, and the run of said small branch, aforesaid, which said small branch heads near the colored cemetery hereinbefore mentioned: *Provided*, that nothing herein contained shall be construed as giving the right of taxation on the part of said town over the lands without said town limits, as defined by this act.

Citizenship of officers. SEC. 12. That the treasurer, town clerk and town constable may be elected from the citizenship of the county of Scotland, and need not be qualified electors of said town at the time of election, but must be residents thereof.

Graded school district. SEC. 13. That the town of East Laurinburg shall be a part and parcel of the graded-school district to be known as the Laurinburg Graded-school District, and for all purposes of being a part thereof said town of East Laurinburg shall be a ward of the town of Laurinburg; and all laws and clauses of laws relating to Scotland Village as a part of such graded-school district shall be read and construed as having the name of East Laurinburg inserted wherever the said name of Scotland Village is inserted and in place of same, and the boundaries of East Laurinburg shall be the boundaries referred to in such laws creating aforesaid graded-school district.

When act effective. SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. This act shall be in full force and effect on and after the first Monday in April, Anno Domini one thousand nine hundred and nine.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 222.

AN ACT TO AMEND CHAPTER 360 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1907, INCORPORATING THE MATAMUSKEET RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and sixty of the Private Laws of North Carolina, session of one thousand nine hundred and seven, be amended by inserting in line nine of said section, after the word "Carolina," the following words: "or

Terminus.

to or near Washington, in Beaufort County, North Carolina," the intent hereof being to authorize the said railway company to construct its line either to or near Plymouth, or to or near Washington, in the State of North Carolina.

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

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 223.

AN ACT TO INCORPORATE THE PEOPLES SAVINGS BANK OF RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Berry O'Kelly, James H. Young, J. H. Love, Corporators
T. L. Love, L. B. Capeheart, Britton Pierce, G. A. Edwards, J. E.
Hamlin, Walter Harris, A. W. Pegues, C. W. Hoover, together
with such other persons as they may associate with them, their
successors and assigns, be and they are hereby created and con-
stituted a body politic and corporate, under the name of the Peo- Corporate name.
ples Savings Bank of Raleigh, North Carolina, by which name Corporate powers.
they may sue and be sued, plead and defend in any court, and
shall have the right to adopt and use a common seal and to
make such by-laws, rules and regulations as they may deem best
for the betterment of said corporation, not inconsistent with the
laws of the State of North Carolina, and shall have continued
succession for the term of sixty years, with all the rights, privi-
leges, powers and franchises pertaining to a corporation or bank-
ing institution under the general laws of this State.

SEC. 2. The capital stock of said corporation shall be ten thou- Capital stock.
sand dollars (\$10,000), divided into four hundred shares, of the
par value of twenty-five dollars each, which said capital may Increase of
be increased, at any time or from time to time, by a vote of the capital.
majority of the stockholders, to any sum not exceeding sixty
thousand dollars (\$60,000).

SEC. 3. That whenever two thousand dollars (\$2,000) of said Meeting for
capital stock shall have been subscribed for and paid in cash, the organization.
above-named incorporators, or a majority of them, who have sub-
scribed for and paid in the said two thousand dollars (\$2,000) shall
call a meeting of the subscribers for said capital stock, at such
time and place in the city of Raleigh as they shall select, giving
three days' notice, by mail, of the time and place of such meeting,
to each subscriber, when and where such stockholders shall elect Election of
directors.

Term of office. directors, not less than five nor more than nine, who shall hold office for one year or until their successors have qualified, and such directors shall be empowered to elect a president and vice president and cashier and other officers, and adopt by-laws not inconsistent with the laws of North Carolina. Such officers shall hold office for one year or until their successors have qualified.

Election of president and other officers.

By-laws.

Terms of officers.

Powers of directors.

SEC. 4. That the said board of directors may adopt and use a seal and may break and alter the same at pleasure; may prescribe the manner of paying for stock in cash and transferring the same; may regulate the method of conducting the business of the bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the laws of the State on banks and corporations; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages, on real and personal property, or both, or upon liens upon crops, planted or unplanted; may buy, build or lease a banking house or houses, and may sell or exchange the same at pleasure; may negotiate loans or mortgages on real or personal property at any rate of interest, not exceeding the legal rate, that may be agreed upon. They shall direct when dividends of profit shall be declared.

General banking powers.

SEC. 5. That the said bank or corporation shall have the power to take and receive and pay out the lawful currency of the country, to deal in and exchange gold and silver coin, bullion, current and uncurrent paper and public and other securities and evidences of debt; may purchase and hold such real estate and other property as may be conveyed to secure debts of said corporation, and may sell any and all of such said property to satisfy any debts, secured thereby, due said bank; may purchase and hold real estate for the transaction of its business, and at pleasure sell and exchange the same; may discount notes and other evidences of debt, and lend money on such terms as shall be agreed upon, at any rate of interest not to exceed the legal rate of interest in this State, which said interest may be taken in advance at the time the loan is discounted. It may receive money on deposit on such terms as the depositors and officers of said bank may agree upon.

Power to purchase, hold and convey real estate.

SEC. 6. That such bank or corporation may purchase, hold and convey real estate for the following purposes only: First, such as may be necessary for the convenient transaction of its business, including with its banking offices other apartments to rent as a source of income, which investments shall not exceed twenty-five per cent of its paid-in capital stock and permanent surplus; second, such as is mortgaged to it in good faith by way of security by loans made or money due such bank; third, such as is conveyed to it

in satisfaction of debts previously contracted in the course of its dealings: fourth, such as it acquires by sale or execution or judgment of any court in its favor.

SEC. 7. That the said bank may receive on deposit money held by guardians, administrators, executors and any and all other persons, and issue certificates therefor, said certificates bearing interest at such rate as may be agreed upon by the parties, which certificates shall be assignable and transferable, under such regulations as may be prescribed by the president and other officers: *Provided*, that this section shall not relieve any guardian from his liability to his ward for the legal rate of interest.

Deposits by
fiduciaries.

Proviso: liability
of guardian.

SEC. 8. The stockholders of said bank shall be individually responsible equally and ratably, and not one for the other, for all the contracts, debts and engagements of said bank, to the extent of the amount of their stock therein, at par value thereof, in addition to the amount invested in such shares.

Liability of
stockholders.

SEC. 9. That when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specifically, to their own credit, they or any of them may draw the same on their own checks, orders or receipts, and be bound thereby; and such married woman, minor or apprentice shall be bound by such individual checks, orders or receipts, and said checks, orders or receipts shall be a valid and sufficient release to said corporation against such married woman, minor, apprentice and all other persons whatsoever.

Deposits by
married women,
minors or ap-
prentices.

SEC. 10. That said bank is empowered and authorized, in connection with its general banking business, to organize and conduct a department for savings, and to do a savings-bank business, and shall have all the rights, powers, privileges and immunities necessary or incident to the conduct of such a business, together with all the rights and powers conferred upon similar institutions under the general law of North Carolina.

Savings
department.

SEC. 11. That each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of stock held by him.

Stock votes.

SEC. 12. That all of said capital stock of ten thousand dollars shall be *bona fide* paid in, in cash, before the bank shall be authorized to begin business.

Capital to be
paid in.

SEC. 13. The stock of the corporation held by any person shall be transferable only on the books of the corporation, either in person or by power of attorney.

Transfer of stock.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1909.

CHAPTER 224.

AN ACT TO AUTHORIZE THE TOWN OF SELMA TO ISSUE BONDS TO PAY OFF AND DISCHARGE ITS FLOATING INDEBTEDNESS, TO INSTALL ELECTRIC-LIGHT AND SEWERAGE SYSTEMS AND OTHERWISE BENEFICIALLY TO MAKE INTERNAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Bond issue authorized. Amount.

Denomination and form. Purpose.

Maturity.

Interest.

Bonds not to be sold below par. Use of proceeds.

Voters to authorize issue.

Ballots.

Notice of election.

Law governing elections.

SECTION 1. That the board of commissioners of the town of Selma is hereby authorized and empowered to issue, to an amount not exceeding thirty thousand dollars, bonds in the name of said town and in such denomination and form as the said board of commissioners may determine, with which to establish, construct, purchase or otherwise secure and maintain and build a system of electric lights; also, construct, erect, equip and operate a system of sewerage for said town and its inhabitants; also, to pay off and discharge its floating indebtedness, and to build, make, improve and maintain streets and sidewalks for the said town and its inhabitants.

SEC. 2. That said bonds may be made payable at such place and time as may be determined upon by said board of commissioners, but the time of payment of principal of said bonds shall be fixed at not less than twenty nor more than thirty years from the date of their issue.

SEC. 3. That said bonds shall bear interest at not more than six per centum per annum, and the interest shall be made payable semiannually. Said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value, and the moneys arising from the sale thereof shall be used for either, any number or all of the purposes specified in section one of this act, including the purchase of all such real estate as may be necessary for the proper purpose of inaugurating and completing the improvements herein contemplated.

SEC. 4. That said bonds shall not be issued until authorized by a majority of the registered voters of said town, at a public election, to be held at such time and place as the board of commissioners shall appoint, within two years after the ratification of this act, at which election those favoring the issue of bonds shall vote "For Issue of Bonds," and those opposing it shall vote "Against Issue of Bonds"; and it shall be the duty of said board of commissioners to give notice of the time, place and purpose of such election for thirty days in some newspaper published in the county of Johnston; that said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as other elections are held in said town.

SEC. 5. If the power hereby conferred and hereinbefore provided shall be exercised, and a majority of the registered voters of said

town shall vote to issue said bonds, then the said board of commissioners shall issue said bonds, and they shall be signed by the mayor and attested by the clerk to the board of commissioners of the town; and said bonds and their coupons shall be exempt from town taxation until after they shall become due, and the coupons thereon shall be received in payment of town taxes: *Provided*, that nothing herein shall make the said board of commissioners compellable or bound to issue or sell the aggregate amount of bonds limited by section one of this act at one and the same time, but they are hereby authorized to issue and sell the same by piecemeal, in series, installments or *en gross*: *Provided*, the total amount issued and sold shall not exceed thirty thousand dollars.

Authentication of bonds.

Exemption from town tax. Coupons receivable for town taxes. *Proviso*: sale of bonds in part or as a whole.

Proviso: total amount.

SEC. 6. That for the purpose of a sinking fund and the paying of said bonds at maturity and said coupons as they shall become due, it shall be the duty of the board of commissioners, and they are hereby empowered to do so, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the same manner as other taxes are collected under such charter: *Provided*, that the total rate of taxation allowed for the special purposes set forth in this act shall not exceed thirty-three and one-third ($33\frac{1}{3}$) cents, on each one hundred dollars valuation of property and one dollar on each taxable poll, the constitutional equation to be ever observed: *Provided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due; and it shall be the duty of the town treasurer, as said coupons are taken up and paid off, to cancel the same and to report not less than twice a year to the board of commissioners the number and amounts of the coupons canceled.

Special tax for sinking fund and interest.

Proviso: tax limit.

Constitutional equation. *Proviso*: specific appropriation.

SEC. 7. That the said town of Selma shall have power and authority to establish, construct or purchase and at all times maintain in said town an electric-light and power plant, including all machinery and appliances necessary and appurtenant to the same; also, purchase, erect, equip and operate a system of sewerage and all rights and privileges required to accomplish and maintain the same, and to secure the full benefit of said lights and sewerage to said town and its patrons within or near said town; and the said town shall have the right to purchase and hold such real estate and personal property as shall be necessary to enable it to build, erect and maintain such light and power plant in the said town, and to use the streets of said town for planting its poles and other purposes; also, to purchase, erect, equip and operate a system of sewerage, and may enter, by its officers, agents or servants, upon the lands of other persons or corporations for the above purpose

Electric-light and power plant.

Sewerage.

Entry on lands.

and contract for and purchase the same; also, to pay off and liquidate the floating outstanding indebtedness against the said town.

Further elections. SEC. 8. If a majority of the voters in said town voting in the special election set forth in this act shall not vote in favor of the issue of bonds, herein provided for, at the first election, the board of commissioners, at any time thereafter, within two years from the ratification of this act, as they may deem fit, and of their own motion, again submit the same question to a vote of the qualified voters of said town, on the same notice and terms as is required for said first election; and if a majority of the voters shall be in favor of the issue of said bonds, then this act and all its provisions shall be and remain in full force and effect, and the said board of commissioners shall take the steps provided in this act for carrying out the provisions of said act.

Supervision and control of works. SEC. 9. That the said board of commissioners shall have entire supervision and control of any and all of the public properties and works established, enlarged or improved under this act, and may elect and appoint all such agents, servants and employees it may deem necessary, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things

Light and sewerage rentals. to carry into effect the true intent of this act; and to that end said board of commissioners shall have power to fix prices and provide for the collection of rentals from consumers of electric-

Proviso: lights and sewerage to nonresidents. light and sewerage benefits, and furnish on request to citizens who may apply for the same service of said systems: *Provided*, that nothing herein shall prohibit the said board of commissioners from furnishing light or sewerage to nonresident persons, firms or corporations on such terms as said board may require.

SEC. 10. That all laws or clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 225.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF GASTONIA, GASTON COUNTY, TO SELL AND CONVEY CERTAIN REAL ESTATE AND TO DONATE THE PROCEEDS THEREOF TO THE BOARD OF COMMISSIONERS OF GASTON COUNTY.

Preamble. Whereas the town of Gastonia owns certain real estate, to wit, one tract of land situated on the north side of Main Street, in said town, adjoining the Southern Railway, L. L. Jenkins and others; Preamble. and whereas the said lands are not necessary for the corporate

and municipal purposes of said town; and whereas the board of Preamble.
aldermen of said town desire to sell and convey the said real
estate, and to donate the proceeds arising from the sale of the
same to the Board of Commissioners of Gaston County, to be used
for public purposes: therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Gastonia, Sale and convey-
in Gaston County, be and they are hereby empowered to sell the ance authorized.
real estate above mentioned, at such time, in such manner and
upon such terms as they may determine upon, and to convey the
same in fee simple to the purchaser or purchasers.

SEC. 2. That the board of aldermen of said town of Gastonia, Donation
in Gaston County, be and they are hereby empowered to donate authorized.
the proceeds of the sale aforesaid to the Board of Commissioners
of Gaston County, to be used by them in the purchase of a site for
a county courthouse and jail in the town of Gastonia, and in erect-
ing the same, provided the county seat be removed from Dallas to
Gastonia.

SEC. 3. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 226.

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF
THE TARBORO ACADEMY AND THE BOARD OF COMMIS-
SIONERS OF THE TOWN OF TARBORO TO EXCHANGE
SITES FOR SAID ACADEMY.

Whereas, by several acts of the General Assembly of North Preamble.
Carolina (chapter forty-three, Laws one thousand seven hun-
dred and ninety-three; chapter forty-eight, Laws one thousand
eight hundred and thirteen, and chapter one hundred and four-
teen, Laws one thousand eight hundred and forty-six-and-seven),
the Trustees of the Tarboro Academy were created a corporation
for the purpose of conducting a school in said town; and whereas, Preamble.
by an act of the General Assembly, being chapter forty-six, Laws
of one thousand eight hundred and twenty-seven, a lot in the com-
mons of said town, on the east side of Saint Patrick's Street, was
selected as a site for building said academy, and the same laid off
by metes and bounds, as recorded in the office of the register of
deeds of said county, in book twenty-two, page two hundred and
fourteen, upon which said site the said trustees did cause to be
erected a building for school purposes for the white race, and did
establish and maintain a school for the white race therein; and Preamble.
whereas, by chapter five hundred and sixty-two, Laws one thou-

said eight hundred and ninety-one, the Tarboro School Board was incorporated for the purpose of conducting schools in Tarboro Township, in which township the town of Tarboro is located, and has for several years past leased from the Trustees of the Tarboro Academy its building, on the aforesaid site, and conducted a public school therein for the white race; and whereas, the attendance upon the schools in said township has increased until it has become necessary to erect a larger and more commodious building, which the said Tarboro School Board proposes to do; therefore,

Preamble.

The General Assembly of North Carolina do enact:

Trustees authorized to make exchange.

SECTION 1. That the Trustees of the Tarboro Academy be and they are hereby authorized and empowered to exchange with the board of commissioners of the town of Tarboro the present site of said academy, as described in the survey recorded in said book twenty-two, page two hundred and fourteen, for a site in the commons, of the same size and more suitable for the purpose of erecting said new building.

Town commissioners authorized to make exchange.

SEC. 2. That the board of commissioners of the town of Tarboro are hereby authorized and empowered to make said exchange and give the said Trustees of the Tarboro Academy another site in said commons, remote from Main Street, and upon the making of said exchange the present site shall revert to the said board of commissioners as a part of the town commons.

Donation to school board authorized.

SEC. 3. That the Trustees of the Tarboro Academy be and they are hereby authorized and empowered to donate to the said Tarboro School Board as a site for the new building proposed to be erected such lot or site as the said trustees may acquire in said exchange.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 227.

AN ACT AMENDATORY TO THE CHARTER OF THE TOWN OF HAMLET, IN RICHMOND COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fourteen of the Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, be and the same is hereby amended as follows: By adding after the word "therein," in line two of section five, the words "*Provided, however,* that any citizen of North Carolina shall be eligible to the office of policeman or constable."

Policemen and constable.

SEC. 2. That section eight of said chapter fourteen of the Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, is hereby amended so as to conform as to times and dates with the general law now governing the times and dates for listing property for county and State purposes; and the commissioners of the said town are hereby authorized, if they so desire, to elect a tax lister and also a tax collector, the said tax lister to have all authority and power now vested in the clerk and treasurer of said town with reference to the listing of said taxes; and the said tax collector to have all power and authority now vested in the constable of said town with reference to the collection of said taxes.

SEC. 3. That section two, chapter fourteen, Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, be stricken out.

SEC. 4. That section twelve, chapter fourteen, Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, be stricken out.

SEC. 5. That the commissioners of said town shall fix the salary of the mayor at a sum not to exceed two hundred dollars (\$200) per annum.

SEC. 6. That citizens of the said town of Hamlet shall not be liable to street or sidewalk duty.

SEC. 7. That any and all tax levies for the past four years are hereby in all respects validated and confirmed and all liens thereon continued, and the town clerk and treasurer are hereby authorized and empowered to collect all back taxes for the past four years.

SEC. 8. That nothing contained in section four, chapter fourteen, Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, shall be construed to prevent the general law with reference to elections in towns and cities from governing in the said town of Hamlet.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 228.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WEBSTER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six of the Private Laws of the extra session of the General Assembly of one thousand nine hundred and eight be amended as follows: "It shall be the duty of the commissioners of the town of Webster, from time to time, to grade, improve of sidewalks.

curb and pave or otherwise repair the sidewalks along the streets of said town in such manner as to them seems most advisable, one-half the total expense of the same to be paid by said town and the other half by the respective owners of lots fronted by said sidewalks. Whenever any sidewalk has been completed in front of any lot or lots in such manner as directed by said commissioners, they shall cause the total expense of the same to be entered in a book to be kept by the mayor of said town, and one-half of said cost to be charged against the lot or lots so fronted, respectively; and the said mayor shall place in the hands of the tax collector of said town copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for the taxes of said town. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged; and if any of them shall not be paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and cost for the whole of such lot, shall be advertised and sold by the tax collector of said town for the payment of the same, under the same rules and regulations and in the same manner as provided by law for the sale of real estate for unpaid taxes."

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 229.

AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

CORPORATE LIMITS EXTENDED. SECTION 1. That the corporate limits of the city of Goldsboro be and the same are hereby extended as follows:

EASTERN SIDE. (1) In the eastern side: Beginning at the present city limits on Ash Street and running easterly to Herman Street; thence with the eastern line of Herman Street northerly to a point where the northern line of Beach Street, extended, will intersect said Herman Street; then with the northern line of said Beach Street, extended, westerly to the Big Ditch, the present city limits; and the territory above added and described shall be attached to and become part of the Second Ward of said city.

WESTERN SIDE. (2) On the western side: Beginning at the northwestern corner of the present city limits and runs thence westerly the same course with the present northern limits of said city to the western boundary line of the extension of Georgia Street, as laid out by

F. K. Borden; then southerly with the western line of said Georgia Street, extended, to the Asylum Road, or Pine Street, extended; then easterly with said road or street to the present city limits; and so much of the territory above added and described as lies north of the center of an extension of Chestnut Street shall be attached to and become part of the First Ward of said city, and the remaining part of said territory shall be attached to and become part of the Third Ward of said city.

SEC. 2. That the board of aldermen of the city of Goldsboro shall have power to issue bonds in the sum of one hundred and fifty thousand dollars (\$150,000), the proceeds of which shall be applied to and used for the sole, only and exclusive purpose of paving or macadamizing the streets and sidewalks of said city. Said bonds shall be of such denominations as said board of aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half-yearly, at such times and places as may be deemed advisable by said board of aldermen, said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding forty (40) years from the date thereof, and at such places as the said board of aldermen may determine, none of which bonds shall be disposed of in any manner for a less price than their par value.

Bond issue authorized.
Amount.
Specific appropriation of proceeds.
Denominations.
Interest.
Maturity.
Bonds not to be sold below par.

SEC. 3. That said bonds and their coupons shall not be subject to taxation by said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of city taxes or other city dues for any fiscal year in which said coupons become due, or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Exemption from city taxation.
Coupons receivable for city taxes.

SEC. 4. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the board of aldermen of said city shall, annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purposes whatever, said particular tax not to be less than five (5) cents nor more than sixteen (16) cents on the one hundred dollars assessed valuation of property, and not less than fifteen (15) cents nor more than forty-eight (48) cents on each poll. The taxes provided for in this section shall be collected in the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively

Particular tax for bonds and interest.
Tax limits.
Collection of tax.

Sinking fund.

Investment of
sinking fund.

Proviso: bond
issue to be voted
on.

to the purposes for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due and cannot be applied to the purchase or discharge of said bonds shall be turned over and delivered to the commissioner of the sinking fund of the city of Goldsboro and be so invested by him as to secure the payment of the principal of said bonds at their maturity; and the commissioner of the sinking fund of the city of Goldsboro, having in charge the sinking fund provided for the payment of the bonds now outstanding against the city of Goldsboro, shall, after said outstanding bonds are paid off and discharged by him, apply any balance remaining in his hands to the payment of the bonds provided for in this act: *Provided, however,* that none of the bonds provided for in this act shall be issued or be in force until the question of issuing the same shall be submitted to and approved by the qualified voters of said city, at an election to be held for that purpose, under the rules, regulations, notice and other requirements set forth in section sixty-five (65) of chapter three hundred and ninety-seven (397) of the Private Laws of one thousand nine hundred and one.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 230.

AN ACT TO AMEND CHAPTER 718 OF THE PUBLIC LAWS OF 1903, RELATING TO THE GRADED SCHOOL IN THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

School tax voted
on by school
district.

SECTION 1. That section two of chapter seven hundred and eighteen of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by striking out the word "town," in line three thereof, and inserting in its stead the words "Columbia Graded-school District, for the white race."

Tax levied
annually.

SEC. 2. That section three of chapter seven hundred and eighteen of the Public Laws of one thousand nine hundred and three be amended by inserting after the word "their" and before the date "one thousand nine hundred and three," in line five thereof, the word "June," and by inserting after the word "meeting" and before the word "levy," in said line, the words "and annually thereafter."

SEC. 3. That at the next regular town election to be held in the town of Columbia the board of commissioners of said town are hereby authorized and empowered and directed to submit to the qualified voters of the said Columbia Graded-school District, for the white race, the question whether the taxes for said graded school shall be increased from the present levy of thirty-three and one-third cents on each one hundred dollars of real and personal property and one dollar on each taxable poll, as now provided by said chapter seven hundred and eighteen, to fifty cents on each one hundred dollars of real and personal property and one dollar and fifty cents on each taxable poll. If at said election a majority of the qualified voters shall vote for said increase, the said board of commissioners of the town of Columbia shall, hereafter, at their June meeting in each year, levy the tax accordingly, and the same shall be collected and applied as is now provided by said chapter seven hundred and eighteen. If at said election a majority of the qualified voters shall not vote for said increase of taxes, then and in that event taxes shall be levied, collected, and applied as they formerly were, under said chapter seven hundred and eighteen.

Election on
increase of school
tax.

Levy of tax.

Collection of tax.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 231.

AN ACT TO AMEND CHAPTER 313 OF THE PRIVATE LAWS OF 1907, RELATING TO THE ISSUING OF BONDS BY THE CITY OF RALEIGH TO REFUND ITS INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and thirteen of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out the words "the rate of four," after the word "at," in line one of said section, and before the word "per cent." in line two thereof, and inserting in lieu thereof the words "a rate not exceeding five."

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 force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 232.

AN ACT TO AUTHORIZE THE TOWN OF PITTSBORO TO
ISSUE BONDS FOR THE PURPOSE OF WORKING ITS
STREETS.*The General Assembly of North Carolina do enact:*

Bond issue authorized.	SECTION 1. That the board of commissioners of the town of Pittsboro, North Carolina, are hereby authorized to issue coupon bonds of the said town of Pittsboro, to an amount not exceeding five thousand dollars, bearing interest from date of the issue of said bonds at a rate not exceeding six per cent per annum, said interest payable semiannually on the first day of January and the first day of July of each and every year until the said bonds are paid. The said bonds shall be made payable at a date to be fixed by the board of commissioners of said town named therein, not to be less than fifteen years nor more than forty years from the date of issue. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of said town and countersigned by the clerk to the board of commissioners of said town, and shall have the corporate seal of said town attached thereto, and the coupons attached to said bonds shall be signed by the mayor of said town; that a record of said bonds shall be kept, showing the numbers and denominations thereof, to whom sold, the date of issue of each, when the same will mature, and the rate of interest thereon, the amount received from the sale of the same, and such other data as the board shall direct to be kept.
Amount.	
Interest.	
Maturity.	
Authentication.	
Record of bonds.	
Sale of bonds.	SEC. 2. That the bonds hereby authorized to be issued shall be sold, when issued, and the proceeds arising therefrom shall constitute a separate fund for street improvement of said town, and shall be expended under the direction of the board of commissioners of said town, after having been paid into the treasury of said town.
Use of proceeds.	
Special tax for interest and sinking fund.	SEC. 3. In order to pay the taxes on said bonds and to create a sinking fund to pay the principal of the same at maturity, the commissioners of the town of Pittsboro shall each year levy a special tax on the polls and property of the said town sufficient to pay the interest on said bonds and to create a sinking fund, not to exceed an amount to be stated in the order for the election herein-after provided for.
Bonds not to issue unless authorized by voters.	SEC. 4. Said bonds shall not be issued nor said taxes levied unless authorized by a vote of a majority of the qualified voters of the said town of Pittsboro, at an election to be called by the board of commissioners of said town. The election shall be called by the said board upon a written petition of one-third of the voters of said town. In calling for said election the board of commissioners shall state the amount of taxes proposed to be levied and the time
Petition for election.	
Call for election.	

said bonds are to run. At such election those who favor an issue of said bonds and the levying of the taxes herein provided for shall vote a written or printed ballot with the words "For Bonds," and those opposed shall vote a written or printed ballot with the words "Against Bonds"; and if at such election a majority of the qualified voters of said town shall vote ballots with the words "For Bonds" written or printed thereon, the mayor and the board of commissioners of said town shall issue the bonds and levy the taxes, as hereinbefore specified. Notice of the election hereinbefore provided for shall be given by publication for four successive weeks in some weekly newspaper published in Pittsboro and by notice posted at the courthouse door.

Issue of bonds
and levy of tax.

Notice of election.

SEC. 5. Said election shall be held under the same rules and regulations as other municipal elections are held in said town by law, and the said board of commissioners may order a new registration therefor if they see proper.

Law governing
election.

New registration.

SEC. 6. The said commissioners, before selling said bonds, shall advertise the same for thirty days in some newspaper published in Chatham County, stating the time and place when bids will be received and opened for the same.

Advertisement
for sale of bonds.

SEC. 7. The purchasers of said bonds shall not be required to see to the application of the proceeds thereof.

Responsibility of
purchasers.

SEC. 8. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1909.

CHAPTER 233.

AN ACT TO AMEND CHAPTER 127 OF THE PRIVATE LAWS OF 1907, RELATIVE TO THE WILKESBORO AND JEFFERSON TURNPIKE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and twenty-seven of the Private Laws of one thousand nine hundred and seven be and the same is hereby repealed and the following inserted in lieu thereof: "That the board of directors of the penitentiary shall, on application of the president of the Wilkesboro and Jefferson Turnpike company or a majority of the board of directors of said company, turn over to said company convicts not otherwise appropriated, not less than fifty nor more than one hundred in number, for the purpose of making such changes and alterations in said road as will shorten and put said roadbed upon such a grade as will render it suitable and practicable for either a steam or electric railroad; that said turnpike shall be resurveyed by a competent engineer employed by the said company,

Directors of
penitentiary to
furnish convicts.

Number.

Purpose.

Turnpike to be
resurveyed.

And regraded.	and said road shall be regraded upon said survey, which survey shall utilize as much as is practicable of the present roadbed.
Terms, rules and conditions.	Said convicts shall be furnished upon the same terms, rules and conditions as prescribed in the charter of said turnpike company that are not mentioned herein and not inconsistent with this act, and shall be paid for in the manner set out in section thirteen of chapter two hundred and eighty-six of the Private Laws of one thousand nine hundred and one. This act shall not be construed as requiring the board of directors of the State's Prison to furnish said convicts unless the same can be done without materially interfering with the operations of said institution necessary to its self-support, nor shall this act interfere with the convicts now at work for the Elkin and Alleghany Railroad Company, created by chapter one hundred and fifty-nine, Private Laws one thousand nine hundred and seven, or with the convicts now at work for the Mattamuskeet Railroad Company, created by chapter three hundred and sixty, Private Laws one thousand nine hundred and seven, and shall not interfere with maintaining the forces of convicts assigned and at work under said two acts. The directors of said State's Prison shall, however, transfer to the work of the Wilkesboro and Jefferson Turnpike the force at work on the Mattamuskeet Railroad, or an equal force, whenever their work on said railroad is completed."
Payment for convicts.	
Other work not interfered with.	
Convicts from Mattamuskeet railroad on completion.	

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 234.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN SPRING SPECIAL-TAX SCHOOL DISTRICT AND SAXAPAHAW SPECIAL-TAX SCHOOL DISTRICT, IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Line defined.

SECTION 1. That the boundary line between Spring Special-tax School District and Saxapahaw Special-tax School District, in Alamance County, shall begin at the mouth of Mary's Creek, on the south side of Haw River, and run thence up the south bank of said Mary's Creek to N. W. Robinson's line; thence south and west, around the fence of said N. W. Robinson and Charles T. Boggs, back to Mary's Creek, at the corner of said Saxapahaw District; thence north to the line of John C. Moore, in Saxapahaw Graded-school District.

SEC. 2. That the school children heretofore in Spring Special-tax School District south of the line as herein described shall attend the graded school in Saxapahaw Special-tax School District. School children transferred.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 235.

AN ACT TO AMEND THE CHARTER OF THE PIEDMONT RAILWAY COMPANY.

Whereas, on the thirtieth day of November, one thousand nine hundred and eight, M. L. Jones became the purchaser of all of the property, rights and franchises of the Carolina Valley Railway Company, under and by virtue of a decree of the Superior Court of Guilford County, North Carolina, in a certain proceeding, entitled "W. T. Van Brunt against Carolina Valley Railway Company and the Southern Life and Trust Company, trustee," in which said proceeding the property, rights and franchises of the said Carolina Valley Railway Company were sold by receivers therein appointed by the said court, and a deed made therefor on the eighteenth day of February, one thousand nine hundred and nine, by Charles A. Hines, trustee and commissioner, under authority given by said court; and whereas the said M. L. Jones, on the eighteenth day of February, one thousand nine hundred and nine, conveyed certain interests in said property, rights and franchises to A. E. Jones, J. B. Jones, C. D. Jones, G. E. Crowell and Thomas J. Jerome, who were the associates of the said M. L. Jones in the purchase of the said property, rights and franchises; and whereas, on the said eighteenth day of February, one thousand nine hundred and nine, the said M. L. Jones, A. E. Jones, J. B. Jones, C. D. Jones, G. E. Crowell and Thomas J. Jerome, the purchasers of said property, rights and franchises, under authority given in and pursuant to the powers conferred by sections one thousand two hundred and thirty-eight, one thousand two hundred and thirty-nine and one thousand two hundred and forty of the Revisal of one thousand nine hundred and five of North Carolina, met in the town of Thomasville, county of Davidson, State of North Carolina, and proceeded to organize a corporation, as provided by law; and whereas the name adopted at said meeting for said new corporation was the Piedmont Railway Company: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Piedmont Railway Company, organized as hereinbefore recited, is hereby recognized as and declared to be a Corporation recognized.

Corporators. valid and legally organized corporation, and the said M. L. Jones, A. E. Jones, J. B. Jones, C. D. Jones, G. E. Crowell and Thomas J. Jerome and such other persons as may be associated with them, their successors and assigns, are hereby recognized as and declared to be a body politic and corporate, under the name and style of the Piedmont Railway Company, and by that name shall have perpetual succession, and are hereby invested with all the privileges, rights and immunities which corporate bodies may lawfully exercise, and with all the property, rights and franchises described and conveyed in a deed executed and delivered by the said Charles A. Hines, trustee and commissioner, to M. L. Jones, dated the eighteenth day of February, one thousand nine hundred and nine, appointed under a decree of the Superior Court of Guilford County in the action entitled as above recited.

Rights under former charter. SEC. 2. That the Piedmont Railway Company is hereby invested with all the rights, powers, privileges and franchises of the Carolina Valley Railway Company, as conveyed in the charter of the said Carolina Valley Railway Company, and all amendments thereto, being chapter one hundred and three, Private Laws of one thousand nine hundred and three, chapter two hundred and fifty-seven, Private Laws of one thousand nine hundred and five, and chapter two hundred and ninety, Private Laws of one thousand nine hundred and seven; and the charter of the said Carolina Valley Railway Company, the property, rights and franchises of which were sold and purchased by the incorporators of the Piedmont Railway Company, is hereby declared to be the charter of the Piedmont Railway Company, except as the same may be amended by changing the name to the Piedmont Railway Company and as otherwise amended by this act.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 236.

AN ACT TO REINCORPORATE THE TOWN OF WALSTONBURG, IN THE COUNTY OF GREENE.

The General Assembly of North Carolina do enact:

Town incorporated. SECTION 1. That the town of Walstonburg, in the county of Greene, be and the same is hereby incorporated and created a body politic, by the name and style of the town of Walstonburg, and shall have all the powers, rights and privileges and be subject to all the duties provided in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina.

Corporate name.
Corporate powers.

SEC. 2. That the boundaries of said town shall be and remain Boundaries, and the same are hereby established as follows, to wit: Beginning at a stake and pointers, J. T. Corbett's and B. S. McKeel's corner, runs south $89\frac{1}{2}^{\circ}$ east 290 $\frac{3}{4}$ feet to a stake on the west side of the path or road leading to Walstonburg depot, another corner of J. T. Corbett and B. S. McKeel; thence north $48\frac{1}{2}^{\circ}$ east 2,360 feet to a persimmon tree (dead); thence north $30\frac{1}{4}^{\circ}$ east 580 feet to a telephone pole on the north side of the Norfolk and Southern Railroad; thence north $29\frac{1}{4}$ west 1,045 feet to a sweet gum (marked); thence north $60\frac{1}{4}^{\circ}$ west 264 feet; thence north $68\frac{5}{8}^{\circ}$ west 1,012 feet to a ditch leading across the road leading from the depot to the old Plank Road; thence south $77\frac{3}{4}^{\circ}$ west 1,818 feet to a marked pine; thence south $18\frac{1}{2}^{\circ}$ west 825 feet to the center of the Norfolk and Southern Railroad right of way; thence south 31° east 2,700 feet to the beginning.

SEC. 3. That the officers of the said town of Walstonburg shall Town officers, be a mayor and five commissioners, who, at the time of their organization, or as soon thereafter as may be, shall elect a town constable and a clerk and treasurer, and whenever they may deem it necessary they may appoint such police officers as in their judgment may be required for the due preservation of the peace and good order of the town.

SEC. 4. That the persons so elected as clerk and treasurer shall Bonds of clerk and treasurer, be required to enter into a bond, in such amount as the said board of commissioners may deem sufficient, not exceeding the sum of three hundred dollars, payable to the said town, for the faithful discharge of the duties of his office, which bond shall be duly justified before the mayor of said town and approved by him, if accepted.

SEC. 5. That until the qualification and induction into office of First officers the officers of the said town first elected under the provisions of named, this act, the government of said town shall be vested in the following persons for the offices named, as follows, respectively, to wit: H. R. Jones, Mayor, and J. O. Baker, M. L. Walston, S. R. Walston, H. E. Slater and J. E. Depree, commissioners. The said Officers to meet and be sworn and inducted into office on the and qualify, first day of March, one thousand nine hundred and nine, or as soon thereafter as may be.

SEC. 6. That an election shall be held in said town on Tuesday Town elections, next after the first Monday of May, one thousand nine hundred and nine, and biennially thereafter, for the election of a mayor and commissioners of said town, under the rules and regulations prescribed for said town elections in the said chapter seventy-three of the Revisal of one thousand nine hundred and five.

Officers-elect to meet and qualify.

SEC. 7. That within three days after the said election the persons elected as officers of said town shall meet and be inducted into office, after being duly sworn in, as required by law.

Election of governing officers, including mayor.

SEC. 8. That after the first election so held for said town, the said mayor and commissioners shall have power, if they so choose, to elect all the governing officers of the said town as commissioners for the same, and in that case the commissioners so elected shall elect the mayor out of their own number.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. That a copy of this act be forwarded by the Secretary of State to H. R. Jones, mayor of said town, within ten days after its ratification.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 237.

AN ACT TO AMEND CHAPTER 236, PRIVATE LAWS OF 1905, SO AS TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF TARBORO AND TO REDISTRICT THE SAME, AND TO REPEAL THE CHARTERS OF FARRAR, RUNNYMEDE AND WEST TARBORO.

The General Assembly of North Carolina do enact:

Limits and boundaries.

SECTION 1. That chapter two hundred and thirty-six of the Private Laws of one thousand-nine hundred and five, amending chapter one hundred and ninety-five of the Private Laws of one thousand eight hundred and eighty-nine, be and the same is amended as follows: Strike out section one thereof and insert in lieu thereof the following, to wit: "That the following shall be the limits and boundaries of the town of Tarboro, viz.: Beginning at the mouth of Hendricks' Creek, in Tar River; then up said creek to the southern line of the right of way of East Carolina Railway; then westerly along said line of the right of way of said railway to the Old Sparta public road, leading by J. M. Baker's farm; then along the east side of said public road to a point opposite southeast corner of D. K. Biggs' lot; thence a straight line westerly across said road and along the line of said D. K. Biggs' lot, Mrs. Jennie B. Williams' lots and across land of W. T. Deans to Old Sparta public road; then along the east side of said public road to the fork of the Wilson-Tarboro public road with the afore-

said public road; then easterly along the south side of the said Wilson-Tarboro public road to a point opposite the line of field and yard at Hilma, home of J. L. Bridgers; then northerly across road and along the lines of said field and yard two hundred yards to a point just in rear of house of said Bridgers; then a straight line parallel to said public road to said creek; then up said creek to the ditch behind the old fair grounds, now the property of Runnymede Mills, Incorporated; then westerly along the line of the Runnymede Mills, Incorporated, to the line of Mrs. S. E. Speight's land; then northerly along the line of Mrs. S. E. Speight and the Runnymede Mills, Incorporated, to the right of way of the Atlantic Coast Line Railroad; then westerly along the line of said right of way to a point just southwest of Royster's Guano Factory; then a perpendicular line northerly across land of F. S. Royster Guano Company to Barlow land; then easterly along the line of the said F. S. Royster Guano Company and Consumers Cotton Oil Company to the line of C. J. Austin's land; then down said line to the right of way of the said Atlantic Coast Line Railroad; then easterly along the northern line of the said right of way to the line of Mrs. W. H. McNair; then along the northern line of Mrs. W. H. McNair and also the northern line of Pinehurst Land Company to the public road, Tarboro-Rocky Mount Road; then southerly down west side of said public road to a point opposite the northwest corner of yard enclosing residence of Mrs. T. W. Thrash; then easterly across said road and along the line of said yard to the back corner of said yard; then at right angles and southerly along the back yard of the said Mrs. T. W. Thrash to the said Atlantic Coast Line Railroad; then easterly along the said railroad to the back line of the land of Mrs. J. W. Ashburn; then southerly along the back line of the lands of Mrs. J. W. Ashburn and Mrs. Lucy E. Havens to Gold Hill farm; then a straight line and southerly along the present town limits to Baker Street, extended; then easterly along Baker Street, extended, to a point just opposite the southeast corner of the Lloyd Cemetery; then a straight line southeasterly to a large elm standing near stables and just southeast of the Lloyd house, now property of Henry Johnston; then a straight line southwesterly or southerly to the southeast corner of the colored church, known as Eastern Star Baptist Church; then a straight line southerly to where ditch crosses St. James Street, extended, in Panola farm; then down said ditch to Beaver Dam; then along Beaver Dam to the line of Panola farm; then southerly along the line of said farm to Tar River; then down Tar River to the beginning."

SEC. 2. That section two of said chapter two hundred and thirty-six of the Private Laws of one thousand nine hundred and five

be and the same is hereby stricken out and the following inserted in lieu thereof, viz.: The said town shall be divided into eight wards, bounded as follows:

- First ward. First Ward.—Begin at the river on the west side of Main Street; thence with Main Street to Church Street; then down the south side of Church Street to Hendricks' Creek; then down said creek to Tar River; then with town limits to beginning.
- Second ward. Second Ward.—Begin at river, on east side of Main Street; then with Main Street to Church Street; then down south side of Church Street in easterly direction to town limits; thence with town limits to beginning.
- Third ward. Third Ward.—Begin on the north side of Church Street, at Hendricks' Creek; thence with Church Street to Main Street; thence up the west side of Main Street to Baker Street; thence down the south side of Baker Street to Hendricks' Creek; thence down said creek to beginning.
- Fourth ward. Fourth Ward.—Begin at the town eastern limits, on north side of Church Street; thence along Church Street to Main Street; thence up the east side of Main Street to Baker Street; thence down the south side of Baker Street and Baker Street, extended, to the eastern town limits; thence along the town limits to the beginning.
- Fifth ward. Fifth Ward.—Begin at the intersection of Baker Street, extended, and Hendricks' Creek; thence with Baker Street to Main Street; thence up Main Street and west side of Main Street, extended, to northern town limits; thence westerly along the town limits to the intersection of said town limits and Poplar Street (see map of West Tarboro Land and Improvement Company), extended; thence southerly along Poplar Street, extended, and Poplar Street to hedgerow between West Tarboro Land and Improvement Company and Arlington; thence westerly along said hedgerow to Hendricks' Creek; thence down said creek to beginning.
- Sixth ward. Sixth Ward.—Begin at the eastern limit of the town, on north side of Baker Street, extended; thence with Baker Street to Main Street; thence with Main Street and west side of Main Street, extended, to the northern town limits; thence with the town limits to the beginning.
- Seventh ward. Seventh Ward.—Begin at the mouth of Hendricks' Creek, in Tar River; thence up said creek to southern line of right of way of East Carolina Railway; thence westerly along the said right of way to Old Sparta public road, leading by J. M. Baker's farm; thence northerly along east side of said public road to a point opposite southeast corner of D. K. Biggs' lot; thence a straight line westerly across said road and along line of D. K. Biggs' lot, Mrs. Jennie B. Williams' lots and across land of W. T. Deans to Old Sparta public road; thence northerly along east side of said road to fork of same with Wilson-Tarboro public road; thence

easterly along south side of said road to line of yard and field of Hilma, home of J. L. Bridgers; thence northerly along the line of said yard and field two hundred yards to a point just in rear of house of said Bridgers; then easterly in line parallel to Wilson-Tarboro public road to said creek; thence down said creek to beginning.

Eighth Ward.—Begin at the intersection of northern town limits and Poplar Street, as aforesaid, extended; then down said Poplar Street, extended, and Poplar Street to hedgerow between West

Eighth ward.

Tarboro Land and Improvement Company and Arlington; thence down said hedgerow to Hendricks' Creek; thence along the town limits to the beginning. That one commissioner from each ward

Election of commissioners.

shall be elected, and that commissioners be elected for the Third, Fifth, Sixth and Eighth wards in odd years, and for the First,

Second, Fourth and Seventh wards in even years; and to that

Commissioners to hold over.

end, R. H. Parker, commissioner in First Ward; J. C. Horne, commissioner in Second Ward; Hugh Cobb, commissioner in Third Ward; E. L. Roberson, commissioner in Fourth Ward; D. F.

Bridgers, commissioner in Fifth Ward, and W. R. Ricks, commissioner in Sixth Ward, shall continue to hold their offices until the

next regular election for commissioners in their respective wards; that until the next regular election provided for, for commissioners

Commissioners for seventh and eighth wards.

for the Seventh and Eighth wards, the commissioners for said two wards shall be as follows: Commissioner for Seventh Ward, J. L. Bridgers; commissioner for Eighth Ward, Thomas Gaskins, who shall hold their offices until their successors are elected and qualified according to law.

SEC. 3. That in case of vacancy in the board of commissioners, by death, removal from ward, or otherwise, of any commissioner, the vacancy shall be filled by the board of commissioners until the next election for commissioners.

Vacancies.

SEC. 4. That chapter three hundred and fifty-one of the Private Laws of one thousand nine hundred and seven and chapter seventy of the Private Laws of one thousand nine hundred and three, appertaining to the charter of West Tarboro; chapter sixty-five of the Private Laws of one thousand nine hundred and seven, appertaining to the charter of Runnymede, and chapter one hundred and twenty-five of the Private Laws of one thousand eight hundred and ninety-three and chapter three hundred and twenty of the Private Laws of one thousand eight hundred and ninety-nine, appertaining to the charter of Hilma, changed to Farrar, be and the same are hereby repealed.

Laws repealed.

SEC. 5. That all laws and parts of laws in conflict herewith are repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 238.

AN ACT FOR THE RELIEF OF W. L. DENNY, A PUBLIC-SCHOOL TEACHER IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Voucher for
balance to be
issued.

SECTION 1. That the Board of Education of Yadkin County be and it is hereby authorized to issue a voucher, payable to W. L. Denny and drawn on the Treasurer of Yadkin County, to be paid out of the general school fund of Yadkin County, for the sum of twenty dollars, as compensation for a balance due him for teaching school for the years one thousand nine hundred and six and one thousand nine hundred and seven.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 239.

AN ACT TO REPEAL CHAPTER 58, PRIVATE LAWS OF 1897, RELATING TO THE CHARTER OF THE TOWN OF OAK RIDGE, GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Charter repealed.

SECTION 1. That chapter fifty-eight, Private Laws of one thousand eight hundred and ninety-seven, be and the same is hereby repealed.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 240.

AN ACT TO INCORPORATE THE GRAHAM SCHOOL.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That John Graham, William A. Graham, Anna D. Graham, Maria D. Graham, Virginia Graham and their successors in office, who may be elected from time to time, are hereby created a body politic and corporate, by the name and style of the Graham School, and by that name they shall have perpetual succession and a common seal, may sue and be sued, may purchase, take, receive and hold any real or personal property whatsoever;

Corporate name.

Corporate rights.

may sell, transfer, lease, mortgage and convey any such property, and do all other acts pertaining to similar corporations, not inconsistent with the Constitution and laws of the State of North Carolina or of the United States. The persons herein mentioned shall be and remain the trustees of said corporation until their successors are elected, as hereinafter provided.

SEC. 2. That the board of trustees shall have the general supervision and control of the said corporation. It shall have the power to make such rules, regulations and by-laws, not inconsistent with the Constitution and laws of the United States or of the State of North Carolina, as may be necessary for the good government of the said school and the management of the property and funds of the same. It may provide for and elect a chairman and such other officers of its own body, also a president, professors, teachers and such other officers for the management of the school as it may deem necessary and proper; may prescribe the tenure, duties and compensation of such officers and teachers, whether of its own board or of the school. It may, after reasonable notice and for cause stated, remove any or all of such officers as it may deem proper. It may fix and change the time and place of its meetings, adjourn from day to day or to a day certain, in its discretion. A majority of the board shall constitute a quorum.

Board of trustees.
Rules, regulations
and by-laws.

Organization.

Further powers.

A Quorum.

SEC. 3. That said trustees shall, for all legal purposes, be regarded as a board of directors.

Directors.

SEC. 4. That the term of office of the said trustees shall be for fifteen years. In case of death, disqualification or removal from office on the part of any member, such vacancy shall be filled by the other trustees.

Term of office.

SEC. 5. That the lands and property situated within the corporate limits of the town of Warrenton, North Carolina, belonging to said trustees, or either of them, used for the benefit of said school, shall be and the same are hereby exempted from all kinds of county, city and town public taxation.

Lands and
property exempt
from taxation.

SEC. 6. That the said trustees shall not be individually or personally liable for the debts of the said school.

Trustees not
individually
liable.

SEC. 7. That the trustees and the principal of said school, elected by said trustees, shall have the right to exercise police powers on the grounds and property of the institution; and on commencement occasions, public speakings and other exercises of the school the chairman or president of the board of trustees and the principal of the school, either or both, may swear in special policemen, who shall serve as such, and shall have for the time being all such rights and powers as are conferred upon constables under the Revisal of one thousand nine hundred and five of North Carolina.

Police powers.

Special policemen.

General rights and privileges. SEC. 8. That the said institution shall have the right to exercise any and all such rights and privileges as may be necessary for the successful conduct and management and maintenance of the said school, not inconsistent with the laws of the State of North Carolina.

Term of corporation. SEC. 9. That this corporation shall have duration for fifteen years from and after the passage of this act.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 241.

AN ACT TO ESTABLISH THE EDEN COLONY GRADED-SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Boundaries. SECTION 1. That the territory lying and being in Harnett and Lee counties and bounded as follows, to wit, beginning at the one-hundred-and-nine milepost on the Atlantic Coast Line Railroad, which is one mile north of Rock Branch, Harnett County; thence running due east one mile; thence running due south two miles; thence running due west two miles; thence running due north two miles; thence running due east again one mile to the place of beginning, shall be and is hereby constituted a special school district for white and colored children, to be known as the Eden Colony Graded-school District.

Election to be ordered. SEC. 2. That the Board of County Commissioners of Harnett County, at their meeting on the first Monday in March, one thousand nine hundred and nine, are hereby authorized and required to order an election on Saturday, April third, one thousand nine hundred and nine, after thirty days' notice, posted at three public places in said district, at which time shall be submitted to the qualified voters residing in said district the question of levying on all polls and property therein an annual special tax, not to exceed thirty cents on each hundred dollars valuation of property and ninety cents on each poll, for the support and maintenance of the public schools in said district.

Appointment of registrar. New registration. Poll holders. SEC. 3. That the said board of county commissioners shall appoint a registrar and order a new registration for said election, and shall appoint two qualified voters residing in said district as poll holders and judges of said election, who, together with said registrar, shall hold said election at the time specified in the public notice given, and shall canvass and judicially determine the result and certify the same to the board of county commissioners.

Canvass, determination and certificate of result.

who shall have the returns duly recorded in the office of the Register of Deeds of Harnett County, and said election shall be held in all other respects in accordance with the general provisions of the election law of the State.

Law governing election.

SEC. 4. At such election the voters in favor of the levying and collection of said tax shall vote a ballot on which shall be written or printed the words "For Graded Schools," and those opposed shall vote a ballot on which shall be written or printed the words "Against Graded Schools." If a majority of the qualified voters shall vote "For Graded Schools," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected the tax herein provided for, in the same manner and at the same time as other taxes of the counties are levied and collected; and the bond of the sheriff or tax collector shall be responsible for said taxes to the same extent as it is liable for other taxes collected by them.

Ballots.

Act to be in force.

Levy and collection of tax.

Bonds of officers.

SEC. 5. That the following persons shall constitute the board of trustees of said graded-school district: G. W. Shawver, W. W. Giles, F. A. Scriven, W. N. McClung and H. D. Cameron; and their term of office shall expire on the first Monday in April, one thousand nine hundred and eleven, and their successors shall be appointed by the General Assembly of one thousand nine hundred and eleven, and biennially thereafter by said body. All vacancies occurring in the board of trustees, by death, resignation or otherwise, shall be filled for the unexpired term by the remaining members of said board of trustees.

Trustees named.

Term of office.

Appointment of successors.

Vacancies.

SEC. 6. That said board of trustees shall organize within thirty days after the election, and shall elect a chairman and a secretary; and the Treasurer of Harnett County shall be the treasurer of said board of trustees, and his bond shall be liable for all funds in his hands belonging to the said school district, in the same manner and to the same extent as it is liable for other school funds.

Organization of trustees.

Bond of treasurer.

SEC. 7. That all funds apportioned to said district by the county board of education from the State and county school fund, and all funds derived from the special tax levied and collected under the provisions of this act, shall be turned over to the treasurer and placed to the credit of said Eden Colony Graded-school District and shall be apportioned and used under the direction of the said board of trustees for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of said board of trustees, signed by the chairman and secretary thereof.

Apportionment of funds.

School orders.

SEC. 8. The said board of trustees shall have the control and management of all the public schools in said district, and may establish such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of all

Powers of trustees.

Reports. officers and teachers of said schools; and the proper officers shall be required to make to the State Superintendent, the county superintendent and the county board of education such reports as are required of other public schools by the public-school law of the State.

Trustees incorporated. **SEC. 9.** That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of the Board of Trustees of the Eden Colony Corporate name. Graded-school District, and by that name may sue and be sued, Corporate rights. contract and be contracted with, purchase, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that Title to school property. the title of all public-school property in the territory embraced in said graded-school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds to the use of the public schools in said district.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 242.

AN ACT TO AMEND CHAPTER 319 OF THE PRIVATE LAWS OF 1899, THE SAME BEING "AN ACT TO AMEND THE CHARTER OF THE TOWN OF NASHVILLE, NASH COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That "An act to amend the charter of the town of Nashville, Nash County," the same being chapter three hundred and nineteen of the Private Laws of one thousand eight hundred and ninety-nine, be and the same is hereby added to and amended as follows:

Street tax. **SEC. 2.** That all male persons resident in the town of Nashville, Nash County, North Carolina, between the ages of eighteen and forty-five, shall be required to pay a street tax in the said town in the sum of two dollars per annum, except such persons as are exempt from road duty under the general law, payable quarterly, same to be paid in lieu of working the streets of the said town.

Fine for failure or refusal to pay tax. **SEC. 3.** That any person who shall refuse or fail to pay the aforesaid sum of two dollars per annum, quarterly, in lieu thereof, after he shall have been called on for the same, upon conviction thereof, the mayor of the said town is empowered to fine the said person so failing to pay the said amount five dollars and costs of

said action, and upon failure to pay the fine and costs he may be sentenced to work on the streets of the said town not more than twenty days nor less than ten days. Street work for fine and costs.

SEC. 4. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 243.

AN ACT TO AMEND CHAPTER 184 OF THE PRIVATE LAWS OF 1905, INCORPORATING THE GRAHAM COUNTY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, entitled "An act to incorporate the Graham Railroad Company," be and the same is hereby amended by striking out section four of said act and substituting the following in lieu thereof, to wit:

"Sec. 4. That said company shall have and it is hereby given the right and power to locate, construct, equip, maintain and operate a standard-gauge railroad, or any part thereof, with one or more tracks, over any one or more or all of the following routes or locations, or over any part of any or all of them, to wit: Routes.

"First, from any point or place on the Murphy division of the First. Southern Railway (and connecting therewith) between the stations of Murphy and Andrews, in Cherokee County, North Carolina, into and upon the lands now owned or controlled by the Whiting Manufacturing Company or that may hereafter be owned or controlled by said company, on Big Snow Bird, Little Snow Bird, Buffalo and Santeatlah creeks, in Graham County, North Carolina, and extending therefrom in the direction of and to the town of Robbinsville, in said county.

"Second, from some point or place on said division of said South-Second. ern Railway, at or near the station of Topton, thereon (and connecting with said railroad), in the direction of and to the said town of Robbinsville.

"Third, from some point or place near the mouth of the Cheoah Third. River, in Graham County, North Carolina, on the line of the railroad now or recently building and to be built up the Tennessee River to connect with the Southern Railway at Bushnell, and con-

neeting with said railroad so building or to be built, and running thence with the general course of said Cheoah River in the direction of and to the said town of Robbinsville.

Fourth.

"Fourth, from said town of Robbinsville to the line between the States of North Carolina and Tennessee, in such direction and by such location as will enable such railroad most conveniently to connect with the Louisville and Nashville system of railroads at some point in the State of Tennessee.

Branch lines.

"And said company may also construct, maintain and operate such lateral and branch lines, not exceeding fifty miles in length, as may be necessary or advantageous to the extension, completion and successful operation of said railroad. It shall have the power to construct tunnels, dams, culverts, trestles and bridges over or across streams, gorges, ravines and depressions; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may hereafter be constructed in this State, upon the lands of such other companies, at any point on its route; and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the object of its construction; and may, in making any intersection or connection with another railroad, have all rights, powers and privileges conferred upon railroads by chapter sixty-one of the Revisal of North Carolina of one thousand nine hundred and five; and it may operate its said railroad and branches by steam or any other power."

Enumeration of general powers.

Time for organization extended.

SEC. 2. That the time within which to organize said Graham County Railroad Company shall be and is hereby extended for two years from and after the date of the ratification of this act; and said chapter one hundred and eighty-four of the Private Laws of one thousand nine hundred and five, as hereby amended, is hereby ratified, confirmed and re-enacted.

Charter re-enacted.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 244.

AN ACT TO AMEND CHAPTER 159, PRIVATE ACTS OF 1891, RELATIVE TO THE CHARTER OF THE TOWN OF LUCAMA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-nine, Private Laws of one thousand eight hundred and ninety-one, be and the same is hereby amended by adding at the end of section one thereof the following: "And the commissioners of the said town are hereby

Power to lay out and open streets and condemn land.

authorized and empowered to lay out and open streets within the limits of the said town; and in the event the owner of any land required for such streets shall object to the use of such land for such purpose, said commissioners shall have full power and authority, after due notice to the owner, to condemn such land as may be required, and the compensation to be paid by the said board of commissioners for the said land shall be fixed by a committee of three freeholders, residents of the said town of Lucama, who shall be selected, one by the said board of commissioners, one by the owner of the land and one by these two. The award made by this committee shall be filed, in writing, with the board of commissioners of the town of Lucama, and from the said award an appeal may be taken by either the board of commissioners or the said landowner to the Superior Court of Wilson County, where the said appeal shall be docketed and tried, as provided by law in other condemnation proceedings." Procedure for assessment of damages.

Right of appeal.

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 245.

AN ACT TO AMEND CHAPTER 483, PUBLIC LAWS 1903, AND ACTS AMENDATORY THEREOF, CONCERNING THE GRADED OR PUBLIC SCHOOL AT PILOT MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty-three, Public Laws one thousand nine hundred and three, and acts amendatory thereof, be and the same is hereby amended as follows: Section two of chapter four hundred and eighty-three, Laws one thousand nine hundred and three, be amended by striking out, after the words "Lynchburg Road," in line thirteen of said section, the following words: "thence with said road to corner Lynchburg and Pine streets; thence west to road leading from near Dr. D. W. Worth's to Dodson's Mill; thence eastward with said Mill Road to J. F. Stephens' line; thence northward with said Stephens' line to Stephens' and A. H. Cook's corner, in Lynchburg Street; thence in a northwest course to the beginning," and inserting in lieu thereof the following words: "thence west to the corporate limits or line of the town of Pilot Mountain, North Carolina; thence northward to the beginning corner, at the forks of New and Old Hollow Road, as they stood in one thousand eight hundred and eighty-nine, said corner being the beginning corner of the school district and the town." Boundaries.

Reference
corrected.

SEC. 2. That section one of chapter four hundred and eighty-three, Laws one thousand nine hundred and three, be amended by striking out the figures "1889," in line two, and inserting in lieu thereof the figures "1899."

Former changes
of boundary
repealed.

SEC. 3. That chapter seven hundred and one, Public Laws one thousand nine hundred and five, and chapter eight hundred and twenty-five, Public Laws one thousand nine hundred and five, so far as they change the boundaries of said district, are hereby repealed, and the boundaries of said school district shall be as set out in chapter four hundred and eighty-three, Laws one thousand nine hundred and three, as amended by this act.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 246.

AN ACT TO AMEND CHAPTER 493, PRIVATE LAWS OF 1907, ENTITLED "AN ACT TO AMEND CHAPTER 305 OF PRIVATE LAWS OF NORTH CAROLINA, TO INCORPORATE THE WAYNESVILLE RAILWAY AND POWER COMPANY," RATIFIED MARCH 4, 1905.

The General Assembly of North Carolina do enact:

Terminus.

SECTION 1. That chapter four hundred and ninety-three of the Private Laws of North Carolina, entitled "An act to amend chapter three hundred and five of the Private Laws of one thousand nine hundred and five, to incorporate the Waynesville Railway and Power Company," be and the same is hereby amended by inserting in the twenty-sixth (26) line from the top of section one (1), immediately after the word "Beaufort," the words "and Southport."

Contract ratified.

SEC. 2. That the following shall be substituted for section fourteen (14) of said act: "The terms and provisions of the agreement proposed by the South Atlantic and Transcontinental Railroad Company, by its president, dated Waynesville, North Carolina, July, one thousand nine hundred and seven, and addressed to the members of the board of directors of the North Carolina State Prison, as approved by his Excellency, R. B. Glenn, Governor of North Carolina, be in all things ratified, approved and accepted, and shall be for all purposes and effects a part of the charter of the said railroad company; and it and its successors and assigns shall be deemed to have accepted the same as a part of its charter,

and shall be bound by all the provisions and agreements thereof; and all acts, parts of acts, agreements and contracts hitherto enacted or made in respect to the matters and things embraced in said agreement and proposition so approved, inconsistent therewith, are hereby repealed and abrogated."

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

Ratified this the 3d day of March, A. D. 1909.

CHAPTER 247.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF CHARLOTTE TO ESTABLISH DRAINAGE DISTRICTS AND REQUIRE THE PROPER DRAINAGE THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Charlotte, State of North Carolina, is hereby authorized and empowered, whenever in the judgment of the said board it is necessary for the public health or public welfare, to establish drainage districts within the limits of said city, to require the creeks, canals, water courses and tributaries within any such district to be straightened, enlarged, excavated, widened, walled, cemented, embanked or concreted, and that marshes or depressions within any such district be drained or filled in, and in general everything necessary for the proper drainage of any such district, it being the intention of this act that said board shall have the authority to require the drainage of marshes and depressions likely to cause sickness, as well as creeks and canals. The cost of the work done pursuant to this act shall be borne as hereinafter provided.

Establishment of drainage districts authorized.

Drainage requirements.

Cost of work.

SEC. 2. Notice of real property affected and the proposed establishment of any drainage district shall be given either by publishing for ten days in some daily newspaper published in said city a notice, signed by the mayor of said city, setting forth clearly and definitely the limits and boundaries of the proposed drainage district, the names of the property owners affected, and notifying all persons owning property within any such district to appear before the said board at a certain time and show cause, if any, why such proposed drainage district shall not be established, or by personal service upon any party affected of a notice containing the same provisions as required above for publication, which notice shall be served at least ten days before the time set for a hearing, and may be served by any policeman of the city of Charlotte, the Sheriff of Mecklenburg County or any constable of Charlotte Township, by leaving a copy thereof

Notice to owners of property affected.

Establishment of districts.	with the persons owning land within any such drainage district. The original of the notice shall be returned by the officer serving the same, with the date, manner of service and name of the officer endorsed thereon, to the city clerk and treasurer or other proper custodian of the records of the city, and when so returned shall be filed by the officer to whom it is returned among the records of the city. If, after due investigation, the board of aldermen shall be of the opinion that it is expedient for the public health or public welfare to establish such drainage districts, then the same shall be established, either with the boundaries according to the notice served or with other and different boundaries:
Proviso: notice for extension.	<i>Provided</i> , no part of the district shall extend beyond the limits as originally proposed until notice is first given, as above provided,
Apportionment of work.	to the parties in interest; and after establishing the said drainage district the said board of aldermen shall declare what acts and things are necessary to be done within any such district for the public welfare, and shall apportion to each landowner within any such district a fair and equitable portion of the work to be done by him, at his own cost; and in case any such landowner shall fail to commence the work allotted to him within ten days after notice, or if after commencing the same he shall fail to make reasonable progress in the performance of the same, then in that case it shall be the duty of the said board to cause the work to be done as prescribed, and tax the cost and charges thereof against the lands lying within any such district, which cost and charges shall be a lien from the commencement of any such work within any such district against the lands lying therein, as hereinafter provided.
Work done by board at cost of landowner.	
Costs and charges a lien on property.	
Establishment of districts in part beyond city.	SEC. 3. That wherever it is necessary for the public health or public welfare of the inhabitants within the limits of the city of Charlotte for the said board to establish drainage districts without the limits of the city of Charlotte, or partly within and partly without said limits, and required to be done the acts and things hereinbefore authorized, then in that case said board is hereby authorized and empowered to establish such districts, and the procedure to establish the same shall be the same as that hereinbefore prescribed for the establishment of such drainage districts within said city, but the cost of the drainage of such districts, as hereinafter provided, shall not be assessed against any lands lying within any such districts until such assessment is approved and confirmed by the Board of Commissioners of Mecklenburg County, State of North Carolina.
Cost approved by county commissioners.	
Special assessments.	SEC. 4. That the board of aldermen shall have power and authority to levy special assessments against any real property lying within any drainage district wherein work has been done pursuant to this act, and such assessment shall be levied as follows: After the work in any drainage district is completed, the board of aldermen shall, without unnecessary delay, view the drainage district in which any work shall have been done, as herein provided, and
Levy of assessments.	

all the property deemed by them specially beneficially affected thereby; and shall, within a reasonable time and after due consideration thereof, determine what real estate within any such district has been specially benefited by said drainage, canaling or other work done therein pursuant to this act, together with the amount of said benefit to each piece of property arising from such work, giving also the name or names of the supposed owner or owners thereof; and the amount so assessed against any piece of property within any drainage district shall be a lien upon such piece of real property, and the same shall be entered by the city clerk and treasurer of the city of Charlotte, or such other officer as may be designated by the board of aldermen, in a book to be kept by him for that purpose; and the city clerk shall place in the hands of the city tax collector immediately copies of such charges, and the said tax collector shall proceed to collect the same and account therefor in the same manner as for taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots, tracts or parcels of land located within any such drainage districts; and if any of them are not paid on demand, the whole of said lot or tract of land shall be advertised and sold by the tax collector of said city for the payment of the same, under the same rules and regulations and rights of redemption and in the same manner as may be now or hereafter prescribed in the charter of the city of Charlotte for the sale of real estate for unpaid taxes. The said board of aldermen may provide that such charges may be paid in ten equal annual installments, and bonds issued therefor in the same manner as is now or may hereafter be prescribed in the city charter for issuing bonds to pay for permanent street improvement: *Provided, however*, the cost and charges to be assessed against any property lying within said drainage districts, as herein provided, shall in no case exceed the special enhancement or increase in value of said property occasioned by reason of the acts and things done in said drainage district pursuant thereto: *Provided further*, that the assessment made against property in drainage districts lying without the limits of the said city, and established as hereinbefore provided, shall be confirmed and ratified by the Board of Commissioners of Mecklenburg County, if in the judgment of said board such assessments are fair and equitable.

Assessment a lien on property.

Collection as taxes.

Charges a lien on property.

Sale of land.

Assessments payable in installments.

Proviso: limit of assessment.

Proviso: assessments on property outside of city.

SEC. 5. That the board of aldermen shall give all persons owning real estate within any drainage district notice of the time and place when said board will consider making the assessment against real property, as provided in the last preceding section, which notice shall be served at least ten days before the assessment is made by the said board of aldermen. In case any such real property owner objects to the assessments made by said board, he shall have

Notice to property owners of levy of assessments.

Right of appeal.

the right to appeal from the decision thereof, and the procedure with regard to such appeal shall be the same as is now or may hereafter be prescribed for appeals from the assessments made by the board of aldermen in the case of permanent street improvement.

Liability of city. SEC. 6. The said city of Charlotte shall be liable for such part of the work done within any drainage district lying within the limits of the said city pursuant to this act as shall not have been assessed against and collected from the land lying within any such district or the owners thereof: *Provided, however,* that the county of Mecklenburg shall be liable for such part of the expenses of the work done within any drainage district lying outside of the limits of the city of Charlotte as shall not have been assessed against and collected from the lands lying within any such district or the owners thereof, and the board of commissioners of said county are hereby authorized and empowered to issue orders of warrant upon the county treasurer for the payment of such deficiency out of the general funds of the county.

Sale of liens authorized. SEC. 7. Said board of aldermen are hereby authorized and empowered to assign, sell and transfer the said liens created by this act, and all amounts owing thereon, whether by note or otherwise, either absolutely or upon condition, to any person or persons, in order to enable them to raise means to carry into effect the provisions hereof; and if any such liens shall be transferred, as aforesaid, and shall not be paid by the owner thereof when due, they shall be collected by the city tax collector of said city in the same manner as other assessments provided for in this act; and the amount thereof, when collected, shall be paid by the said tax collector to the owner or owners of said liens, less two per cent of the amount actually collected by him, which shall be paid to the city clerk and treasurer to cover the cost of such collection.

Cost of collection. SEC. 8. The board of aldermen of the city of Charlotte, wherever it is necessary for the purposes herein set forth, are hereby authorized and empowered to condemn property, and the procedure for the same shall be the same as is now or may hereafter be prescribed by the charter of the city of Charlotte for the condemnation of property for public use; it being the express purpose and intention of this act that in case the special benefits exceed the damages to any property, then the excess of benefits shall be a charge against the lot or tract of land benefited and be a lien thereon, in the same manner as the cost and charges for the performance of the work is a lien upon the lands within any such drainage district, and such charges and liens shall be collected and enforced in the same manner as is prescribed for the collection and enforcement of other liens set out in this act.

Excess of benefits a charge on lands. SEC. 9. The Board of Commissioners of Mecklenburg County are hereby authorized and empowered to use the convict or chain-

Use of convict force for work.

gang force of the said county in the performance of the work provided for in this act, the terms to be agreed upon by the board of aldermen of said city and the board of commissioners of said county; but it is the express intention of this act that the county of Mecklenburg shall receive compensation for all such work done by the convict or chain-gang force, and that the cost and charges shall be levied and assessed against the property specially benefited, as hereinbefore provided. Compensation to county.

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 248.

AN ACT TO INCORPORATE THE WARSAW HIGH SCHOOL AND GRADED SCHOOL IN DUPLIN COUNTY.

Whereas the qualified voters living in the territory embraced within the boundaries hereinafter set out did, on the sixth day of March, one thousand nine hundred and six, vote to establish a public graded high school to be located at Warsaw, Duplin County, and to levy a special tax to support the same, according to provisions of section seventy-two of chapter four of the Public Laws of one thousand nine hundred and one; and whereas it is deemed best to have the said high school and graded school incorporated: therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the boundaries set out and described as follows, to wit, beginning at the intersection of the Wilmington and Weldon Railroad branch of the Atlantic Coast Line Railroad Company, on the north line of O. P. Middleton's tract of land; thence O. P. Middleton's north line to H. F. Pierce's north line; thence his line to Turkey Swamp; thence down Turkey Swamp to Sampson County line; thence the Sampson County line to W. W. Faison's line; thence his south line to F. L. Faison's line; thence F. L. Faison's south line to William Boyette's line; thence his south line to F. L. Strickland's line; thence his line to Stephen Williams' south line; thence to S. R. Bowden's west line; thence around his line to Charlie Murray's line; thence Charlie Murray's line to Strauss' line; thence his line to Gavin's line; thence Gavin's line to S. M. Carlton's line; thence his west and south lines to Stewart's Creek; thence up the creek to a line between T. H. Kennear's and H. S. Boyette's; thence Boyette's line to F. G. Middleton's line; thence his line to B. F. Rhodes' line; thence his south and east lines to where his land

Incorporation. Corporate name.	joins Rose's land; thence his line to Grove Swamp; thence down Grove Swamp to W. H. Williams' line; thence his south and east lines to W. B. Cooper's line; thence up Cooper's line to E. J. Hill's line; thence his east and north lines to A. J. Stanford's line; thence his line to Mrs. S. E. Middleton's line; thence their line to O. P. Middleton's line on the railroad, the beginning, be and the same is hereby incorporated and known as the Warsaw High-school District, in Warsaw Township, Duplin County.
Trustees named.	SEC. 2. That H. S. Boyette, O. P. Middleton, W. H. Dawson, L. J. Strickland, F. G. Middleton and H. L. Stevens be and they are hereby appointed and constituted a board of school trustees for said Warsaw High School and Graded School for a term commencing on the first day of July, one thousand nine hundred and
Beginning of terms.	nine.
Terms of office.	The term of the first-named trustee shall be for two years, and for the second-named trustee shall be for four years, and the term of the third-named trustee shall be for two years, and for the fourth-named trustee shall be for four years, and for the fifth-named trustee shall be for two years, and for the sixth-named
Election of successors.	trustee shall be for four years; and at the expiration of the terms of office of said trustees their successors shall be elected by the
Term.	remaining trustees of said board for a term of four years each;
Vacancies.	and any vacancy which may occur, by reason of resignation, death or otherwise, shall be filled by the remaining members of the said board of trustees for the unexpired term: <i>Provided, however,</i> that there shall not be at any time more than two trustees of any one Protestant denomination on said board.
Proviso: religious denominations.	SEC. 3. It shall be the duty of the Sheriff of Duplin County to collect all taxes levied in pursuance of the election held in said school district on the sixth day of March, one thousand nine hundred and six, and turn over the same to the Treasurer of Duplin
Collection of taxes.	County, and all school funds apportioned from the county and State for the use and benefit of said school district shall be held by said treasurer for the exclusive use and benefit of said Warsaw
Apportionments from general fund.	High School and Graded School, and shall be paid out by the Treasurer of Duplin County only upon the warrant or order signed by the chairman and secretary of said board of school trustees and countersigned by the Superintendent of Public Schools of
School orders.	Duplin County: <i>Provided further,</i> that the treasurer and secretary of the said Warsaw High School and Graded School shall report, annually, on the first Monday in June in each and every year, to the county board of education and the county superintendent of public schools, and also to the State Superintendent of Public Instruction, showing the amount of money drawn and set apart to the use of said school, and for what it was spent.
Proviso: annual reports.	SEC. 4. All the public-school property of said district shall become the property of said Warsaw High School and Graded School and shall be vested in said board of trustees and their successors, in trust for said Warsaw High School and Graded School.
School property.	

SEC. 5. That the board of school trustees herein appointed, and their successors in office, shall have entire and exclusive control of said high school and graded school; shall employ and fix the compensation of officers and teachers, and do all other acts that may be necessary, just and lawful for the successful management of said high school and graded school, and shall have power to provide for the teaching of any of the higher branches of study not usually taught in public schols, free of charge, to the children of school age living within said school district, and shall have power to fix rules and regulations under which pupils not entitled by law to the benefits of this high school and graded school may be admitted, if in their judgment it shall be wise to admit them, and to fix prices to be charged said persons. Said board of school trustees shall be a body corporate, under the name of the Board of School Trustees of Warsaw High School and Graded School, with power to sue and be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants or making purchases, or buying, holding or selling property, both real and personal, for school purposes, and shall have the power of prosecuting and defending suits for and against said corporation. All conveyances and other instruments to said corporation shall be made to the said board of school trustees and their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said board of school trustees.

Enumeration of powers.

Incorporation.

Corporate name.

Corporate powers.

Conveyances to and by trustees.

SEC. 6. That the said board of school trustees shall keep a true and accurate account of all moneys received by them for school purposes, and shall keep an itemized account of all expenditures made by them, and the same shall be posted annually on the first day of June after said expenditures were made.

Accounts kept by trustees.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 249.

AN ACT TO INCORPORATE SUNBURY HIGH-SCHOOL DISTRICT, IN GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the special-tax school district of Sunbury (District Number One, of Holly Grove Township, and including a part of Hunter's Mill Township), Gates County, shall be and is hereby constituted the Sunbury High-school District.

School district constituted high school district.

Powers of trustees.	SEC. 2. That the school trustees hereinafter provided for shall have control of the school interests in said district, and shall have all the powers and exercise all the rights conferred upon and perform all duties required of high-school and public-school committeemen by the general school law of the State.
Nonresident pupils.	SEC. 3. That the said trustees may receive as students in said school nonresident children upon the payment of reasonable tuition
Proviso: credits to nonresident pupils.	charges, to be fixed by said trustees: <i>Provided</i> , that the said trustees shall allow such credit to the parents and guardians of nonresident children attending said school as they may think just, on account of school taxes paid on property in said district by said parents and guardians.
Enumeration of powers of trustees.	SEC. 4. That the said board of trustees may prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall elect a chairman and secretary for
School vouchers.	terms of two years each, and all moneys in the hands of the county treasurer to the credit of the district can be paid out only upon a voucher signed by the chairman and secretary of the board of trustees and approved by the county superintendent of schools.
Trustees named.	SEC. 5. That H. C. Benton, F. N. Cross, R. E. Barnes, J. E. Corbett, S. I. Harrell, William Nixon and J. R. Hill are hereby ap-
To meet and organize.	pointed trustees for the said school district, and they shall meet, qualify and organize within fifteen days after this act goes into
Trustees to be classified.	effect. As soon as the trustees shall have qualified they shall divide themselves, by lot, into three classes; the first class to be composed of three members, the second class to be composed of
Terms of office.	two members and the third class to be composed of two members. The members of the first class shall hold their office for a term
Appointment of successors.	of six years, the members of the second class shall hold their office for a term of four years and the members of the third class shall hold their office for a term of two years. At the end of each suc-
Term of successors.	ceeding two years the county board of education, upon the recommendation of a majority of the board of trustees, shall appoint trustees to succeed those whose terms then expire. Members of
Vacancies.	the board of trustees shall be appointed for a term of six years. Vacancies caused by death, removal, failure to qualify, or any
Quorum.	other cause, shall be filled by the board of trustees. All acts and things herein authorized to be done by said board of trustees may
Proviso: vote of chairman and secretary.	be done by a quorum thereof: <i>Provided</i> , that the chairman and secretary of said board of trustees shall have the right to vote in
When act effective.	the same manner as other members of said board.
	SEC. 6. That this act shall be in full force and effect from and after the fifteenth day of April, one thousand nine hundred and nine.

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 250.

AN ACT TO INCORPORATE THE CASWELL COUNTY
MACADAM ROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That S. G. Woods, B. S. Graves, F. W. Brown, R. L. Corporators, Mitchelle, J. M. Hodges and R. T. Wilson, their associates, successors and assigns, be and they are hereby incorporated, under Corporate name. the name of the Caswell County Macadam Road Company, and Corporate powers. under such name shall have the power to sue and be sued, plead and be impleaded, adopt and use a corporate seal, and exercise all the powers authorized by chapter twenty-one of the Revisal of one thousand nine hundred and five and the amendments thereto. The period of existence of this corporation shall be sixty years.

SEC. 2. The total authorized capital stock of this corporation is one hundred and twenty-five thousand dollars, divided into shares of the par value of one hundred dollars each.

SEC. 3. The incorporators named in this act, or a majority of them, are authorized to open books of subscription to the capital stock of said corporation, and when one thousand dollars shall be subscribed such subscribers are authorized to call a meeting, after giving not less than three days' notice to each stockholder, and proceed to organize said company by the election of a board of directors and such other officers as they may deem proper.

SEC. 4. Said company shall have the right and is hereby authorized to build and construct a macadam road by the most practicable route from the town of Yanceyville, in Caswell County, in the direction of the city of Danville, Virginia, to the Virginia State line, and shall have the right to charge such tolls for the use of said road as may be fixed by its board of directors: *Provided*, said toll shall not exceed two cents per mile for each horse or other draft animal, with or without vehicle, and ten cents per mile for each automobile or traction engine: *Provided further*, that said company shall not obstruct or close up any public road now in existence.

SEC. 5. The stockholders of this corporation shall not be individually liable or responsible for the debts or torts of this corporation.

SEC. 6. That any person who shall use said road or any part thereof without paying the tolls fixed by said company shall be guilty of a misdemeanor, and upon conviction before any justice of the peace or other proper court shall be fined not more than twenty-five dollars or be imprisoned not exceeding thirty days.

SEC. 7. That in grading and macadamizing said road or roads said company is hereby authorized and empowered to enter upon

Term of corporation.

Capital stock.

Books of subscription.

Meeting for organization.

Power to build macadam road. Route.

Tolls.

Proviso: limit of tolls.

Proviso: public road not obstructed.

Stockholders not individually liable.

Use of road without paying toll misdemeanor.

Punishment.

Entry on land for construction and material.

any lands and locate and build such roads and to take and use all necessary material therefor in the manner provided by chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 251.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Board of police
and fire commis-
sioners estab-
lished.

Number.

Residence of
members.
Commissioners
named.

Terms of office.

Election of
successors.

SECTION 1. That the full government, management and control of the police and fire departments of the city of Wilmington shall be vested in the board of police and fire commissioners of the city of Wilmington, hereby created, and which shall consist of five qualified electors of said city, who shall serve without compensation, and no two members of said board shall be appointed or elected from the residents of the same ward in the city; that William E. Springer, R. H. Northrop, W. A. French, Jr., John Barry and R. A. Burnett and their respective successors in office are hereby constituted the board of police and fire commissioners of the city of Wilmington.

SEC. 2. That said commissioners named above shall hold office and serve for the following periods, to wit: R. A. Burnett, until the first Monday in June, one thousand nine hundred and eleven, and until his successor shall be elected or appointed and qualified; W. A. French, Jr., and John Barry, until the first Monday in June, one thousand nine hundred and thirteen, and until their respective successors shall be elected or appointed and qualified; and William E. Springer and R. H. Northrop, until the first Monday in June, one thousand nine hundred and fifteen, and until their respective successors shall be elected or appointed and qualified. At the regular municipal election to be held in said city of Wilmington in the year one thousand nine hundred and eleven, and biennially thereafter, there shall be elected of and by the qualified electors of said city one or more commissioners, under the same rules and regulations as now are or may hereafter be provided for the election of other officers of said city, to succeed the commissioner or commissioners whose term of office will expire in that year. As the terms of the commissioners appointed by this act, respectively,

expire, the vacancies in the board so caused shall be filled by electing members of said board for six years, whereby all elected members will serve and hold office for six years, and one or two, as the case may be, elected biennially, as is herein provided. In the event of a vacancy in the board, resulting from any cause whatsoever, excepting by reason of expiration of term of office, such vacancy shall be filled by election by the board for the remaining period of any such unexpired term.

Vacancies filled
by board.

SEC. 3. That the said board shall have power to appoint and at any time remove any officer or man, of whatsoever rank or grade, of the said police department or fire department, and shall recommend to the board of audit and finance the salaries and compensation to be paid all officers and men employed in or connected with said departments; and officers and men serving or employed in these departments may be by said board graded in such manner and on such basis as the board may determine, and the rate of pay or compensation may be for different grades, varied as the said board may prescribe.

Power to appoint
and remove
policemen and
firemen.
To recommend
salaries.

Grades.

SEC. 4. That the board of police and fire commissioners shall organize, equip and maintain a sufficient police force for the preservation of order, and a fire department for the extinguishment and prevention of fires in said city. It shall have the power and it shall be its duty to prescribe the terms of service, age and qualifications, mental, moral and physical, of all policemen and firemen, including the chief and other subordinates of the police department, and the chief and other subordinates of the fire department, and from time to time adopt rules and regulations for the good government of the police and fire departments of said city.

Organization and
equipment of
police and fire
departments.

Terms of service
and qualifications.

Rules and
regulations.

SEC. 5. That no person shall be eligible to be elected or appointed to any position in the police or fire department unless he shall be a qualified elector, under the provisions of the existing laws, and shall stand an approved physical and mental examination. The physical examinations shall be conducted by the city physician or by such physician of recognized standing in his profession as may be designated by the board. The mental examinations shall be conducted by such person or persons as may be designated by the board of police and fire commissioners herein provided for, and shall be limited to an examination in reading, writing and a knowledge of the city ordinances and the duties imposed by his position.

Persons eligible
as policemen or
firemen.

Physical
examinations.

Mental examina-
tions.

SEC. 6. That the board of police and fire commissioners shall elect from the members thereof its chairman, and the city clerk and treasurer shall be *ex officio* clerk of the said board. The said board shall at least once a year subject all policemen and firemen below the grade of chief of each of said departments to an examination as to their qualifications, limiting said examination to reading, writing and a knowledge of the city ordinances and the duties

Organization of
board.

Examination of
policemen and
firemen.

Matters for consideration.	imposed upon such firemen and policemen. It shall, in making said examination and the grade rating, hereinafter required, consider the length and character of service and the experience of the fireman or policeman examined. The said board shall grade the respective merits and qualifications for the respective positions of the policemen and firemen into three grades, to be designated as first, second, and third grades. No member of either department shall be graded in the first grade, whatever his qualifications, unless he shall have served at least one year in his respective department, and no person shall be graded in the second grade, whatever his qualifications, unless he shall have served in his respective department at least six months, but the service need not have been continuous: <i>Provided, also</i> , the said board may, for special service and as a reward of merit, waive the length of service hereby required. The said board shall have the power to advance or reduce the grade of any policeman or fireman.
Grades.	
Service qualifying for first grade.	
Service qualifying for second grade.	
Proviso: waiver of time.	
Powers of policemen.	SEC. 7. That the policemen of the said city shall have the power and it shall be their duty to suppress all disturbance of the quiet and good order of the city and arrest all offenders against the same; to prevent, as far as possible, all injury to the city property and buildings and the streets and sidewalks, and to report to the mayor all repairs needed, and to perform such other duties as may be required of them by the board of aldermen or by the chief of police, the mayor or the board of police and fire commissioners. They shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the mayor, who is directed to proceed against them as the law directs. They shall have power to enter the enclosure and house of any person, without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and, if necessary, to summon a posse to aid them, and all persons so summoned shall have like authority; and they shall have authority to make arrests outside of the corporate limits, within one mile therefrom.
Authority to summon aid.	
Power of entry without warrant.	
Power to summon posse.	
Payment of expenses.	SEC. 8. That all necessary expenses of the said board shall be paid by the board of audit and finance, upon vouchers signed by the chairman and attested by the clerk of said board of police and fire commissioners.
	SEC. 10. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.
	SEC. 11. That this act shall be in force and effect from and after its ratification.
	Ratified this the 4th day of March, A. D. 1909.

CHAPTER 252.

AN ACT EXTENDING THE TIME FOR CONSTRUCTION BY
THE WINSTON-SALEM SOUTHBOUND RAILWAY COM-
PANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Winston-Salem Southbound Railway Com-
pany shall have two years from the ratification of this act within
which to begin the construction of its road and expend ten per cent
of the amount of its capital thereon, as provided by section two
thousand five hundred and sixty-four (2564) of the Revisal of
one thousand nine hundred and five (1905) of North Carolina. Two years
allowed.

SEC. 2. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 253.

AN ACT AUTHORIZING THE BOARD OF GRADED-SCHOOL
TRUSTEES OF LUMBERTON TO SELL CERTAIN PROP-
ERTY IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Graded-school Trustees of Lum-
berton be and they are hereby authorized and empowered to sell, Sales of land
authorized.
at either public or private sale, all that certain lot or parcel of
land situate and being in the county of Robeson, in Lumberton
Township and in the town of Lumberton, and bounded and de-
scribed as follows: Beginning at a stake in the intersection of
the eastern line of Walnut Street, as produced by J. E. Purcell, Description.
civil engineer, in a survey made April the eighth, one thousand
nine hundred and four, and the northern line of Thirteenth Street,
and runs as said eastern line north 3° 15' east two hundred and
sixteen feet to a stake in the intersection of the aforesaid eastern
line and the southern line of Fourteenth Street; thence as said
southern line of Fourteenth Street south 86° 45' east two hundred
and sixteen feet to a stake; thence south 3° 15' west two hundred
and sixteen feet to the northern line of said Thirteenth Street;
thence as it runs north 86° 45' two hundred and sixteen feet to the
beginning; containing forty-six thousand six hundred and fifty-six
square feet, being lot Number Five Hundred and Twenty-one and
Five Hundred and Twenty-three on the official map of the town of
Lumberton. The land above described is the same as was conveyed
to the Board of Education of Robeson County by A. E. White and

others, by deed, dated April the sixteenth, one thousand nine hundred and four, and duly registered in the office of Register of Deeds of Robeson County, in book U U U U, at page two hundred and ninety-five.

Use of funds.

SEC. 2. The funds arising from the sale of the above-described property shall be used for the graded school of said town for such purposes as to said board shall seem best.

Deed.

SEC. 3. That the chairman and secretary of the board of graded school trustees of the town of Lumberton are authorized and empowered to execute and deliver a deed in fee simple to the purchaser or purchasers of said property.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 254.

AN ACT TO APPOINT TRUSTEES FOR THE YANCEYVILLE FEMALE ACADEMY AND TO AUTHORIZE AND EMPOWER SAID TRUSTEES TO SELL AND CONVEY IN FEE SIMPLE THE LOT UPON WHICH SAID ACADEMY IS SITUATED, AND TO TURN THE PROCEEDS OF SAID SALE OVER TO SCHOOL COMMITTEEMEN FOR DISTRICT No. 38, FOR THE WHITE RACE, TO BE USED IN REPAIRING AND IMPROVING DAN RIVER INSTITUTE.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. Whereas the Yanceyville Female Academy has been used for school purposes but for one year in the last past twenty-three years; and whereas there are no trustees to hold said property; and whereas it is the desire of the people of Yanceyville and those who would naturally be the patrons of said academy, if used for school purposes, to sell the lot upon which said academy building is situated, and to use the proceeds of said sale, when made, in repairing and improving the school building located in said town of Yanceyville and known as Dan River Institute: now, therefore, G. A. Anderson, R. L. Mitchelle and Thomas P. Womack are hereby appointed trustees of said Yanceyville Female Academy, with power and authority to sell at public auction to the highest bidder, for cash, after due notice, the lot or parcel of land in the town of Yanceyville, Caswell County, whereon the Yanceyville Female Academy is situated, and generally known and designated as the Yanceyville Female Academy lot; and the said trustees are hereby authorized and empowered to make a fee-simple deed for

Trustees
appointed.

Sale authorized.

Deed.

said lot to the purchaser; and the proceeds of said sale, after paying the costs of said sale, the trustees will turn over to F. W. Brown, N. C. Brandon and T. J. Florance, school committeemen for School District Number Thirty-eight, for the white race, in Caswell County, to be used by them and their successors in office in repairing and improving Dan River Institute, a school building situated in the town of Yanceyville, wherein the public school for the white race in said District Number Thirty-eight has been taught for the past twelve years.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 255.

AN ACT TO AMEND CHAPTER 384 OF THE PUBLIC LAWS OF NORTH CAROLINA, CREATING THE EDENTON GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. Strike out all the words between the word "point," Boundary. in section one, line twenty-five, and the word "thence," in line twenty-eight of said section, and insert in lieu thereof the following: "four hundred feet west of Main Street; thence southwardly parallel with Main Street to Gale Street; thence westwardly along Gale Street to Granville Street; thence northwardly along Granville Street to Albemarle Street; thence westwardly along Albemarle Street three hundred feet; thence southwardly, parallel with Granville Street, to Church Street; thence westwardly along Church Street to Mosely Street."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 256.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF MARSHVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the following-described territory, situate in Union County and including the town of Marshville, shall be and the same is hereby constituted a public-school district, to be known as the Marshville Graded-school District: Beginning at the Carolina Central Railroad, west of Marshville depot, at the western

boundary of the D. B. Barrino plantation, and running with said D. B. Barrino's line to and including the lands of B. G. Hinson; thence to and including the lands of Wes. Austin; thence to and including the old home place of Rev. A. Marsh; thence to Negro Head Creek; thence down the various courses of said creek to the northwest corner of A. R. Edwards' plantation; thence to and including the lands of Will Griffin; thence with Will Griffin's line to and including the lands of S. M. Harrell; thence to the C. N. Simpson line; thence to and including the lands of Elbert Gardner, to east side of J. A. Richardson's plantation; thence to and including the lands of Watt Holmes, Ellen Hasty, B. F. Hasty and Mrs. J. W. Marsh, to the Hasty Road; thence west with said road to Marshville Road; thence south with said Marshville Road to southern boundary of J. Z. Green's lands; thence west, including the lands of the W. B. Marsh old home place; thence to and including the home place of G. W. Bailey, where he now lives; thence to and including the lands of Ed. M. Marsh and the Mrs. Carrie Stegall lands; thence following western boundary line of the D. B. Barrino plantation, old home place, to the beginning.

Bond issue
authorized.

Amount.

Denominations.

Interest.

Maturity.

Bonds not to be
sold below par.

Appropriation of
proceeds.

Proviso: bonds
issued as needed.

Special tax.

SEC. 2. That the board of graded-school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded-school district, to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof, at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually, at such time or times and at such place or places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine. None of said bonds shall be disposed of, by sale, exchange or otherwise, for a less price than their par value, and the proceeds arising from the sale thereof shall be expended by said board of trustees in providing such school buildings as may be required, and in furnishing and equipping the same, and for no other purpose: *Provided*, that said board of trustees may issue such bonds at such time or times and in such amount or amounts as may be required to meet the expenditures above provided for.

SEC. 3. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of County Commissioners of Union County shall, annually, and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of said graded-school district on which said board of commissioners may now or hereafter be authorized to lay and levy

taxes for any purpose whatever; said special tax to be not less than fifteen cents and not more than thirty-five cents on the one hundred dollars assessed valuation of property, and not less than forty-five cents and not more than one dollar and five cents on each taxable poll, the constitutional equation between poll and property taxes to be maintained. Said taxes shall be collected by the Sheriff of Union County, at the time and in the manner and with the same powers and authority that the county taxes are collected, and shall be paid over to the treasurer of the said board of graded-school trustees. For the purpose of aiding in the listing of taxes for said district, it shall be the duty of the secretary of said board of graded-school trustees, before June first of each year, to report to the Corporation Commission the number of miles of each railroad, telegraph and telephone line in said district, and the said Corporation Commission shall notify said secretary or the proper tax lister the value assessed for taxation on each line in said district, and such valuation shall be entered on the tax list of said district, and the taxes thereon estimated and collected as provided for taxes on other property.

SEC. 4. That the provisions of sections two and three of this act shall be submitted to a vote of the qualified voters of said graded-school district, at an election to be held on a day to be designated, as soon as practicable after the ratification of this act, by the Board of County Commissioners of Union County. For said election the said county commissioners shall appoint one registrar and two poll holders, who shall conduct said election in the manner and under the rules prescribed for the election of members of the General Assembly, and shall report the result thereof to said county commissioners; no other report or canvass to be required. Such report shall be entered on the records of the said county commissioners, and after thirty days from such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited. In the election above provided those voters approving the issue of bonds and the levy of the tax, as provided in sections two and three of this act, shall cast ballots having written or printed thereon the words "For Graded Schools"; those disapproving the same shall cast ballots having written or printed thereon the words "Against Graded Schools." If a majority of the qualified voters of said district shall vote "For Graded Schools," bonds shall be issued and a special tax levied, as prescribed in sections two and three of this act: *Provided*, that if a majority of said qualified voters shall fail to vote for graded schools, said board of county commissioners shall order another election or elections, to be held as above provided, at any time or times within five years of the date of the first election, when requested to do so by the said board of graded-school trustees; the effect of such election to be the same as provided in the election first called.

Rate.
Constitutional
equation.
Collection and
settlement.

Assessment of
railroads, tele-
graph and
telephone lines.

Provisions sub-
ject to election.

Election to be
held.

Registrar and
poll holders.

Law governing
election.

Ballots.

Bonds and special
tax voted for.

Proviso; further
elections.

Trustees named.	SEC. 5. That J. C. Morgan, A. Marsh, G. W. Bailey, M. K. Lee, H. B. Marsh, A. R. Edwards, J. Z. Green, J. W. Hasty and J. C. Marsh are hereby constituted a board of trustees for the public
Terms of office.	schools of said graded-school district. From the first Monday in May, one thousand nine hundred and nine, the first three shall hold office for six years, the next three for four years, and the last
Election of successors.	three for two years. Their successors shall be elected for six years, except in case of vacancies caused otherwise than by expiration of term; such vacancies to be filled for the unexpired term.
Vacancies.	All vacancies, however caused, shall be filled by the remaining members of the board of trustees.
Incorporation.	SEC. 6.* That the said board of trustees and their successors shall
Corporate name.	be and are hereby constituted a body corporate, by the name and
Corporate powers.	style of the Board of Graded-school Trustees of Marshville, and by that name may sue and be sued, make contracts, acquire real and personal property, by gift, purchase or devise; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other corporations.
Duties and powers of trustees.	SEC. 7. That it shall be the duty of the said trustees to establish and maintain a system of public schools for the children of school age resident in said district. They shall have exclusive control of such schools, shall prescribe rules and regulations for their conduct, employ, fix the compensation and dismiss the officers and teachers therein, and exercise all powers that may be
Nonresident pupils.	needful for the proper and successful operation thereof; they may admit pupils over twenty-one years of age and from outside districts, upon such terms as they may deem proper; may elect a superintendent and delegate to him such powers as may be needed
School census.	for a proper supervision of the schools; shall cause to be taken,
Reports.	as required by the general law, an accurate school census; shall make annual reports of the operation of the schools to the County Board of Education of Union County and as may be required by the State Superintendent of Public Instruction.
Election and bond of treasurer.	SEC. 8. That the said board of trustees shall elect a treasurer, who may or may not be one of their number, and who shall give bond in an amount equal to the moneys coming into his hands
School orders.	annually; a chairman and secretary, and shall prescribe the duties of each. The said treasurer shall pay out the funds which may come into his hands for said graded schools only upon the warrant of the chairman and secretary of said board of trustees.
Election for enlargement of district.	SEC. 9. That the limits of said graded-school district may be enlarged and new territory included therein whenever a petition shall be presented to the board of county commissioners, signed by a majority of the qualified voters residing in said territory, setting forth fully the boundaries of the proposed new territory. An election shall be called, held and conducted in the proposed new territory in the manner prescribed in section four of this act. If

at such election a majority of the qualified voters shall vote in favor of the proposition, then and in that event the said new territory shall be incorporated and made a part of the Marshville Graded-school District as fully as if originally included in this act.

SEC. 10. That all funds derived from the State and county for said public-school district shall be paid to the treasurer of said board of trustees by the treasurer of the county. Apportionment
from general
funds.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 257.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF THE TOWN OF STOVALL, GRANVILLE COUNTY, TO
ISSUE \$5,000 OF BONDS FOR IMPROVEMENT OF STREETS,
AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Stovall, Granville County, be, and are hereby authorized and empowered to issue coupon bonds, in the sum of five thousand dollars, due and payable twenty-five years from date, with interest on the same, due and payable semiannually on the first day of July and January of each year, at a rate not exceeding six per cent, in denominations not exceeding one hundred dollars; that said commissioners are hereby authorized and empowered to levy a tax upon all subjects of taxation within the corporation of Stovall sufficient to pay the interest upon said bonds; and after the expiration of five years they shall levy an additional tax sufficient to pay and discharge not less than two hundred and fifty dollars nor more than five hundred dollars of said bonds, until the same shall have been paid in full. Bond issue
authorized.

Amount,
Maturity.

Interest.
Denominations.
Special taxes.

SEC. 2. That the proceeds of said bonds shall be used for the permanent improvement of the streets and for the erection of such other permanent improvements as the board of commissioners of the town of Stovall may deem necessary for the best interests of the said town. Use of proceeds of
bonds.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 258.

AN ACT TO AMEND THE CHARTER OF THE WATAUGA
TURNPIKE COMPANY (CHAPTER 213, PRIVATE LAWS
OF NORTH CAROLINA, SESSION OF 1905):*The General Assembly of North Carolina do enact:*

Capital stock. SECTION 1. That section two of chapter two hundred and thirteen, Private Laws of North Carolina, session of one thousand nine hundred and five, be and the same is hereby amended by striking out the words "not exceeding," in lines eleven and twelve thereof, and inserting after the words "twenty-five thousand dollars (\$25,000)," in line twelve of said section, the words "with the privilege of increasing same to one hundred thousand dollars."

Power to build branches. SEC. 2. That said company shall have power and authority to construct, build and operate branches from its main line of road to any point or points in Caldwell, Mitchell, Burke or Watauga counties, said branches not to exceed twenty miles in length. Said company shall also have power to consolidate with any other turnpike company for the purpose of completing its system in said

Power to consolidate.

Right to condemn land. counties; and for the purpose of building said branches the said company is given the same rights of condemnation and the same powers for the collection of its tolls as are fully set forth in said chapter two hundred and thirteen, Private Laws of North Carolina, session of one thousand nine hundred and five.

Traction engines and automobiles. SEC. 3. The board of directors of said company shall have power and authority to prescribe such regulations as to the use of said road by traction engines and automobiles as to them may be deemed advisable, not inconsistent with law or the charter of said company, and shall be authorized to prescribe rates of toll for the use of said road by such machines.

General law. SEC. 4. Said company shall have such further powers and authority as are granted to corporations of like character under the general laws of this State.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 259.

AN ACT TO PROVIDE FOR WATER AND LIGHTS IN THE
TOWN OF HENDERSON.*The General Assembly of North Carolina do enact:*

Purpose of bond issue. SECTION 1. That for the purposes of providing a system of water-works and one or more lighting plants, or either, for the town of Henderson, in the county of Vance, the board of commissioners of that town are hereby authorized and empowered to issue bonds

Bond issue authorized.

of said town, from time to time as the same may be needed, to an amount not exceeding in the aggregate one hundred and fifty thousand dollars for waterworks and fifty thousand dollars for lighting plants; the bonds to be of such denomination, form and tenor, executed and transferable in such manner, payable at such time or times and at such place or places as they may determine. They shall bear interest at a rate not exceeding five per centum per annum, for which semiannual interest coupons shall be attached to the bonds, payable at such times and places as may be stated on the face thereof.

SEC. 2. That none of the bonds authorized by this act shall be sold for less than their par value, nor shall the same or the proceeds thereof be used for any other purposes than those provided herein.

SEC. 3. That for the purpose of paying the principal and interest of said bonds as the same shall respectively mature, the board of commissioners of said town shall, annually, at the time of levying other town taxes, levy a special tax on all persons and subjects of taxation on which the said board shall levy taxes for other purposes, which, with the net proceeds arising from the operation of the enterprises herein authorized, shall raise a sum sufficient to pay the interest on said bonds as the same shall become due, and provide for the principal thereof at maturity.

SEC. 4. That before any of the bonds herein authorized shall be issued, the same shall first be authorized by a majority vote of the qualified voters of the town, at an election to be called by the board of commissioners, who shall give thirty days' notice thereof in some newspaper published in the town, at the courthouse door of Vance County and at four other public places in the town. Such election may be ordered in respect of one or both the subjects herein provided for, and the voting upon one shall not prevent an election and voting upon the other at such time as the said commissioners may order. The commissioners shall appoint a registrar and two judges of election for each ward of the town, and the election shall be held and conducted in the manner prescribed for the election of mayor of that town. The commissioners may order a new registration of the voters if they shall deem the same needful, which order shall be stated in the notice of election. The notice of election shall also state the amount of bonds proposed, and whether for water or lights, or both, each to be stated and voted on separately. Those qualified voters who may approve the issue of bonds and the levy of a special tax to pay the same shall deposit in the ballot box a written or printed ballot with the words "For Water Bonds" or "For Light Bonds" thereon, as the case may be, or both, if both objects be submitted at such election. Those opposed thereto shall deposit a like ballot with the words "Against Water Bonds" or "Against Light Bonds," or both, as the case may be. If both objects be submitted, separate

Amounts.

Denomination.

Interest.

Bonds not to be sold below par. Specific appropriation.

Special tax.

Election on bond issue.

Notice of election.

Subject of election.

Registrar and judges.

Law governing election. New registration.

Ballots.

Separate boxes and ballots.

Canvass of result.	ballot boxes and ballots shall be provided for each. The registrars and judges of election of the several wards of the town shall meet at the mayor's office in said town at ten o'clock in the morning of the day following such election, and ascertain and declare the result thereof from returns which shall be made to them by the registrars and judges of the several wards. They shall make report thereof to the board of commissioners of said town at their next regular meeting, who shall cause the same to be entered upon their minutes. The power herein conferred shall not be exhausted by one exercise thereof, but the question of issuing bonds and levying special tax for the payment thereof, for such purposes, may be submitted from time to time, as the board of commissioners may determine, at least one year elapsing between such elections, until the qualified voters of the town shall approve such issue of bonds to the limit herein provided.
Report and record.	
Successive elections.	
Power to acquire lands.	SEC. 5. That the town of Henderson is hereby authorized and empowered to acquire, by purchase or otherwise, lands, rights of way, water and water rights and easements, wherever the same may be desired, within the county of Vance, and to locate, construct, equip, maintain and operate a system of waterworks, complete in every detail and appurtenance, and also one or more lighting plants, likewise as complete in every detail and appurtenance, for the purpose of supplying said town and persons and corporations in and about the town and within the county of Vance with water for all and every public and private use, and for the purpose of supplying, in like manner and to the same extent, gas, electricity or other lighting medium; to enlarge and extend such water system and lighting plant or plants at pleasure; to establish, maintain and operate shops and employ workmen, and to furnish the materials, supplies and fixtures for public or private use in connection therewith, and install and repair the same; to make all and every ordinance and regulation needful for carrying out the purposes of this act and to protect the works herein authorized; to sell such power as it may have in excess of its requirements at any time, and to fix reasonable charges for the services herein provided for. The commissioners of said town may in their discretion purchase any system of waterworks or lighting already established with the proceeds of such bonds, if the same shall be approved by a vote of the majority of the qualified voters of said town at an election to be held as herein provided, and the ballots shall be "For Purchase" and "Against Purchase."
Establishment of waterworks.	
Lighting plants.	
Powers in connection with water and light plants.	
Purchase of established systems.	
Procedure for condemnation of land.	SEC. 6. Whenever any land, right of way or easement of any character shall be needed for any purpose connected with the successful establishment, operation or extension of the waterworks or lighting plants herein provided for, and the same cannot be acquired by purchase at a satisfactory price to said town, the said board of commissioners may condemn the same, in the manner provided in the charter of the town for the condemnation of lands for street purposes, whether said land, right of way or easement be within or without the town limits.

SEC. 7. That the board of commissioners of said town shall have power to provide from time to time for such management, control and supervision of the public works herein provided for, and to employ such agents, attorneys, officers, clerks and servants as may be found needful, and to prescribe their duties and compensation.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 260.

AN ACT TO ALLOW THE CITY OF KINSTON TO ISSUE BONDS FOR THE PURPOSE OF THE EXTENSION OF CITY IMPROVEMENTS, LIQUIDATION OF CITY DEBT AND TO ERECT A CITY MARKET HOUSE, HALL AND TELEPHONE SYSTEM, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Kinston is hereby authorized and empowered to issue bonds, in the name of the municipal corporation of the city of Kinston, in such denomination and forms and in such classes as may be determined by said board of aldermen, to an amount not exceeding fifty thousand dollars (\$50,000), payable at such times and places as the board of aldermen may prescribe: *Provided*, that the time and payment of such bonds shall be not less than thirty nor more than fifty years from date.

SEC. 2. That said bonds shall bear interest at a rate not exceeding five per cent per annum, and the interest shall be made payable annually or semiannually, as the board of aldermen may prescribe, and the said bonds shall not be sold, hypothecated or otherwise disposed of for less than par value.

SEC. 3. That the said bonds shall be signed by the mayor of the city of Kinston and attested by the clerk of the board of aldermen of said city and have the corporate seal of the said city affixed thereto, and the coupons on said bonds shall bear the engraved or lithographed signature of the said clerk of the board of aldermen of the said city.

SEC. 4. That the board of aldermen of the said city are hereby required and directed to levy and collect, in addition to all other taxes in said town, a tax upon all taxable property and polls of the said city of Kinston sufficient to pay the interest on said bonds as the same becomes due, or the coupons on said bonds as they may become due, and, also, on or before the time the principal of said bonds becomes due, to levy and collect a further special tax to pay for same or to provide for the payment of the

Proviso; specific appropriation.	same. The tax so levied upon the property shall be an <i>ad valorem</i> tax, and the taxes upon the polls and property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be collected at the same time and in the same manner as other taxes upon the property and polls of the said city; <i>Provided</i> , the tax collected under this act for the purpose aforesaid shall be used for no other purposes than the purposes herein set out, or such of said purposes as may be decided upon by the board of aldermen. It shall be the duty of the treasurer of the city of Kinston, as the said coupons are paid off and taken up by him, to cancel same and report to the board of aldermen the number and amount of coupons so canceled.
Sale of bonds.	SEC. 5. That the said bonds may be sold at public or private sale, with or without notice, as the board of aldermen of said town may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of said corporation of the city of Kinston, who shall give such bond or bonds for the safe-keeping
Deposit of proceeds.	and proper disbursement of said funds as shall be required of him by the board of aldermen; and his compensation, both for receiving and paying out said fund, shall be such as shall be determined by the said board of aldermen. The proceeds from the said bonds shall be used for the purposes for which said bonds are to be issued, or such of said purposes as shall be determined by the board of aldermen, and shall be used for no other purpose:
Bond of treasurer.	<i>Provided</i> , that the purchaser of said bonds shall not be required to see to the application of the purchase money.
Compensation.	SEC. 6. That the aforesaid bonds shall be used for the purposes of street improvements, extension of waterworks, sewer, electric-light system, the purchase of sites for and the erection of a market house and city hall, the building and erection of a telephone system and for the liquidation of the debt created by street paving and extension of electric-light, waterworks and sewer system in and for the said municipal corporation of the city of Kinston, or such of the said purposes as the said board of aldermen may determine; and the said management and protection of such improvements as are herein provided for shall be under the supervision and control of the board of aldermen of the city of Kinston, as is now provided by law for other property and plants belonging to the said city.
Use of proceeds.	SEC. 7. That the board of aldermen shall not issue the aforesaid bonds, nor any of them, nor levy any tax or collect the same until it shall have been authorized to do so by vote of a majority of the qualified electors of the said city of Kinston, at an election to be held at such time and place as the board of aldermen may appoint, of which election notice shall be given by public advertisement for thirty days prior to the day of election, in some newspaper published in the city of Kinston and at the courthouse door in said city. At such election those electors favoring the issuing of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds and for the payment
Responsibility of treasurer.	
Improvements contemplated.	
Management and protection of improvements.	
Election on bond issue.	
Notice of election.	
Ballots.	

of the said principal of said bonds shall vote a ballot with the following words written or printed thereon, "For Bonds to Extend City Improvements," and those electors opposing the issuing of said bonds and levy and collection of said tax shall vote a ballot with the words written or printed thereon, "Against Bonds for Extension of City Improvements." The said election shall be held, as nearly as is practicable, in the manner prescribed for the election of mayor and board of aldermen of the said city of Kinston, as is now provided by the charter, and laws amendatory thereto, of the said city of Kinston. The original returns of the election shall be made by the election officers, or one of their number appointed by them, for that purpose, to the board of aldermen of said city, and the said board of aldermen shall, within three days after said election, canvass the said returns and declare the result of the election, and the result of said election shall be inscribed upon the records of the said town of Kinston; and if at the election aforesaid a majority of the qualified voters of said city shall not vote in favor of issuing said bonds, then the board of aldermen of the city may, at any time and as often thereafter as it deems proper, not oftener, however, than once in any one year, order another election on said question, to be held as nearly as is practicable under the rules and regulations as hereinbefore set out, and upon the same advertisement as is herein mentioned, and at each of said elections the ballots shall be as hereinbefore directed; and if at any such election a majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds, as aforesaid, then the said bonds shall be issued under the terms of this act, and the proceeds from the sale of same shall be applied as is herein provided for.

SEC. 8. That if any other bond election shall be held in said city on the same day, the same election officers holding said election may be appointed to hold and conduct this election, as provided for in this act.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 261.

AN ACT TO PROMOTE HEALTH IN THE TOWN OF BAKERSVILLE, MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any resident of the town of Bakersville may and he is hereby authorized to construct, at his own expense, a drainage or sewerage pipe across any street in said town to any flowing stream.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 262.

AN ACT TO AMEND THE LAW CONCERNING THE APPORTIONMENT OF THE SCHOOL FUNDS TO THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and nine of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by inserting between the word "commissions" and the word "by," in line seven of said section, the following: "the mileage and per diem of the county board of education and the salary of the county superintendent."

Deductions before
apportionment.

SEC. 2. That this act shall be in full force and effect from and after its ratification, and shall apply to the current school year ending June the thirtieth, one thousand nine hundred and nine.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 263.

AN ACT TO DEFINE THE VOTING PRECINCTS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Voting precincts. SECTION 1. That the voting precincts in the city of Asheville, for the election of city officers and for the nomination of candidates in any primary, and for all other elections held in said city, shall be the same as the voting precincts for elections held in said city for the election of State and county officers.

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

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 264.

AN ACT TO AMEND CHAPTER 436, PRIVATE LAWS OF 1907,
SO AS TO PROVIDE FOR THE ELECTION OF COMMIS-
SIONERS OF THE TOWN OF STOVALL, IN GRANVILLE
COUNTY, FOR TWO YEARS INSTEAD OF ANNUALLY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and thirty-six, Private Election biennial.
Laws of one thousand nine hundred and seven, be amended by
striking out the word "each," in line three of section four, and
inserting in lieu thereof the word "two."

SEC. 2. That this act shall be in force from and after its ratifica-
tion.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 265.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
WADESBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Wadesboro, and all
acts amending the same, be and the same is hereby amended, as
follows: "The board of commissioners of the said town shall have Taxing power.
power, annually, to levy and cause to be collected taxes for neces-
sary town purposes on all real property, all moneys, credits, in-
vestments in bonds, stocks, joint-stock companies and all other
personal property, and on the taxable polls within the limits of
said town: *Provided, however,* that the taxes levied by them shall Proviso: limit.
not exceed one dollar and twenty-five cents (\$1.25) on the hundred
dollars valuation on all real and personal property and two dollars
(\$2) on each taxable poll, and the valuation of all property within Valuation.
said town, as taxed by said town commissioners, shall be the same
as that at which it is assessed for taxation for State and county
purposes."

SEC. 2. The board of commissioners of said town is hereby vested Powers as to
with full power and authority to cause the present streets and streets.
sidewalks of the said town to be paved and curbed with stone,
concrete, brick, macadam or any other substance selected by them
for repairs, when necessary, and to change the grading of any
of the present streets or sidewalks and fix the grade and all ex-
tensions or additions, or it may in its discretion permit the owner Improvements by
of the property fronting upon any of the sidewalks to make such landowners.
improvement, under the direction of the board of commissioners

Procedure.	and the manner prescribed by it. In either case the procedure shall be as follows: The board of commissioners shall first adopt a resolution or ordinance, at any regular meeting or special meeting, indicating what streets or sidewalks or parts thereof are to be improved, and whether the work will be done by the town or the adjoining landowners; the time in which the work shall be begun and completed, if done by such owners, and thirty days' notice of the work to be done shall be given, in writing, to the owners of the property abutting upon the street or sidewalk to be improved, and if any owner be a nonresident of the county of Anson such notice may be given to his agent, if he have one in said county, and if none, then no notice shall be required.
Resolution for improvement.	
Notice to abutting property owners.	
Apportionment of expense of sidewalks.	SEC. 3. The expenses of the curbing or paving of the sidewalks shall be borne one-half by the town at large and one-half by the owners of the lots abutting upon such sidewalks, each lot to bear its proportion of the expenses according to the frontage of each lot, and the same shall constitute a lien upon the respective lot
Lien on lots.	so assessed until fully paid; and the expenses of the grading, paving or improving the streets or any parts thereof shall be chargeable one-third to the town and one-third to each of the lots abutting upon either side of the street where the work is done, always in proportion to the frontage of such lot; and the amount so assessed against any lot, whether for sidewalks or streets, shall constitute a lien, and a statement of same shall be furnished by the town treasurer to each property owner, with a demand for payment thereof: <i>Provided</i> , that if such property owner be a nonresident such demand may be made upon his agent, or if he has no agent in the county, then by publication for thirty days in any newspaper published in the town of Wadesboro; and if not paid within six months after such statement is rendered and demand made, then an execution shall issue by the clerk of the said town, directed to the tax collector in said town, who shall advertise the lands upon which assessments have been made, as aforesaid, in the manner as prescribed by law for sale of land for unpaid taxes, and shall sell the same and give to the purchaser a receipt, stating the time the land was advertised, the date of sale, the purchase price paid, the assessment due thereon, the cost of same, the name of the owner of the land and the description of the lot sold, and the owner shall have twelve months in which to redeem said land by paying to the purchaser the amount he paid and twenty per cent (20%) additional; and the town may bid on said land to protect the amount so due it; and if the land is not redeemed within twelve months, then the said tax collector shall make to the purchaser a deed for said land, which shall convey to him a title in fee simple thereto; and any surplus over and above said assessment, cost of advertising such sale, and conveyance shall be paid over to the owner of the said land.
Apportionment of expense of streets.	
Lien on lots.	
Demand for payments.	
Proviso: demand if owner non-resident.	
Enforcement of collection.	
Right of redemption.	
Deed for land not redeemed.	
Surplus.	

SEC. 4. That if the said board of commissioners shall permit any property owner or owners to do the required work, and the same shall be inferior, either in material or construction, to the work specified in the resolution or ordinance directing the same, then the said board of commissioners may at any time revoke the privilege granted to the property owners to do the work themselves, and shall finish the same or change it so as to conform to the requirements of the board, the cost of such completion or change to be taxed and collected as hereinbefore provided: *Provided*, that the foregoing powers given the board of commissioners to pave and improve streets and sidewalks and charge to the owners of property, as above provided for, shall be limited to the following-named streets:

Privilege to owners to do work.

Revocation of privilege.

Proviso: limitation.

Streets.

First. Green Street, extending from the south side of Morgan Street to the east side of Martin Street.

Second. Wade Street, from the west side of Rutherford Street to the east side of Washington Street.

Third. Washington Street, from south side of Morgan Street to the north side of Martin Street.

Washington street.

Fourth. Martin Street, from the east side of Washington Street to the west side of Rutherford Street.

Martin street.

Fifth. Rutherford Street, from the north side of Martin Street to the south side of Morgan Street.

Rutherford street.

Sixth. Morgan Street, from the west side of Rutherford Street to the east side of Washington Street.

Morgan street.

Provided further, that the board, after being petitioned by a majority of the property owners on any street of said town, may in their discretion pave, grade or make any improvements they may deem necessary on said streets, and charge to property of parties, as above provided for.

Proviso: other streets improved on petition.

SEC. 5. It is further provided that the above provisions are not to be construed to prevent the board of commissioners from making any improvements on streets, other than the above-named, when they may deem same for the best interests of the public, with or without the consent of property owners: *Provided, however*, that no part of the cost of the same shall be charged to the property on such street, unless with the consent of a majority of the property owners on such street.

Power to improve other streets.

Proviso: cost not charged on property.

SEC. 6. The board of commissioners of the town of Wadesboro may, in their discretion, when necessity demands, for the purpose of making any street or other improvements in said town which they may deem in their discretion necessary for the better comfort, convenience and welfare of the citizens of the town of Wadesboro, issue from time to time five, ten, fifteen, twenty or twenty-five year five-per-cent (5%) bonds, in denominations of not less than one thousand dollars (\$1,000), and that the amount of the bonds so issued shall not exceed ten thousand dollars (\$10,000).

Bond issue authorized.

Maturity and interest. Denominations. Amount.

Interest.	SEC. 7. That said bonds shall bear interest at no greater rate than five per cent (5%) per annum, and that the interest shall be payable annually or semiannually, as the board of commissioners may prescribe.
Authentication.	SEC. 8. That any bonds, when issued, shall be signed by the mayor of the said town of Wadesboro, attested by the clerk and treasurer and sealed with the corporate seal of the said town, and shall have interest coupons attached thereto, and the coupons shall be receivable in payment of the town taxes; that for the purpose of paying said bonds at maturity, and the coupons as they become due, it shall be the duty of the board of aldermen and they are hereby empowered so to levy and collect each year a sufficient tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under this charter of the said town and the general law, and in the manner and at the same time as when taxes are collected under said charter and the general law: <i>Provided</i> , that the taxes levied and collected for paying off any bonds that may be issued under this act shall be used for no other purpose; and it shall be the duty of the town clerk, as said coupons are paid off and taken up, to cancel the same, and report not less than twice a year the number and amount so canceled.
Special tax.	
Proviso; specific appropriation.	
Bond issue subject to election.	SEC. 9. It is further provided that no bonds, as above referred to, shall be issued until an election is held and a majority of the qualified voters in the said town shall vote for same.
Power to call elections.	SEC. 10. It is further provided that the board of commissioners may at any time, upon thirty days' notice, hold an election for the issuing of bonds for street improvements, until ten thousand dollars (\$10,000) in bonds have been issued, and such elections shall be held under such rules and regulations as may be prescribed by them, not inconsistent with the laws of the State; and the ballots used shall have printed on them "For Street Improvement" and "Against Street Improvement"; and if a majority of the ballots at any such election shall be for street improvement, then the commissioners of the said town may issue the bonds so provided for; but if a majority of the ballots cast shall be against street improvement, then no bonds shall issue by the board of commissioners.
Law governing elections.	
Ballots.	
Continuous elections.	SEC. 11. The board of commissioners shall have power to continually call elections for the purpose of voting on the issuing of bonds for such improvements, until the amount of said bonds so issued has reached the sum of ten thousand dollars (\$10,000), but no such election shall be held within twelve months of any preceding election for the issue of bonds for this purpose.
	SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed.
Election or rejection of act.	SEC. 13. That this act shall not become effective until ratified by an election held by said town, and the board of commissioners

of said town are hereby authorized to call an election, at any time it may see fit, within two years from the ratification of this act, said election to be held under such rules and regulations, consistent with the laws for the election of municipal officers, as may be prescribed by them, and the ballots used shall have printed on them "For Amendment to Charter" and "Against Amendment to Charter"; and if a majority of the ballots cast at such election shall be "For Amendment to Charter," then this act shall be in full force from and after said election; but if a majority of the ballots cast at such election shall be "Against Amendment to Charter," then the charter of the said town shall remain as it now is.

Law governing election.

Ballots.

Effect of election.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 266.

AN ACT TO INCORPORATE THE INDUSTRIAL TRAINING AND EDUCATIONAL SCHOOL, OF FAISON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That H. C. Wright, A. R. Middleton, D. A. Williams, Peter Johnson, G. R. Raynor, Rev. N. Moore, R. A. Speers, Rev. J. N. McKnight, J. R. Coel, S. S. Stevens and J. C. Herring (colored), and their successors in office, be and they are hereby created a body politic and corporate, under the name and style of "Industrial Training and Educational School," for the purpose of establishing and maintaining a school or system of schools at Faison, North Carolina, in which may be taught the usual educational branches and manual training as to the said trustees may seem expedient and proper; with the privilege of using a common seal, to be altered at their pleasure; with the power in their corporate name to sue and be sued, to plead and be impleaded, to hold real and personal property, by gift, purchase, donation or otherwise, as they may deem necessary and convenient to the establishment and maintenance of the said school; to make all rules needful and necessary for the government of their body, and for the carrying into effect the purposes of their said institution, and to do all acts pertaining to similar corporations, not inconsistent with the laws of North Carolina and the United States.

Corporate name.

Purpose of corporation.

Corporate powers.

SEC. 2. That upon the death, resignation or removal from the State of either of said trustees, such place shall be filled by the remaining trustees from such persons as they may deem qualified to fill the same.

Vacancies.

Trustees not
individually
liable.

Powers of
trustees.

SEC. 3. That said trustees shall not be individually liable for the debts of the said corporation.

SEC. 4. That the said trustees shall have the power to employ such teachers as they deem necessary, fix the tuition of pupils, and provide means as they see fit to exchange tuition for work, and to provide for the education of indigent pupils, and for free tuition, if they see proper; and may, if they like, contract with the local school committee for the teaching of the public school in their institution.

Property to vest.

SEC. 5. That all property, both real and personal, now owned by the said trustees for said school, or either of them, shall immediately vest in the said corporation.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 267.

AN ACT CONCERNING PUBLIC-SCHOOL DISTRICT No. 6, IN CHATHAM COUNTY, HICKORY MOUNTAIN TOWNSHIP.

The General Assembly of North Carolina do enact:

Establishment of
school district
authorized.

SECTION 1. That the County Board of Education of Chatham County is hereby authorized and empowered to establish a public-school district out of the east part of Hickory Mountain District, in said county, Number Six, in said county, described and bounded as follows: Beginning at Branch Ford, below Kimbolton, North Carolina, running north with Harris' and Johnson's line, between Cheek heirs, to Henry Buckhorn's land, this line dividing the district.

Dividing line.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1909.

CHAPTER 268.

AN ACT TO INCORPORATE EBENEZER CHURCH, IN GOOSE CREEK TOWNSHIP, UNION COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate powers.

Right to establish
prohibition.

SECTION 1. That Ebenezer Baptist Church, in Goose Creek Township, Union County, be and the same is hereby incorporated, and shall have all the rights and powers usually pertaining to corporations created for similar purposes, such power to be vested in the officers of said church and their successors in office; and

the said officers shall have the right to prohibit the selling or otherwise disposing of ciders or other intoxicating beverages within one mile of said church, under a penalty of not exceeding a fine of fifty dollars or imprisonment for thirty days.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 269.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE ELIZABETH CITY ACADEMY TO SELL CERTAIN PROPERTY IN THE TOWN OF ELIZABETH CITY, NORTH CAROLINA.

Whereas the General Assembly of North Carolina, at its session in the year one thousand eight hundred and twenty, by chapter fifty-five of its laws, did create and establish William T. Muse and others into a body politic and corporate, to be known and designated by the name of the Trustees of the Elizabeth City Academy, with certain powers, as set forth in said act; and whereas said corporation did purchase certain property and erect thereon a school building for the purpose of running a school in said town; and whereas said corporation did hold and now holds said property, in accordance with said act of Assembly; and whereas said General Assembly, at its session of one thousand nine hundred and seven, by chapter one hundred and forty, Private Laws, did create and establish a graded-school district, including the town of Elizabeth City and contiguous territory; and whereas, pursuant to said last-named act, graded schools have been established in said district; and whereas, by reason of the establishment of said graded schools in said town, the necessity for running and maintaining the said Elizabeth City Academy has ceased; and whereas the said graded schools will more fully carry out the purposes and objects of the said Elizabeth City Academy; and whereas the said academy property is needed and required for the purposes of said graded schools; and whereas the said trustees of the Elizabeth City Academy are willing to transfer said academy property to said board of graded-school trustees of the town of Elizabeth City:

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the Elizabeth City Academy be and they are hereby authorized and empowered to sell and convey by proper deed to the said board of graded-school trustees of the town of Elizabeth City, their successors in office, and assigns, that certain property known as the Elizabeth City Academy lot, Description of property.

Consideration.

Further consideration.

at the corner of Road and Parsonage streets, in the said town of Elizabeth City, North Carolina, in consideration of the said board of graded-school trustees of the town of Elizabeth City paying to Mrs. Mariah Evans, or the legal holder of the same, the mortgage indebtedness she now holds against said property, and in further consideration of five thousand dollars, with interest thereon at three per cent per annum from the date of the delivery of the deed until paid, the same to be due and payable by the said board of graded-school trustees of the town of Elizabeth City, or their successors in office, to the said trustees of the Elizabeth City Academy or their successors in office, when and at such time as the said board of graded-school trustees of the town of Elizabeth City, or their successors in office, shall fail or refuse to conduct within the corporate limits of the town of Elizabeth City, North Carolina, a good public school of primary, intermediate and high-school departments.

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 force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 270.

AN ACT TO VALIDATE AN ELECTION ON THE QUESTION OF A SPECIAL TAX FOR SCHOOL PURPOSES, HELD IN A CERTAIN PORTION OF MOORE COUNTY.

Preamble.

Whereas an election was held, by order of the Board of County Commissioners of Moore County, at Glendon, on the sixteenth day of May, one thousand nine hundred and eight, on the question of a special tax for school purposes, and a majority of the qualified electors cast their votes for a special tax at said election: therefore,

The General Assembly of North Carolina do enact:

Election validated.

SECTION 1. That the election held on the sixteenth day of May, one thousand nine hundred and eight, on the question of a special tax for school purposes at Glendon, be and the same is in all respects validated and approved.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 271.

AN ACT TO ESTABLISH A POLICE COMMISSION FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That a police commission for the city of Asheville, to consist of five members, who shall be residents and qualified voters of said city, is hereby created and established, and shall be composed of the mayor of said city, who shall be, *ex officio*, a member and chairman of said commission, and, until their successors shall be elected and qualified, as hereinafter provided, of the following-named persons, to wit: E. C. Chambers, Lawrence W. Young, M. H. Fletcher and Haywood Parker. That the said E. C. Chambers and Lawrence W. Young shall hold office and serve for two years from the date of their qualification and until their successors are elected and qualified, as hereinafter provided, and that the said M. H. Fletcher and Haywood Parker shall hold office and serve for four years from their qualification and until their successors are elected and qualified; and said persons, after so qualifying, shall be and constitute the police commission of the city of Asheville.

Police commission established.

Mayor member and chairman *ex officio*.

Other members.

Terms of office.

Official designation.

SEC. 2. That at the regular election for municipal officers to be held in said city, in May, one thousand nine hundred and eleven, there shall be elected of and by the qualified voters of said city, under the same rules and regulations as the other officers of said city are elected, two police commissioners as successors to the said E. C. Chambers and Lawrence W. Young, who shall hold office for the term of four years and until their successors are elected and qualified; and at the regular election for municipal officers to be held in said city, in May, one thousand nine hundred and thirteen, there shall be elected of and by the qualified voters of said city two police commissioners as successors to said M. H. Fletcher and Haywood Parker, who shall hold office for the term of four years and until their successors are elected and qualified; and, biennially, after said last-mentioned date, at the general election for municipal officers in said city, there shall be elected of and by the qualified voters of said city two police commissioners, who shall hold office for four years and until their successors are elected and qualified; the intention hereof being that said police commission shall always consist of the mayor and four commissioners, the latter holding office for four years, two of whom shall be elected every two years.

Election of successors.

SEC. 3. That if any member of said police commission shall refuse to qualify or, after qualification, shall become physically or mentally disqualified to serve, resign or cease to be a qualified voter of the city of Asheville, there shall be at once a vacancy

Vacancies.

in said police commission, which vacancy, as well as one caused by removal for cause, shall be filled by the board of aldermen at their next regular meeting after said vacancy occurs or becomes known. When such vacancies are filled by said board of aldermen, for any cause, they shall be filled only for the unexpired term.

Commissioners to qualify.

Form of oath.

Oath recorded and filed.

Beginning of term.

Regular meetings.

Special meetings.

Secretary ex officio. Duties of secretary.

Rules and regulations.

Powers in investigations.

Proviso: rules not to conflict with ordinances.

Control of police department.

SEC. 4. That each of the commissioners above named, and his and their successors in office, shall, before entering on the duties of his office, take and subscribe the following oath, to be administered by the mayor: "I swear (or affirm) that I will faithfully and impartially demean myself as a member of the police commission of the city of Asheville during my term of office; that I have not, in order to influence my election to this office of commissioner, directly or indirectly, promised my vote or support to any person for any office in the city of Asheville, nor for any other office; that I will not knowingly permit my vote, in the election or appointment of any person to position in the police department or on the police force, to be influenced by fear, favor or affection, reward or hope thereof, but in all things pertaining to my said office I will be governed by my conviction of the public good." Said oath shall be entered on the minutes of the proceedings of said commission, and the original shall be filed in the office of the city clerk.

SEC. 5. That the term of office of the commissioners herein named shall begin with the beginning of the term of office of the mayor of said city, to be elected at the next general election for municipal officers, to be held in May, one thousand nine hundred and nine, and they shall qualify and enter upon the discharge of the duties of their said offices at the same time that said mayor qualifies as such. Said commission shall hold regular meetings on the first Wednesday after the first Monday in each month, in some room in the city-hall building, at such hour as the commission may determine. The chairman may and, upon written request of any two members, shall call special meetings of said commission, of which due notice shall be given to each member not requesting such meeting. The city clerk shall be *ex officio* secretary of said commission, and shall keep in proper books a record of the proceedings of all meetings, and shall perform such other duties as said commission may require. The said commission shall adopt rules and regulations for the government thereof; it shall establish, promulgate and enforce proper rules, regulations and orders for the good government of the police force and the police department, and in any investigation pertaining to their duties shall have power to compel the attendance of persons and the production of papers, and, through and by their chairman, to administer oaths: *Provided*, that such rules and regulations shall not in any way conflict with any ordinance of the board of aldermen.

SEC. 6. That the police department of the city of Asheville shall be under the general control of the police commission herein

created. The said police department shall remain as at present organized until the expiration of the terms of office of the several officers thereof, at which time the said police commission shall proceed to organize the said department, as herein described, and to assume all the powers and duties conferred upon them by this act. The police force of the city of Asheville shall be appointed by said police commission as vacancies occur and as herein provided. The said force shall consist of a chief of police and as many captains, officers, privates and patrolmen as the board of aldermen may prescribe, except that the force shall not, without the consent of said police commission, be reduced below its present number. The chief of police shall be appointed for a term of two years and until his successor shall be appointed or elected and qualified. All other members and officers of the police force shall be appointed to hold office at the pleasure of said commission, upon good behavior; and the chief of police and all other members of the police force may be reprimanded, suspended without pay, or dismissed by said commission for inefficiency, for any offense against the rules of said commission, malfeasance, misfeasance or nonfeasance, neglect of duty, absence without leave, or other breach of discipline, immoral conduct or conduct unbecoming such officer or rendering him in the opinion of the commission unfit to act as such officer. The salaries or other compensation of all the members and officers of said police force shall be fixed and paid by the board of aldermen: *Provided*, that such salaries or other compensation shall not be reduced below that now paid without the consent of said police commission.

Organization of department.

Reorganization.

Appointment of policemen.

Compensation of force.

Term of chief.

Term of policemen.

Pains and penalties.

Salaries.

Proviso; reduction of salaries.

SEC. 7. That no member of said police commission shall receive any compensation for his services as such; and the city clerk, for his services as *ex officio* secretary of said commission, shall receive only such compensation, if any, as said board of aldermen may allow.

Commission to receive no compensation. Compensation of secretary.

SEC. 8. That this act shall not be construed to repeal the charter of the city of Asheville or any ordinance thereof, except in so far as they conflict with this act.

Repealing clause.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 272.

AN ACT TO INCORPORATE SHALLOTTE COUNCIL, No. 218. JUNIOR ORDER UNITED AMERICAN MECHANICS.

The General Assembly of North Carolina do enact:

SECTION 1. That the councilor, recording secretary, financial secretary, treasurer, conductor, trustees, warden, inside sentinel and outside sentinel, who are now officers or who may hereafter be officers, and their successors, of Shallotte Council, Number Two

Officers incorporated.

Hundred and Eighteen, Junior Order United American Mechanics, be and they are hereby constituted and declared to be a body corporate, under the name and title of "Shallotte Council, Number Two Hundred and Eighteen, Junior Order United American Mechanics," and by such name shall have perpetual succession, and shall have the right to adopt a seal, to sue and be sued, to plead and be impleaded, acquire, hold and transfer property, and pass all such necessary laws and by-laws and regulations as shall not be inconsistent with the Constitution and laws of the State of North Carolina or the Constitution of the United States and not in conflict with the constitution, by-laws, rules and regulations of the State Council, Junior Order United American Mechanics.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 273.

AN ACT TO PROVIDE FOR THE INCORPORATION, MANAGEMENT AND SUPERVISION OF THE DUNN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Continuation and incorporation. SECTION 1. That Public-school District Number One, in Averasboro Township, Harnett County, which was established as a special-tax district under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina, and in which a special school tax has been voted, according to law, be and the same is hereby continued a special school-tax district, and all the territory therein is hereby incorporated, under the name and style of the Dunn Graded-school District.

Corporate name. SEC. 2. That the following-named persons be and they are hereby appointed trustees of said Dunn Graded-school District, and shall hold their offices until the first day of July, one thousand nine hundred and eleven, and until their successors shall have been elected, as hereinafter provided, and qualified, to wit: R. G. Taylor, G. F. Pope, H. L. Godwin, T. C. Young, S. Cooper, K. L. Howard and S. J. Hooks. That on the first Tuesday in January, one thousand nine hundred and eleven, and biennially thereafter, the board of trustees of said Dunn Graded School and the mayor and commissioners of the town of Dunn shall meet jointly and elect successors to said board of trustees, whose term of office shall begin on the first day of July following. All vacancies in said board, caused by death, resignation or otherwise, shall be filled in the same manner.

Trustees named. Term of office. Election of successors. Beginning of term. Vacancies. Incorporation. SEC. 3. That said board of trustees, under the name and style of the Board of Trustees of the Dunn Graded School, shall be a body

politic and corporate, and as such and in said name shall have Corporate powers, power to sue and be sued; to accept, hold and convey property, except as hereinafter limited; to make such by-laws for their government as they may deem proper; to employ and dismiss teachers and fix their compensation; to hold and preserve and dispose of all property belonging to said district; and to that end, the title to all real estate, school sites and all other property belonging to or held for the benefit of said district shall be deemed vested in said board, but said board shall not be authorized to dispose of or encumber any of the real estate belonging to said district without the approval of the Board of Education of Harnett County; and such board of trustees is further authorized, generally, to conduct, supervise and manage the school or schools for said district, in such manner as they may deem for the best interests of the persons entitled to patronize said school.

Property vested in trustees.

Sale or incumbrance of property.

SEC. 4. That the Board of Trustees of Dunn Graded School shall, at their first meeting on or after the first day of July, one thousand nine hundred and nine, and biennially thereafter, elect from their members a chairman, a secretary and a treasurer, and the treasurer shall give such bond, payable to said board, as the board may prescribe; that all funds and moneys coming to or apportioned to or to be apportioned to said district for school purposes from the State or from the county of Harnett shall be by the proper officer paid to the treasurer of the Board of Trustees of Dunn Graded School, and the Sheriff of Harnett County shall pay to said treasurer all special school taxes collected from citizens or on property within said district; and all funds going into the hands of the treasurer of said board shall be disbursed upon vouchers drawn by the secretary of said board and countersigned or approved by the chairman thereof; and the treasurer of said board, attested by the chairman and secretary thereof, shall annually file with the Board of Education of Harnett County, at its first meeting in July of each year, a complete itemized statement of all receipts and disbursements of funds coming into the hands of said board or its officers, and said trustees shall further furnish to the board of education such statistics with reference to the school work of said district as such board of education may require.

Organization.

Treasurer to give bond.

Apportionments from general school funds.

Special school taxes.

School orders.

Annual itemized statements.

Statistics.

SEC. 5. That the said trustees shall have the power and authority to employ a surveyor to run off and mark the boundaries of said district, and, with the consent and approval of the Board of Education of Harnett County, may change the boundaries of said district.

Survey of district.

Change of boundaries.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 7. That this act shall be in force from and after the first day of July, one thousand nine hundred and nine.

When act effective.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 274.

AN ACT TO PAY MISS BETTIE HUNTER FOR TEACHING A
PUBLIC SCHOOL OVERTIME.

Preamble.

Whereas Miss Bettie Hunter, of Duplin County, taught in the public school of said county for a period of fifteen and one-half days, at the rate of twenty-five dollars per month, overtime; and whereas she was ignorant of the fact that she was teaching overtime, and taught said period in good faith; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Payment
authorized.

SECTION 1. That the Board of Education of Duplin County be and they are hereby authorized and directed to pay to Miss Bettie Hunter the sum of nineteen dollars and thirty-eight cents for teaching a public school in Duplin County, in Cypress Creek Township (white race), District Number Seven, upon a voucher, and charge the said amount to the public-school fund of Duplin County.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 275.

AN ACT TO APPOINT A COTTON WEIGHER AT BESTON,
WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Appointment.

Term of office.

Election of
successor.

SECTION 1. That G. A. Field be and he is hereby appointed a cotton weigher for the town of Beston, in Wayne County, who shall hold his office for a term of one year, and his successor shall be elected annually thereafter by the Board of County Commissioners of Wayne County.

To give bond.

SEC. 2. That the said cotton weigher shall give bond in the sum of five hundred dollars, conditioned for the faithful performance of his duties, said bond to be approved by the board of county commissioners and filed with the Register of Deeds of Wayne County; and said cotton weigher, before entering upon the duties of his office, shall make and subscribe an oath, before some person authorized to administer oaths, to honestly and impartially weigh all cotton brought to him; and any cotton weigher found guilty of any fraud or unfairness in weighing or making unfair deductions from the weights shall be immediately removed from office by the said board of commissioners.

To qualify.

Removal for
fraud or unfair-
ness.

SEC. 3. Any person other than the aforesaid cotton weigher who shall weigh any cotton offered for sale in the said town of Beston shall be guilty of a misdemeanor and punished in the discretion of the court. Weighing cotton by other persons misdemeanor. Punishment.

SEC. 4. That the cotton weigher provided for in this act shall receive as compensation for his services ten cents for each bale weighed, five cents to be paid by the buyer and five cents to be paid by the seller; and each buyer shall retain from the price of said cotton five cents, to be paid to the weigher as the seller's part, and the said buyer shall pay to the weigher ten cents, five cents being for himself and five cents for the seller. Pay of weigher.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 276.

AN ACT TO INCORPORATE THE PAMLICO AND NEUSE RIVER RAILWAY AND TERMINAL COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That G. W. Price, A. J. Moore, Jr., L. I. Moore and T. D. Warren and such other persons as may hereafter become associated with them as stockholders, their successors and assigns, be and they are hereby created and declared a body politic and corporate, under the laws of the State of North Carolina, and by the name of "Pamlico and Neuse River Railway and Terminal Company," and by such name may sue and be sued, adopt a common seal and change the same at will, adopt by-laws, rules and regulations for the government thereof, and shall have and enjoy all the rights, powers and privileges that are granted to railway corporations by the general laws of the State. Corporate name. Corporate powers.

SEC. 2. The said corporation shall have five directors, who shall be elected by the stockholders, who shall have entire charge of the management of its business and such other duties as may be prescribed by its by-laws. Their term of office shall extend for such time as said by-laws may prescribe; and said corporation shall have such other officers, with such duties and term of office as the by-laws of said corporation may from time to time prescribe. Directors. Term of office. Other officers.

SEC. 3. The capital stock of said corporation shall be two hundred thousand dollars, divided into two thousand shares, of the par value of one hundred dollars each; but said capital stock may from time to time be increased to such amount as the majority, in value, of the stockholders shall determine, upon pay- Capital stock. Power to increase capital.

Division of stock.	ment of fees prescribed by law upon increase of capital stock. Said capital stock may be divided into preferred and common shares, in such proportion and with such privileges, qualities and characteristics as a majority, in value, of the stockholders may determine. Said corporation may commence business when ten thousand dollars of its capital stock has been subscribed for.
Capital for beginning business.	SEC. 4. Said corporation shall have the right and power to construct, maintain and operate a line or lines of railroad from some point on Trent River, at or near the town of New Bern, through the counties of Craven, Pamlico or Beaufort, to some point on or near the Pamlico River, between the town of Washington and the town of Aurora, and for that purpose is empowered to pass through any portion of the counties of Craven, Beaufort, Pamlico, Jones and Carteret as it may desire; and along all of said route the said company shall have the right and is empowered to locate, construct, equip, maintain and operate a railroad or railroads, or any part thereof, with one or more tracks, either narrow or standard gauge; and to that end shall have the right to acquire, by purchase, gift or condemnation, such lands as may be necessary for its purpose, and shall have the right in the operation of said railroad to use such motive power as it may desire.
Power to construct and operate railroad.	
Termini and route.	
Power to acquire lands.	SEC. 5. The said company shall have the right to maintain and operate such lateral and branch lines, not exceeding fifty miles in length, as in the opinion of its officers may be necessary or advantageous to the extension, completion and operation of said railroad; and for this purpose shall have the power to construct dams, culverts, trestles and bridges over or across streams, savannas, valleys and depressions. The said company is hereby authorized and empowered to construct, maintain and use bridges for the transportation of its cars across Neuse River, between New Bern and Kinston, at any point it may select, and across Trent River, between New Bern and Trenton, at any point it may select for the purpose of such crossing, or other rivers and streams on the line of its said railroad: <i>Provided</i> , that in crossing such streams the said company shall provide suitable draws in any bridge which it may construct over navigable streams, where they are necessary for the passage of boats navigating such rivers or streams; to construct its road across, along or upon, or to use any stream of water, water course, street, highway or canal which the route of its road shall intersect or touch: <i>Provided</i> , no railroad shall be constructed along and upon any street without the consent of the municipal authorities; and <i>Provided further</i> , that said company shall not obstruct or use any highway without constructing first one equally as good as the one taken by the said corporation.
Branch lines.	
Bridges.	
Proviso: draws in bridges.	SEC. 6. The said company may construct and maintain in and about the city of New Bern terminal railroads and tracks, and may own and operate in connection with its said railroad, or any of its
Use of streams, streets, highways and canals.	
Proviso: construction on streets.	
Proviso: construction on highways.	
Terminal, railroads and tracks. Ferry and steamboats.	

branches, ferries and ferryboats, steamboats and other means of transportation by water for passengers and freight, and it may operate such terminals or terminal tracks, in connection with its said railroad or otherwise, as it may see fit, and make such charges Terminal charges. for the use thereof as it may prescribe, subject to the control of the legally constituted authorities of the State regulating the same; and it is hereby empowered to build, maintain and operate telegraph and telephone lines on its right of way or any part thereof. Telegraph and telephone lines.

SEC. 7. The said company shall be fully empowered to take, by purchase or gift, and to hold, in fee simple or in any other manner, any number of acres of land besides the amount which may be necessary for its right of way, depot, warehouses, shops or other necessary buildings. Power to take and hold land.

SEC. 8. That said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected in this State or elsewhere, and hold shares in the same; it may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal, and in all other goods, wares and merchandise, of any and all kinds: it may build, equip and operate sawmills, planing mills, stone mills, shingle mills, dry-kilns, hotels, boarding houses, mills for the manufacture and production of both dressed and undressed lumber, sash, doors, blinds and all other kinds of building material; it may own and operate all kinds of machinery, apparatus and equipment necessary and suitable for the manufacture of brick; it shall have full right, power and authority to locate, construct, equip, maintain and operate tramroads. Right to subscribe to other corporations.
Right to carry on other business.

SEC. 9. The said company shall have exclusive right to carry and transport passengers and freight over and along said road and its branches, and upon all ferryboats, steamers, vessels and boats running in connection with said road and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time make and establish or may have hitherto made and established; and it shall have the right to transport all manner of goods as expressed, and to make and collect all charges for the same, and to transport the United States mail and to make and collect all charges for the same. Right to carry passengers and freight.
Express and mails.

SEC. 10. The said company shall have the right to condemn land for the necessary purposes of building and operating its road, as is prescribed in chapter forty-nine of The Code of North Carolina and the amendments thereto, now or hereafter enacted. Power to condemn land.

SEC. 11. The said company shall have power to issue, negotiate and sell its bonds, either coupon or registered, for the construction or management or operation of its road, to any amount that may be necessary, not to exceed twenty thousand dollars per mile, and to secure the payment of both principal and interest of the same Right to issue bonds.
Limit.
Security.

by one or more mortgages or deeds of trust, conveying its franchises, roadbed, rolling stock, right of way and any and all other property of any kind owned by said company, or any part of its said corporate property and franchises, on such terms and conditions as a majority, in value, of the stockholders may deem proper.

Payment of subscriptions.

SEC. 12. That the subscription to the capital stock of said company may be made and paid in money, land, material or services, or in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company. The said president and directors shall have

Calls on subscribers.

power and authority to require from the stockholders such payments on their respective shares from time to time as the wants of the company may demand, until the whole of their subscription

Enforcement of payment.

shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him, if payable in money, and within a reasonable time after the same shall have been required

Sale of stock.

of him if payable in services, or otherwise, it shall be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing to pay, first giving thirty days' notice of the time and place of said sale in one or more newspapers published in this State; and after retaining the sum due out of the proceeds thereof upon such share or shares of stock, and all charges of the sale, the said president and directors shall pay the surplus over to the delinquent owner or his legal representative; and if said stock shall not bring at said sale the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover for the balance up to the unpaid amount of the original subscription for the said stock of the original subscriber or his executor or administrator, or of his assignee, or either of them, at the option of said company, acting through its president and directors, by civil action in any court having jurisdiction thereof; and any purchaser of stock at such sale shall be subject to the same rules and regulations as the original proprietor.

Recovery of balance.

Right of consolidation, lease or sale.

SEC. 13. The said company shall have the right to consolidate with any other railroad company organized or doing business under the laws of this State with which it may connect, directly or indirectly, on such terms and conditions as may be agreed upon by and between the stockholders of this and any other such company; or said company may lease or sell its road and property to any other person, persons or domestic corporation subject to the laws of North Carolina, upon such terms and on such conditions as to the stockholders may seem proper: *Provided* that such consolidation or lease or sale is approved by the affirmative vote of the holders of at least two-thirds of the capital stock of the said company. In the event of such a consolidation, all of the rights, pow-

Proviso: approval of stockholders.

Effect of consolidation.

ers, privileges, immunities and franchises of each corporation shall pass to and vest in the consolidated company resulting. In the event of consolidation with any corporation upon whose property there is any encumbrance, the lien of such encumbrance shall be continued upon the identical property it covered before the consolidation, and upon none other. Said corporation shall also have the right and power to purchase the capital stock of any other railroad corporation, or purchase the road and works and other property of any other corporation and pay for the same with its own capital stock or otherwise, and the issue of its capital stock for such purpose is hereby fully authorized.

Power to purchase other companies or works.

Sec. 14. That the said company shall have the right to connect with any other railroad now in existence or doing business within the State of North Carolina, and to make with such company such traffic arrangements for the handling of freight and passengers and the operation of trains upon its road or their road as it may desire. It may manufacture and handle the products produced by itself or other persons, and is authorized to prorate with any such railroad or corporation now doing business within the State; and it shall be entitled to all benefits which may accrue to any other railroad by any switching charges which may be enforced by other railroads for the use of tracks or sidings.

Rights in connecting with other roads.
Traffic arrangements.

Right to manufacture and handle products.
Power to prorate.
Switching charges.

Sec. 15. That the corporate existence of this company hereby chartered shall continue perpetually from and after the date of the ratification of this act.

Corporate existence.

Sec. 16. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall not be individually liable for the debts, defaults or liabilities of the said company beyond the amount of their unpaid individual subscription to its capital stock.

Liability of stockholders.

Sec. 17. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby, to the extent of such conflict, repealed.

Sec. 18. That this act shall be in full force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 277.

AN ACT TO INCORPORATE THE R. E. LEE FIRE COMPANY, OF BEAUFORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That W. S. Robinson, D. G. Fowle, Seth Gibbs, Corporators, Charles Hatsell, John H. Skarren, W. B. Longest and other persons who shall be associated with them for the object intended, and their successors, duly elected and chosen according to the by-laws

Corporate name. of the company, shall constitute a body politic and corporate, by the name and style of the "R. E. Lee Fire Engine Company," for the purpose of more united and efficient action in the extinguishment of fires in the town of Beaufort, and by that name and style shall have power to acquire a fire engine or engines and such real estate as may be needful for their proper care and custody, the value of which shall at no time exceed the sum of five thousand dollars.

Further enumeration of corporate powers. SEC. 2. That said company shall, by the name and style aforesaid, have succession, plead and be impleaded, have a common seal and alter same at pleasure, and make all by-laws and rules necessary for the proper government of the company and the management of its funds, not inconsistent with the laws of the State, and in all matters do and perform what is customary and proper for fulfilling the object of the association.

Exemptions of members. SEC. 3. That all members in the actual service of the company, and performing the duties when required, shall be exempt during the continuance of such service from jury and militia duty and from all tax on the poll: *Provided*, that the number of the company thus exempt shall not exceed twenty-two members.

Proviso: limit of members. SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 278.

AN ACT TO AMEND SECTION 6 OF CHAPTER 485 OF THE PUBLIC LAWS OF 1899, RELATIVE TO WAYNESVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

Vacancies. SECTION 1. That section six of chapter four hundred and eighty-five of Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by striking out all after the word "to," in line five thereof, to and including the word "board," in line six thereof, and by further amending said section by adding at the end thereof the following: "All vacancies occurring in the said board shall be filled by the board of aldermen of said town of Waynesville."

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 279.

AN ACT TO REPEAL CHAPTER 364, PRIVATE LAWS 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-four, Private Law repealed, Laws of one thousand nine hundred and seven, be and the same is hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 280.

AN ACT FOR THE MAINTENANCE OF A PRIMARY SCHOOL IN KNOTT'S ISLAND SCHOOL DISTRICT, IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Currituck County is hereby authorized and directed to order that a public school for the primary grades, with one teacher, shall be maintained in the north end of Knott's Island Public-school District, the same to be maintained for the same length of time and affording equal school facilities in said grades as the other public school or schools in said district, out of the funds to the credit of said district: *Provided*, that a special tax for schools shall be voted, levied and collected on all property and polls in said school district, at an election to be held under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina.

County board of education to order establishment.

Length of term and facilities.

Proviso: special tax be voted.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 281.

AN ACT TO CREATE A PUBLIC-SCHOOL DISTRICT IN LEE COUNTY AND TO PROVIDE FOR A SPECIAL TAX FOR THE SUPPORT OF THE SCHOOL THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That a public-school district is hereby created in Lee County, to be known as Jonesboro School District, with the following boundaries: Beginning at a stake in the Sanford Graded School line, where the same intersects the western boundary of Jonesboro school district established. Boundaries.

the Seaboard Air Line Railway Company's right of way south of Sanford; thence following the Sanford Graded School line across the Seaboard Air Line Railway and in an easterly direction to a stake in the Sanford Graded School line, near the Niven Ray place; thence with the public road to the branch just below Ab. Harrington's place; thence east to Gunter's fence, to a stake; thence with the fence in a southeasterly direction to the stake behind John Buchanan's house; thence in a westerly direction to the public road; thence with the public road in a southeasterly direction to the corner of Berryman's barn; thence easterly for fifty yards; thence northwesterly for fifty yards; thence westerly for fifty yards; thence northwesterly with the public road across the Atlantic and Western Railway to a stake near A. Kimball's; thence easterly with the Atlantic and Western Railway to a stake in Gunter's lands; thence southeasterly across the Atlantic and Western Railway to a stake in Kelly Street; thence fifty yards easterly to a stake; thence northwesterly across the Atlantic and Western Railway to a stake in Vance Street; thence with Vance Street in an easterly direction to a stake north of L. P. Wicker's house; thence in a southeasterly direction to a stake south of A. J. McIver's place; thence southwesterly to a stake about ten feet across the Atlantic and Western Railway; thence in an easterly direction to a stake behind B. W. Thomas' house; thence west to a stake behind Kelly's barn; thence southwesterly to a stake in the public road near G. W. Avent's corner; thence easterly with the public road to the branch; thence north to and including E. Thomas', to a stake near said Thomas' house; thence in an easterly direction to and including Robert McNeill's, to a stake near his house; thence in a southeasterly direction to and including the Meyers place, to a stake near the said Meyers place; thence in a southerly direction to and including Truelove's, to a stake about twenty feet across the Atlantic and Western Railway; thence in a northwesterly direction across the Atlantic Coast Line Railway to the public road; thence west with the public road across the branch to a stake, about fifty yards from said branch; thence in a westerly direction across the Atlantic Coast Line Railway to a stake near Seawell's place; thence in a northerly direction, behind Seawell's place, to a stake behind the Sandy Cox place; thence in a northwesterly direction to a stake in the right of way of the Atlantic Coast Line Railway; thence in a westerly direction to a stake opposite the Atlantic Coast Line Railway section foreman's house; thence west to and including the said section foreman's house to a stake behind the same; thence northwesterly to the old shop back of D. H. Arnold's store; thence from the old shop to a stake behind Mrs. Belle Barnes' barn; thence in a southerly direction to a stake behind J. P. Avent's barn; thence in a westerly direction to a stake behind A. E. Kelley's barn; thence in a northwesterly di-

rection to and including H. A. Talley's, to a stake behind his barn; thence to and including Mrs. McDonald's house, to a stake beyond her residence; thence in an easterly direction by Chaffin's barn, behind Palmer Dalrymple's house, to a stake in the center of the street; thence north, excluding Anna People's house, to a stake in front of A. C. Vick's barn; thence to a stake in Robertson's field, in a northwesterly direction; thence to a stake in the old Sanford Road, just beyond and excluding Shep Barrett's house; thence south to a stake in Bailey Way's field; thence northwesterly to a stake in J. R. Rives' field; thence west across the Seaboard Air Line Railway to a gum tree; thence with the Seaboard Air Line Railway to the beginning.

SEC. 2. That an election shall be held in the said school district to submit to the qualified voters thereof the question of levying a special tax in said district for the support of the school, the said election to be held at such time and place as may be determined upon by the commissioners of Lee County and called by them.

Election on special tax to be held.

Time and place of election.

SEC. 3. The said election shall be held, as nearly as may be, in the manner prescribed in the public-school law of the State for the holding of elections upon the levying of special taxes for public education, and advertisement thereof for the time provided in said public-school law shall be sufficient; but it shall not be necessary, for the holding of said elections, that the board of education shall approve or order the same, but it shall be the duty of the said board of commissioners to order the said election at such time as they may see fit to do so, within one year from the ratification of this act.

Law governing election.

Approval of board of education not necessary.

SEC. 4. The ballots used at the said election shall be such as are prescribed in the public-school law, and the canvass and return of the results of said election as therein prescribed.

Ballots, canvass and returns.

SEC. 5. If at said election the majority of votes there cast and a majority of the votes of the qualified voters of the said district shall be favorable to the levying of the said special tax, then and in that event the commissioners of the county of Lee shall, at the time of levying other taxes, levy upon all the property and other subjects of taxation liable for the general tax a tax not exceeding thirty cents on the one hundred dollars and a tax upon the poll not exceeding ninety cents, which tax shall be collected as and when other taxes are collected, and shall be kept as a separate fund for the purpose of supplementing the general school fund in said district for the support of the school therein; and the chairman of the school committee, having in charge the said public school of said district, shall be treasurer of the said district, and the sheriff or tax collector of the said county shall pay over to him all the said special tax, to be used for the support of the said school.

Levy of tax.

Rate.

Separate fund.

Treasurer

Bond of treasurer. SEC. 6. Upon his election as chairman of the school committee and treasurer, the said treasurer shall give bond, in the sum of one thousand dollars, for the faithful performance of his duties and faithful accounting for any moneys coming into his hands for the use of the said district.

School committee. SEC. 7. The school committee for the said district shall consist of three members, to be appointed by the board of education at such time as the other school committees are appointed, and the committee so appointed shall elect its own chairman and treasurer.

Act null and void if tax not voted. SEC. 8. At the said election, should the majority of votes cast and a majority of the votes of the qualified electors of the said district be unfavorable to the levying of the said special tax, then this act shall be null and void.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 282.

AN ACT TO INCORPORATE PEACHTREE HIGH SCHOOL, CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Territory to constitute Peachtree High School.
Boundary.

SECTION 1. That the following territory in Murphy and Valleytown townships, Cherokee County, North Carolina, shall hereafter constitute and be known as Peachtree High School, to wit: Beginning on Murphy School District line, on Hiawasse River, above Murphy, and running up said river to Clay County line; thence north with Clay County line to Valleytown Township line; thence with the said line to the southeast corner of School District Number Four, Murphy Township line, to Indian Grave Gap; thence with eastern boundary line of said district to Valley River; thence westward down said river to school district line, Number Ten, Murphy Township; thence with said line to Murphy School District line; thence with said line to the beginning.

Trustees incorporated.
Corporate name,
Corporate powers.

SEC. 2. The board of trustees provided for by this act are hereby declared a body corporate, by the name of "Peachtree High School," and may adopt and use a common seal; shall be capable of receiving gifts and grants, of purchasing and holding real and personal property of any description, and any and all interest and estate in such property. It may sell, mortgage or transfer any such property and prosecute and defend any suit or suits for or against the said corporation: *Provided, however,* that all moneys received from any sale, mortgage or transfer of any property belonging to said corporation shall be reinvested by the said corporation in real estate for the benefit of such corporation. All conveyances of

Proviso: re-investment of proceeds from property.

Conveyances.

property to such corporation shall be made to Peachtree High School, and all deeds, mortgages and other conveyances affecting any real estate belonging to such corporation and all bonds and obligations executed by such corporation shall be signed, in its corporate name, by its president or chairman and attested by its secretary and the seal of said corporation. All instruments requiring registration shall be duly acknowledged or proven, as provided for the acknowledgment and proof of instruments executed by corporations under chapter two, Public Laws one thousand nine hundred and one.

Execution of instruments by corporation.

Acknowledgment and proof of instruments.

SEC. 3. That the corporation here chartered shall have entire and exclusive control of the public-school interests and property in said district, to be governed and controlled by a board of trustees, who shall manage and conduct the affairs of such corporation and elect all necessary officers, and shall prescribe rules and regulations for its government, not inconsistent with the provisions of this act and the general public-school law of the State. They shall employ and fix the compensation of officers and teachers of the public schools or graded public schools for said district, all of whom shall be subject to removal by the board of trustees; shall make an accurate census of the school population of the said district, as required by the general school laws of the State, and do all other acts that shall be just and lawful for the conducting and management of the public schools in such district: *Provided*, that all children resident in said district between the ages of six and twenty-one shall be admitted into said schools free of tuition charges: *Provided further*, that the admission of nonresident students shall be under the direction of the trustees. Wherever it appears to the board of trustees that any pupil residing in the boundaries hereinbefore described can be more conveniently accommodated at any public school in an adjoining school district, or where it appears that a pupil residing in an adjoining school district can be more conveniently accommodated by attending the school in the said Peachtree High School, such pupil or pupils may be transferred, by agreement between the committeemen of the respective adjoining school district or districts wherein such pupil or pupils reside and the trustees of Peachtree High School, upon such terms as may be just and satisfactory, subject, however, to the approval of the County Board of Education of Cherokee County and such rules and regulations as the county board of education may have or make governing such cases.

Control of school interest and property. Trustees.

Powers of trustees.

Proviso: free tuition.

Proviso: non-resident students. Transfer of pupils.

SEC. 4. The board of trustees provided for by this act shall elect annually the superintendent of the schools embraced within the above-described territory, who shall also be a teacher, holding a first-grade certificate or a State certificate or a high-school certificate, whose duties shall be prescribed by the board of trustees managing Peachtree High School. The county superintendent of

Superintendent of schools.

Duties. Examination of teachers.

schools shall examine all applicants for teachers' positions in said school, and issue certificates to the same on such terms as are provided by the general public-school law of the State.

Moneys paid over to treasurer of corporation.

Collection and settlement of tax.

Election of treasurer.

Bond.

Compensation of treasurer.
Monthly reports.

School orders.

Annual statements.

Proviso: books and papers open to inspection.

Election on special tax.

Notice of election.

SEC. 5. The moneys which shall be from time to time apportioned under the general law of the State to the corporation herein chartered, and the moneys to which the same may be entitled by reason of any special tax, gift, grant, devise or apportionment, or otherwise, from whatsoever source, shall be paid over to the treasurer of such corporation, whose receipt for such money or other things of value shall constitute sufficient voucher of such payment. The Sheriff (or tax collector) of Cherokee County shall collect all special taxes that may be levied for school purposes in the territory above described, under any provision of this act, as other public taxes are collected, and turn the same over to the treasurer of the corporation herein chartered, taking his receipt for same. The board of trustees of the corporation herein chartered shall appoint some citizen or a bank in said district to be its treasurer, who shall give a good and sufficient bond, payable to the State of North Carolina and conditioned for the due and faithful performance of his duties as treasurer, to be approved by the County Board of Education of Cherokee County. A copy of said bond shall be deposited with the county superintendent and the original thereof with the Clerk of the Superior Court of Cherokee County, and said treasurer shall be allowed two per centum for all moneys paid out by order of said corporation. The treasurer shall report monthly to the board of trustees his receipts and disbursements, with all vouchers for same. The moneys received as aforesaid by the treasurer shall be held by him, to be disposed of under the direction of the board of trustees, whose warrant, signed by the chairman and countersigned by the secretary of said board, shall be the only valid voucher in the hands of said treasurer for the disbursement of said moneys in any settlement required of him by law. The said treasurer shall furnish annually to the County Board of Education of Cherokee County and the board of trustees a statement, in writing, of his receipts and disbursements of all school funds received and disbursed by him, which report shall be approved by the chairman and secretary of the board of trustees of the corporation herein chartered: *Provided*, that the accounts, books and vouchers of the said treasurer shall be opened for inspection by the board of trustees, any taxpayer in the said school district, the county board of education and the County Superintendent of Schools of Cherokee County, at any time.

SEC. 6. That the Board of County Commissioners of Cherokee County, North Carolina, shall and they are hereby authorized to submit to the qualified voters who reside in the territory above described the question of whether a tax shall be annually levied for the support of the schools in said district provided for by this act.

Such election shall be held at any date recommended by the board

of trustees of the corporation herein chartered, after first giving twenty days' notice of such election, by publication in some newspaper published in Cherokee County and by posting notices in three public places in said territory. Said election shall be held in the same manner and under the same regulations as provided for the election of members of the General Assembly, except, however, that the county commissioners of Cherokee County shall cause such election to be held within thirty days after receipt by them of the recommendations by the board of trustees, and shall not be confined to the calling of such election on the first Tuesday after the first Monday in November in any year; and the board of trustees of the corporation herein chartered shall recommend some competent citizen, resident in the territory above described, to act as registrar, who shall be appointed by the Board of County Commissioners of Cherokee County as registrar, at their first meeting after the election is recommended by the board of trustees, and they shall provide said registrar with suitable registration books to enter the names of those registering. Such registrar, when so appointed, shall, within ten days after his appointment, open the books of registration at Peachtree voting precinct, in Murphy Township, and keep same open for twenty days, and register therein all persons who are qualified under the Constitution and general laws of this State to vote in any general election. Such registrar shall register all persons qualified at any time he may apply to him for registration within the time herein prescribed for registering voters, and he shall remain at the place provided for voting two Saturdays next preceding the election, from eight o'clock in the morning until four o'clock in the afternoon of each Saturday, for the purpose of registering those who may desire to be registered and are qualified. The registration of any party who registers or offers to register may be challenged on any day on which said books are open for registration, or on the day of election herein provided for, if held, and the same grounds for challenge and rules and regulations as prescribed in the general election law governing such cases shall govern in cases of challenges made under the provisions of this act. Said board of trustees of the corporation herein chartered shall also recommend four competent citizens of the territory hereinbefore described to act as judges of election, two of whom shall be appointed by the Board of County Commissioners of Cherokee County at the same time the registrar is appointed to hold said election, together with the registrar hereinbefore provided for. On the day appointed for such election the registrar and judges of election so appointed shall meet at the polling place at Peachtree voting precinct, in Murphy Township, Cherokee County, and open the poll books and conduct said election. The polls shall be opened at seven o'clock in the morning and continue open until five o'clock of the same day, and all qualified voters who have registered for said election shall be allowed to vote, unless their names have been

Law governing election.

Date for election.

Registrar.

Registration.

Challenges.

Judges of election.

Conduct of election.

Hours of voting.

Persons allowed to vote.

Ballots.	stricken from the registration books by virtue of challenge or other legal cause. At such special election those who favor the levying of such tax shall vote a written or printed ballot, without device, with the words "For School," and those opposed to the levying of such tax shall vote a written or printed ballot, without device, "Against School." The penalties for illegal or fraudulent registering or voting in this election shall be the same as in any election for members of the General Assembly. In case of sickness or other disability preventing the attendance of the registrar or the judges of election, or either of them, to hold said election, then, in case of the sickness of the registrar or his nonattendance, the judges of election, or either of them, shall procure the registration books and appoint some person resident of said territory and a qualified voter therein to aid in the conduct of such election in the place of the
Penalties for illegal or fraudulent voting. Absence of registrar.	registrar appointed; and in case the judges of election, or either of them, should be unable to attend such election, the registrar shall appoint the necessary person or persons to act in their place at said election.
Absence of judges.	
Count and certificate of votes.	SEC. 7. The registrar and judges or persons holding such election, when the hour arrives for closing the polls, shall refuse to receive further ballots, and immediately proceed to determine the result of such election; and within two days after holding such election they shall certify, under their hands, to the Board of County Commissioners of Cherokee County the number of votes cast and counted at such election "For School" and the number of votes cast and counted "Against School," and appoint one of their number to take, in person, such certificate and deliver same to the Register of Deeds of Cherokee County, who shall, at the next meeting of the Board of County Commissioners of Cherokee County held after the delivery of the same to him, deliver same to the chairman of the Board of County Commissioners of Cherokee County, and said board shall at once proceed to declare the result of such election; and if a majority of the qualified voters of the territory above described shall be in favor of schools the county commissioners of Cherokee County shall, at such meeting, if it be their first meeting in June, levy a tax at a rate sufficient to provide for the support and maintenance of the schools in the territory above described for a term not less than six months in each year; but if such certificate be delivered to the chairman of the board of county commissioners at any meeting after their regular meeting in June, then it shall be lawful for such commissioners to levy such tax and embrace same in the levy of taxes that are placed in the hands of the Sheriff (or tax collector) of Cherokee County for that year, which said special taxes shall be collected by the Sheriff (or tax collector) of Cherokee County, under the same rules and regulations under which other taxes are collected, except that the sheriff or tax collector collecting such special tax shall only receive as his compensation for collection
Messenger.	same two and one-half per cent commission; and the sheriff
Delivery of returns.	
Levy of tax.	
Collection of tax.	
Commission of sheriff.	
Liability of sheriff.	

or tax collector shall be subject to the same liabilities for the collection and disbursement of said tax that he may be for other school taxes: *Provided*, that the special tax so levied and collected shall not be less than fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll, nor exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. The county commissioners of Cherokee County shall, at their first meeting in June of the year succeeding the year in which the first levy is made, and annually thereafter, levy such tax as may be recommended to them by the board of trustees of the corporation herein chartered, observing the constitutional equation between property and poll, not exceeding in any one year fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the establishment and maintenance of the public schools in the territory above described, and for no other purpose; and the board of trustees of the corporation herein chartered may establish such number of primary and public schools in such district, and may provide for the construction, maintenance, repair and keeping in order of the necessary buildings for such schools, and may equip them with the necessary furniture, fixtures and apparatus: *Provided*, that the board of trustees of the corporation herein chartered shall maintain a primary school or schools in such place or places in said territory as may be designated by the County Board of Education of Cherokee County for at least four months, in which school pupils may be taught to and including the sixth grade, and after the pupil has passed the sixth grade he or she may attend the high school in the territory first above described, under such rules and regulations as may be prescribed by the board of trustees.

Proviso: tax rate.

Succeeding levies.

Limit of rate.

Specific appropriation.

Establishment and maintenance of schools.

Proviso: place for primary schools.

Grades in primary schools.
High school.

SEC. 8. The corporation herein chartered shall be under the control and management of the board of trustees, composed of three persons, resident taxpayers of the district, to be appointed by the County Board of Education of Cherokee County on the first Monday in April, one thousand nine hundred and nine. The said board of trustees shall be divided by the county board of education, at the time of their appointment, into three classes. The term of office of the first class shall expire at the end of two years from the first Monday in April, one thousand nine hundred and nine, and the term of office of the second class shall expire at the end of four years from the first Monday in April, one thousand nine hundred and nine, and the term of office for the third class shall expire at the end of six years from the first Monday in April, one thousand nine hundred and nine. Whenever the term of office of any class shall expire as above provided, his successor shall be appointed for a term of six years by the County Board of Education of Cherokee County. Whenever any vacancy occurs in said board of trustees,

Appointment of trustees.

Trustees classified.

Terms of office.

Election of successors.
Term.

Vacancies.

except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the remaining members of the said board of trustees, unless it be that all three members resign at one time; then in that case the board of county commissioners shall appoint a new board of trustees.

Apportionment
of money.

SEC. 9. The board of trustees provided for by this act shall apportion the money raised or received for educational purposes in said district as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races in proportion to the number and advancement of the pupils, respectively.

Persons excluded
from schools.

SEC. 10. The board of trustees shall exclude from the school in said district any person having a contagious or infectious disease, and they may suspend or expel any pupil found guilty of any disorderly, refractory, indecent or immoral conduct, and may refuse to admit such pupil again to the school until satisfied that he will properly conduct himself thereafter. Contagious or infectious diseases shall be smallpox, chicken pox, measles, scarlet fever, diphtheria, whooping cough, mumps, itch and such other diseases as may be designated by the State Board of Health.

Contagious or
infectious disease
defined.

Reports of
trustees.

SEC. 11. The board of trustees shall make a report to the county board of education, annually, at such times as is required under the school law of the State, showing an accurate census of the pupils in said district, and the work done and the money expended under their direction in the said district, a copy of which shall be forwarded to the State Superintendent of Public Instruction and a copy to the County Superintendent of Schools of Cherokee County. The beginning, length of term taught and the ending of the school year shall be fixed by the board of trustees; and said board of trustees shall make such other reports as may be required under the general public-school law, the State Superintendent of Public Instruction and the County Board of Education of Cherokee County.

School year and
length of term.

Bond issue
authorized.
Amount.
Denominations.
Interest.

SEC. 12. That the board of trustees of the corporation herein chartered are hereby authorized to issue coupon bonds, not to exceed in amount the sum of three thousand dollars, and in denominations of one hundred dollars or multiples thereof, bearing interest from date of bonds at a rate not exceeding six per cent per annum, the coupons being payable semiannually on the first day of January and the first day of July of each year, at the Bank of Murphy, Murphy, North Carolina, or at such other place as the board of trustees may designate. The bonds shall be made payable at a time to be fixed by the board of trustees and named therein, not to be less than three nor more than thirty years from the date of issuing. Said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of the board of trustees and countersigned by the secretary of the corporation herein chartered, and have the corporate seal of said corporation affixed thereto; and the

Maturity.

Authentication.

coupons thereto attached shall bear on their face the number of the bond to which they belong, and each coupon shall be numbered consecutively, beginning with one, so as to show the number of each coupon attached to each bond, and they shall be signed by the chairman of the board of trustees. A record shall be kept of said bonds, showing the number and the denominations thereof, to whom sold, the dates of issuing thereof, and when the same shall mature, the rate of interest and the amount received from the sale of the same.

Record of bonds.

SEC. 13. The bonds hereby authorized to be issued shall not be sold for less than their face value, and the proceeds of same shall be expended by the board of trustees for necessary school sites, in the erection of suitable school buildings, in furnishing the same with necessary equipment and furniture, and in repairing any school building for the accommodation of the public schools in the said district, and for no other purpose.

Bonds not to be sold below par. Expenditure of proceeds.

SEC. 14. That it shall be the duty of the board of trustees to provide annually for the payment of the interest due on said bonds and the principal of any bond or bonds that may fall due during any year, and for that purpose to set apart each year from the special school taxes collected under any provision of this act, or other moneys in the hands of or under the control of the board of trustees, except the money apportioned to said district by the Board of Education of Cherokee County for the pay of teachers and the annual payment of the amount due the State educational fund by said district, a sum sufficient to pay the same.

Payment of interest and bonds.

SEC. 15. That it shall be the duty of the county commissioners of Cherokee County to order a special election to be held in said district at any time after the ratification of this act, if such election be recommended by the board of trustees or the majority of them; and at this election the question to be submitted to the qualified voters shall be whether or not the issue of bonds herein provided for shall be approved. The call for such election shall state the amount of bonds to be voted for, the rate of interest and the time of payment; and at such election those in favor of issuing bonds shall vote written or printed ballots bearing the words "For School Bonds," and those opposed to the issue of bonds shall vote ballots bearing the words "Against School Bonds." This special election shall be held in the same manner and under the same regulations hereinbefore provided for elections for special school taxes in section eight of this act.

Special election on bond issue.

Call for election.

Ballots.

Law governing election.

SEC. 16. That if a majority of the qualified voters resident of the foregoing territory, described in section one, shall vote at such special election in favor of issuing bonds, the board of trustees shall forthwith have said bonds issued and sold, as herein provided.

Issue and sale of bonds.

SEC. 17. The questions of levying special school taxes and of issuing bonds shall be voted on at the same time, on one and the same ballot.

Questions voted on simultaneously.

Special tax for interest and bonds.	SEC. 18. If the issue of bonds is approved at the election herein provided for, it shall be the duty of the board of trustees to recommend, and the duty of the county commissioners of Cherokee County to levy annually thereafter, when the county taxes are levied, a special tax on the taxable property and polls in said district sufficient to pay the interest and the principal on said bonds as they respectively fall due, having due regard to the constitutional equation. Said special tax shall be collected by the sheriff or tax collector of said county, at the same time and in the same manner as other taxes are collected, except that the sheriff or tax collector shall receive only two and one-half per cent commission for collecting said taxes; and he shall pay over to the treasurer of Peachtree High School promptly the taxes so collected by virtue of said special levy; and such treasurer shall receive said special levy; and such treasurer shall receive said funds and keep them separate and apart from any other funds in his hands, and apply them solely to the payment of the interest and principal of said bonds as they may respectively mature. The official tax bond of the Sheriff (or tax collector) of Cherokee County and treasurer of Peachtree High School shall be of sufficient amount to cover any special taxes or funds which may come into their hands by virtue of this act, and they shall be subject to the same penalties for failure to perform the duties herein imposed as are by law provided in the case of other funds or taxes.
Constitutional equation. Collection of tax.	
Commission of sheriff.	
Settlement of tax.	
Lands kept separate.	
Bonds of officers.	
Penalties.	
Abstracts made by register of deeds.	SEC. 19. When any special taxes are levied under any provision of this act, it shall be the duty of the Register of Deeds of Cherokee County to make proper abstracts of same and put same in a general abstract or tax book of Cherokee County, as other taxes are abstracted, and for such services shall be paid the usual lawful fees by the Board of Trustees of Peachtree High School.
Fees.	
Trustees to meet and organize.	SEC. 20. The trustees herein provided for shall, as soon as convenient after their appointment, meet and elect one of their members chairman, and they shall elect a secretary and treasurer. The offices of secretary and treasurer may be held by one person. The trustees shall provide all suitable books for keeping records and accounts, and shall keep a correct and full minute and record of all their proceedings and acts, which books shall at all times be open for inspection to any taxpayer of the territory above described, the State Superintendent of Public Instruction, the county board of education and the County Superintendent of Cherokee County.
Records and accounts.	
Books open for inspection.	
Registrar and judges of election to qualify.	SEC. 21. The person appointed registrar under the provisions of this act shall, on or before the day for opening the registration books, take an oath to faithfully perform his duties as registrar and as the law directs; and the persons acting as judges of election under the provisions of this act shall take an oath to hold such election honestly and fairly and as the law directs. Any person appointed registrar or judge of election who fails to perform the duties imposed on him by this act shall be guilty of a misdemeanor, and upon conviction be fined in the discretion of the court.
Failure in duty misdemeanor.	
Punishment.	

SEC. 22. If for any cause the board of trustees cannot procure suitable grounds for necessary school purposes in said district, by agreement with the owner thereof, then it shall be lawful for the chairman of such board of trustees or a majority of the trustees, in the name of the Peachtree High School, to proceed to have such property as may be needed, not exceeding fifteen acres, condemned, in the manner prescribed in section five of chapter four hundred and ninety-nine of Public Laws of North Carolina of one thousand nine hundred and three, and the provisions of said section relating to the manner of condemning land shall be applicable to Peachtree High School as though the entire section or that part of same relative to condemnation of land was embraced in this act.

Power to condemn land.

Limit of acreage.
Procedure.

SEC. 23. The Board of Education of Cherokee County, in making any apportionment to Peachtree High School, shall at all times reserve out of such apportionment sufficient sum or sums to pay off and discharge the present indebtedness of any school in the above-described territory to the State Board of Education, and any future indebtedness that Peachtree High School, herein chartered, may incur to said State Board of Education.

Reserve for present debt.

SEC. 24. That the registrar registering the voters under any provision of this act shall receive five cents for each name registered and two dollars per day for each Saturday he serves preceding the election, and two dollars for holding the election, and the judges of election shall be paid two dollars per day for holding the election; and the person taking the returns of any election to the Register of Deeds of Cherokee County shall be paid three dollars for such service. All the foregoing charges shall be paid by the board of trustees of "Peachtree High School."

Pay of registrar.

Pay of judges of election.

Pay of messenger.

SEC. 25. That the word "trustees," used in this act, shall refer relatively to "the board of trustees" or the members or persons who are appointed and act under the provisions of this act, as the board of trustees of Peachtree High School; and the word "district," used in this act, except when it is used to indicate or identify any district other than Peachtree High School, shall refer relatively to Peachtree High School or the territory embraced in the boundary set forth and described in section one of this act; and the word "county," whenever used in this act, shall refer to Cherokee County.

Definitions of terms.

SEC. 26. That any school building or buildings erected in the territory described in section one of this act shall be erected at such place within such territory as may be determined by the County Board of Education of Cherokee County.

Location of buildings.

SEC. 27. That for the purpose of elections provided for in this act, there shall be an entirely new registration; and if there should be more than one election held, then there shall be a separate and entirely new registration in said territory for each election.

New registration.

SEC. 28. That if, at the elections herein provided for, either question, "For School" or "For School Bonds," shall fail, then

Further elections.

it shall be lawful for another election to be held on the question which fails to carry, at any time designated by the trustees, under the same rules and regulations hereinabove provided, except that only the question to be voted upon shall be on the ticket; and if the tax provided for in section six should carry, and the bonds provided for in section fifteen should fail to carry, then the tax collected under and by virtue of the election provided for in section six shall be applied to the different schools now or that may hereafter be run in the territory set forth in section one of this act, *per capita*, by the County Board of Education of Cherokee County; and if the bonds should carry and the tax provided for in section six should fail to carry, said bonds shall not be issued until the tax provided for in section six shall be voted at some future election.

Management of schools until bonds and tax are voted.

SEC. 29. That until the provisions of sections six and fifteen are approved by a majority of the qualified voters within the territory described in section one of this act, all schools within said territory and all funds going to said schools, and all other matters and things relative to said schools, shall be under the control and management of the County Board of Education of Cherokee County, and the trustees herein provided for shall only have power and authority to recommend the election or elections and recommend the registrar or registrars and judges of election hereinabove provided for.

Trustees to enter on duties when bonds and tax are voted.

SEC. 30. After both questions authorized to be voted upon under this act shall have been approved, as hereinabove provided for, then the trustees of Peachtree High School shall be clothed with all authority and power given them by this act and enter upon the discharge of their duties.

SEC. 31. This act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 283.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED AT THE PRESENT SESSION OF THIS GENERAL ASSEMBLY (CHAPTER ...) AMENDING THE CHARTER OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty of an act ratified at the present session of this General Assembly amending the charter of the town of North Wilkesboro, North Carolina, be amended by adding at the end of said section the following: "*Provided*, that nothing in said act shall be construed to prevent the action now pending in the Superior Court of Wilkes County from being heard and determined upon the temporary restraining order now pending on

Proviso: action now pending.

its merits, and that nothing in said act shall authorize or empower the authorities of the town of North Wilkesboro to use the funds arising from the sale of the bonds except for the purposes for which said bonds were voted." Use of proceeds of bonds.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 284.

AN ACT TO PERMIT THE ELIZABETH CITY AND ALBEMARLE RAILWAY COMPANY TO USE THE COUNTY BRIDGE OVER NEWBEGUN CREEK, IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Pasquotank County be and they are hereby authorized and empowered to so construct the county bridges over the waters of Newbegun Creek and any other creek or creeks in said county that same shall be capable of being used by the Elizabeth City and Albemarle Railway Company for a right of way for its road across said creek: *Provided* that the said railway company enter into a good and sufficient bond, conditioned to pay to said county one-half of the cost of the construction and the maintenance of said bridge so long as used by it. Construction of bridges.
Proviso: railway company to give bond.

SEC. 2. That said railway company be and the same is hereby authorized and empowered to use any of the bridges so constructed upon complying with the provision of section one hereof. Use of bridges by railway company authorized.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 285.

AN ACT TO ALLOW THE CITIZENS OF BREVARD TO VOTE BONDS TO ESTABLISH AND MAINTAIN AN ELECTRIC-LIGHT SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Brevard shall have the power to establish, maintain and operate an electric-light plant or system for the use of the said town and its inhabitants, and shall have a right for such purpose to own, operate Establishment and maintenance of light plant.
Powers in erecting plant.

and maintain a steam plant, develop water power or purchase power from persons or corporations, and do any and all things necessary and desirable in carrying out the purpose of this act in establishing, maintaining and operating an electric-lighting system for the use and benefit of the said town of Brevard, its inhabitants and the inhabitants of the communities adjacent to the said town.

Bond issue
authorized.

SEC. 2. That in order to establish or purchase an electric-light system for the said town and its inhabitants, and to maintain and operate the same, the board of aldermen of the said town shall have the right and they are hereby authorized to issue bonds and sell the same, in an amount not to exceed five thousand dollars, the proceeds of which bonds shall be turned into the town treasury, to be used for the above purpose, and no other, under the direction and supervision of the board of aldermen of said town. The said bonds shall not bear a greater per cent of interest than six per cent per annum, and shall not run longer than thirty years from the date thereof, but otherwise shall be issued under such rules and regulations as may be prescribed by the said board of aldermen: *Provided, however*, the said bonds shall not be issued until such proposition shall have been submitted to the qualified voters of said town and a majority of the said qualified voters shall have cast their ballots in favor of such proposition, according to the rules and regulations hereinafter prescribed.

Amount.

Specific
appropriation.

Interest.

Maturity.

Proviso: issue
subject to
election.

Petition for
election.

SEC. 3. Upon a petition being presented to the said board of aldermen, signed by one-fourth of the qualified voters of the town, requesting the said board of aldermen to call an election for the purpose of ascertaining the will of the people upon the proposition to issue bonds to carry out the purposes of this act, it shall be the duty of the said board of aldermen and they are hereby directed to make an order calling such an election, which order shall be advertised for at least thirty days, by posters at the courthouse door in said town and at four other public places, giving the purpose of the said election, the amount of bonds to be voted upon, and such other information as may be necessary concerning the said election, which election shall be conducted, as near as may be, under the same rules and regulations as is the election for mayor in the said town, except as is herein otherwise provided.

Call of election
ordered.

Advertisement.

Law governing
election.

Ballots.

SEC. 4. At the said election those who are in favor of the proposition of issuing the said bonds shall cast a ballot upon which is either written or printed the words "For Bonds," and those who are opposed to the said proposition shall cast a ballot upon which is either written or printed the words "Against Bonds"; and at the close of the said election, if a majority of the qualified voters of the said town shall have each cast a ballot on which is either

Effect of election. written or printed the words "For Bonds," then it shall be the duty

of the registrar and judges of the said election to declare the result of the election to be that the proposition for bonds has carried; otherwise it shall be the duty of the said registrar and judges to declare that the proposition for bonds has failed to carry; and if the registrar and judges of the said election declare that the proposition for bonds has carried, then and in that event the said board of aldermen are authorized and empowered to issue the said bonds, as hereinbefore set out: *Provided, however,* there shall not be a greater amount of bonds issued than is specified in the order calling the said election.

Issue of bonds.

Proviso: limit of amount.

SEC. 5. That the said board of aldermen shall have power and is hereby authorized to make such rules and regulations as may be proper and desirable to protect the said electric-light system and every part thereof, whether the whole of the said system be situated within the corporate limits of the said town or not; and if the said town establishes said system and operates the same, it shall have the right to furnish lights to the residents of the country adjacent to the said town on such terms as may be agreed upon by the said residents and the said town.

Protection of light system.

Lights to nonresidents.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 286.

AN ACT FOR THE RELIEF OF EDWARD J. JOHNSON, A PUBLIC-SCHOOL TEACHER, PROVIDING FOR THE PAYMENT OF THE BALANCE DUE HIM FOR A SCHOOL TAUGHT IN THE COUNTIES OF ASHE AND ALLEGHANY.

Whereas Edward J. Johnson, a public-school teacher, in the year of one thousand nine hundred and four, taught a public school in District Number One, Prather's Creek Township, in Alleghany County, North Carolina, beginning September fifth, one thousand nine hundred and four, and closing December the twenty-third, one thousand nine hundred and four, and that there is a balance of eighty-eight and thirty-eight one-hundredths dollars (\$88.38) due him for his services for teaching said school, and that said school district is and was composed of a portion of Alleghany County and a portion of Ashe County, each county having about the same number of children in said school district; and whereas there was an act of the General Assembly of North Carolina, passed at the session of one thousand nine hundred and seven, providing for the adjustment of said school claim by the superintendents of schools of the counties of Alleghany and Ashe,

Preamble.

Preamble.

and said superintendents having found that there is due Edward J. Johnson the sum of eighty-eight dollars and thirty-eight cents for his services as teacher, and that said claim should be paid by the counties of Alleghany and Ashe, but that there is no available funds out of which to pay this claim in the hands of the treasurers of said counties: now, therefore,

The General Assembly of North Carolina do enact:

Payment
authorized.

SECTION 1. That the Treasurer of Alleghany County shall pay out of the general funds of said county to Edward J. Johnson the sum of forty-four and nineteen one-hundredths dollars (\$44.19), it being one-half of the above-mentioned school claim; and that the Treasurer of Ashe County shall pay to Edward J. Johnson out of the general funds of said county the sum of forty-four and nineteen one-hundredths dollars (\$44.19), it being the other one-half of said school claim: *Provided*, that the boards of education of said counties may deduct the money paid under this act from the money hereafter due or apportioned to said district.

Proviso: money
deducted from
apportionment to
district.

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 force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 287.

AN ACT TO AMEND CHAPTER 301, PUBLIC LAWS OF 1907, BEING "AN ACT TO ESTABLISH A SPECIAL-TAX SCHOOL DISTRICT IN CASWELL COUNTY."

The General Assembly of North Carolina do enact:

Lands included.

SECTION 1. That chapter three hundred and one, Public Laws of one thousand nine hundred and seven, be amended so as to include all of the lands of the following persons, viz.: G. E. Goodson, W. H. Jackson, T. A. Moss, L. P. Goodson, Withers' estate and J. T. Foulkes.

Name changed.

SEC. 2. Strike out the words "School District Number Seven" wherever they appear in said act and insert in lieu thereof "Providence Graded School."

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

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 288.

AN ACT FOR THE BETTERMENT AND ADVANCEMENT OF
EDUCATIONAL INTERESTS IN THE SCHOOL COMMITTEE
OF DISTRICT No. 1, MURPHY, NORTH CAROLINA, AND
FOR OTHER PURPOSES.

Whereas a graded school was established in School District Preamble.
Number One, in Cherokee County, North Carolina, by chapter three
hundred and thirty, Public Laws of one thousand eight hundred
and ninety-one, which was declared by said chapter to be a body
corporate, under the name of the "School Committee of District
Number One, Murphy, North Carolina," which school district em-
braces the territory known and embraced in School District Num-
ber One, Murphy Township, Cherokee County, North Carolina;
and whereas, by chapter four hundred and ninety-nine, Public Preamble.
Laws of one thousand nine hundred and three of North Carolina,
the School Committee of District Number One, Murphy, North
Carolina, was authorized and empowered to issue fifteen thousand
dollars in bonds for school purposes, as provided under and by
virtue of said chapter four hundred and ninety-nine; and whereas, Preamble.
by virtue of said chapter four hundred and ninety-nine, an elec-
tion was held in said school district in the year one thousand
nine hundred and eight, and by the result of said election an issue
of ten thousand dollars in bonds was authorized by the School
Committee of District Number One, Murphy, North Carolina; and Preamble.
whereas it is apparent that the sum of ten thousand dollars is not
a sufficient sum to establish a school, such as acquiring lands,
erecting buildings and equipping same, to meet the demands and
exigencies for educational purposes in said school district, the
School Committee of District Number One, Murphy, North Caro-
lina; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of raising money to buy ground Bond issue
or to build, erect and equip a suitable building or buildings for authorized.
said school, the School Committee of District Number One, Murphy,
North Carolina, located in School District Number One, Murphy
Township, Cherokee County, North Carolina, is hereby authorized
and empowered from time to time to issue bonds, in the name of
the School Committee of District Number One, Murphy, North
Carolina, to an amount not exceeding ten thousand dollars, in ad- Amount.
dition to the ten thousand dollars heretofore authorized, payable
at the Bank of Murphy, Murphy, North Carolina, or such other
place as the committee of said school may designate. Said bonds Interest.
shall bear not exceeding six (6) per cent interest per annum, which
interest shall be payable semiannually, and each bond shall have
coupons attached thereto for the amount of interest due thereon
for each year they have to run; and said coupons, after their
Coupons receiv-
able for school
taxes.

Interest to cease on maturity.	maturity, shall be receivable in payment of special school taxes in said school district; and if the holder of said bonds shall fail to present the same for payment at the time and place therein named, he shall not be entitled to interest thereon for the time they have been outstanding after maturity. Said bonds shall be in denominations of one hundred or five hundred dollars, or multiples thereof, each, and shall mature and be payable within thirty years from the date of their issue, and shall be signed by the chairman of said corporation and countersigned by the secretary, attested by seal, and said secretary shall keep a record of the number and amount of each bond issue and date of issue, when same matures, and to whom payable, and the same may be made payable to bearer.
Denominations.	
Maturity.	
Authentication.	
Record of bonds.	
Bonds not to be sold below par.	SEC. 2. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be issued for any purpose other than the purpose mentioned in section one of this act.
Special tax.	SEC. 3. That for the purpose of providing for the payment of the interest on said bonds as they mature, the county commissioners of Cherokee County shall, annually, at the time of levying taxes for State and county purposes, levy and lay a special and particular tax on all persons, property and subjects of taxation which are now subjects of taxation or may become subjects of taxation in School District Number One, Murphy Township, Cherokee County, North Carolina, under the law, for State and county purposes, sufficient to meet the accruing interest on said bonds, observing the constitutional equation between property and polls.
Constitutional equation.	
Collection of tax.	The taxes provided for in this section shall be collected by the sheriff or tax collector for Cherokee County, North Carolina, in the same manner and at the same time as the State and county taxes are collected, for which service he shall receive two and one-half per cent on amounts collected, and shall be accounted for and be kept separate and apart from all other taxes collected by him, and paid over to the treasurer of the School Committee of District Number One, Murphy, North Carolina, and applied to the purpose for which they are collected; and it is further provided that after the expiration of ten years from the issuance of said bonds, or any part of same, an additional special tax (if that be deemed expedient and desirable) may in like manner be levied, laid and collected each and every year, sufficient in amount to redeem, retire and take up each and every year such an amount of interest and principal as the said School Committee of District Number One, Murphy, North Carolina, may determine.
Commission of sheriff. Taxes kept separate.	
Additional special tax.	
Election on bond issue.	SEC. 4. That none of said bonds shall be issued until the question of "Bonds" or "No Bonds" has been submitted to the voters within the boundaries of School District Number One, Murphy Township, Cherokee County, North Carolina, and approved by a majority of the qualified voters residing therein, in an election

to be held in the town of Murphy, Cherokee County, North Carolina, in said school district, on a day to be designated and fixed by said School Committee of District Number One, Murphy, North Carolina, or the members of its committee, at any time from and after the passage of this act, and after the expiration of public notice for thirty days preceding said election, giving the time when and place where said election shall be held, and registration books opened, which said notice shall contain a synopsis of the object and purpose of this act, and shall be published once a week for four consecutive weeks, immediately preceding said election, in any newspaper published in the town of Murphy or county of Cherokee; and it shall be the duty of the county commissioners of Cherokee County, at any of their regular meetings after the passage of this act, and upon the request of the said school committee, to appoint two good and lawful men, freeholders, residents of said school district, as judges of said election; also to appoint a good, competent freeholder, resident of said school district, as registrar for said election, who shall, on the twentieth day preceding said election, open at some convenient place in the town of Murphy, aforesaid, the registration book, on which shall be recorded the names of all who present themselves for registration between the hours of seven o'clock A. M. and five o'clock P. M.; that for the purposes of such election there shall be an entirely new registration within said school district, and all *bona fide* residents and persons who are qualified to register may register for said election, and no one who does not register in such new registration for such election shall be qualified to vote in such election. All *bona fide* residents of said school district who are entitled to register and to vote for State and county officers in any general election that might be held in Cherokee County at the time of the election herein provided for shall be entitled to register and vote in such election as herein provided for. The said judges and registrar appointed and named, as aforesaid, shall meet in the town of Murphy, North Carolina, at seven o'clock A. M. on a date designated for said election, and after being duly sworn by any officer of the law authorized and empowered by law to administer oaths to the effect that they will honestly, faithfully, conscientiously and impartially perform their duties as judges of said election, proceed to open the polls, that all who are entitled to vote in said election, and desire to do so, may vote. The registrar, before entering upon his duties, shall take an oath to fairly, faithfully and impartially perform the duties of registrar and to conduct such election. All persons voting at such election shall vote a written or printed ballot on a white piece of paper, which the voter, registrar or one of the judges of election shall deposit in a box provided by said judges for that purpose. Those voters approving the provisions of this act shall vote "For Schools," and

Date for election.

Notice of election and registration.

Appointment of judges of election and registrar.

Registration.

New registration.

Persons entitled to register and vote.

Judges and registrar to meet and qualify.

Time for opening polls.

Registrar to qualify.

Ballots.

Time for closing polls.	those not approving "Against Schools." The polls shall be closed at six o'clock P. M. and when the polls are closed the aforesaid judges, together with the registrar, shall proceed to count the ballots and declare the result of said election, which they shall certify to the county commissioners of Cherokee County, over their signatures, at the next regular meeting of said commissioners after said election, which said commissioners shall cause to be entered upon their minutes the record thereof. If a majority of the qualified voters of the district shall vote "For Schools," then the bonds shall be issued in accordance with the provisions of this act; otherwise not.
Count of votes and declaration and certificate of result.	
Effect of election.	
Questions submitted at elections.	SEC. 5. The School Committee of District Number One, Murphy, North Carolina, is hereby authorized to call an election for five thousand dollars of bonds at one time and for five thousand dollars at another time, or they may call an election for the entire issue of ten thousand dollars at one time, as in their discretion they may deem expedient; and if more than one election shall be called, the county commissioners are required to appoint a registrar and judges of election, as above provided for; and any election held under this act shall be conducted as hereinbefore provided for, and any and all bonds issued by virtue of this act, whether voted for at one election or two elections, shall be valid in all respects.
Appointment of election officers.	
Irregularities in former election cured.	SEC. 6. That any and all irregularities that may have been or existed in the conducting of the election heretofore held under chapter four hundred and ninety-nine of the Public Laws of one thousand nine hundred and three, whether the same related to the mode of registration or the conducting of said election, or the decision of the registrar and judges of election, are hereby cured, and such election so held is hereby declared in all respects valid.
Bonds validated.	and any and all bonds that have been or may hereafter be issued by virtue of such election are in all things declared regular and valid.
Additional special tax.	SEC. 7. That in addition to the tax provided for in section two of chapter three hundred and thirty, Public Laws of one thousand eight hundred and ninety-one, for school purposes, there shall be levied annually by the commissioners of Cherokee County, when State and county taxes are levied, upon all property, polls and subjects of taxation in said school district or that may hereafter become subject or subjects of taxation, not less than ten cents nor more than twenty cents on the hundred dollars valuation of property and not less than thirty nor more than ninety cents on each taxable poll, as may be requested by the School Committee of District Number One, Murphy, North Carolina, in said school district, to be used for school purposes as the taxes provided for under said section two, chapter three hundred and thirty, Public Laws one thousand eight hundred and ninety-one.
Rate.	
Use of tax.	
School treasurer.	SEC. 8. That the School Committee of District Number One, Murphy, North Carolina, or its committee, may elect one of the

number of the committee of said school district to act as treasurer of said School Committee of District Number One, Murphy, North Carolina. If such treasurer should be so elected, he shall, before entering upon the duties of his office, take and subscribe an oath to well and faithfully perform the duties of treasurer of the School Committee of District Number One, Murphy, North Carolina, and shall execute a bond, with approved security, in such sum as may be designated by the members of the committee of the School Committee of District Number One, Murphy, North Carolina, not less than the amount of the tax levy or tax levies for taxes for any purpose for said school, which bond shall be made payable to the State of North Carolina and provide for the faithful performance by said treasurer of the duties of treasurer of said school. The original bond shall be filed with the Clerk of the Superior Court of Cherokee County. Such treasurer shall be liable for any default in office, either civilly or criminally, as now provided by law, governing the Treasurer of Cherokee County.

Treasurer to qualify and give bond.

Liability of treasurer.

SEC. 9. The sheriff or tax collector, State Treasurer and other officers receiving or holding money for said school shall pay over all money or moneys collected or received for said school to the treasurer of such school, taking his receipt for same.

School money to be paid to treasurer.

SEC. 10. The treasurer of such school shall not pay out or disburse any money coming into his hands, except by voucher, duly signed by the chairman and secretary of such school. If the committee of such school see fit to do so, they may elect one and the same person as secretary and treasurer.

School orders.

SEC. 11. Until some person is specially elected as treasurer of said School Committee of District Number One, Murphy, North Carolina, the Treasurer of Cherokee County shall continue to act as treasurer of such school, as now provided by law.

County treasurer to act.

SEC. 12. That section five of chapter four hundred and ninety-nine, Public Laws of one thousand nine hundred and three, be amended as follows: Strike out the word "two" where it occurs in line twenty-nine of said section and insert in lieu thereof "ten."

Limit of land.

SEC. 13. That more than one election may be held to carry into effect the provisions of this act, if the committee of said school shall so decide to do.

Successive elections.

SEC. 14. That the name of this corporation is hereby changed from that of the School Committee of District Number One, Murphy, North Carolina, to the name of Murphy School District.

Name changed.

That all acts and things heretofore done or performed, whether it be the holding of an election, issuing bonds, making contracts, taking titles to property, or acts of any kind or character, in the name of the School Committee of District Number One, Murphy, North Carolina, shall be and the same are hereby validated, and shall be considered as done for and on behalf of and in the name of Murphy School District; and any property held or owned in the name of the School Committee of District Number One, Murphy,

Acts under former name validated.

Property vested.

Conveyances.

North Carolina, shall be considered and held in the name of Murphy School District; and wherever it becomes necessary to convey or transfer any property now held in the name of the School Committee of District Number One, Murphy, North Carolina, it shall be sufficient that a deed conveying same shall be signed, "Murphy School District," by its chairman, and attested by its secretary and seal. And all other acts and things that may hereafter be done for said school district shall be done in the name of Murphy School District, and Murphy School District shall be vested with all the powers and subject to all the duties given the School Committee of District Number One, Murphy, North Carolina, by virtue of chapter three hundred and thirty, Public Laws of one thousand eight hundred and ninety-one, and chapter four hundred and ninety-nine, Public Laws one thousand nine hundred and three, as though the same was originally named in said chapters "Murphy School District."

Seal to be adopted and used.

SEC. 15. That the school committee of said school district shall adopt and use a seal for Murphy School District.

SEC. 16. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 289.

AN ACT TO AMEND CHAPTER 71 OF THE PRIVATE LAWS OF 1883, THE SAME BEING "AN ACT TO INCORPORATE THE TOWN OF THIRD CREEK, IN ROWAN COUNTY."

The General Assembly of North Carolina do enact:

Tax rate.

SECTION 1. That chapter seventy-one of the Private Laws of one thousand eight hundred and eighty-three be and the same is hereby amended by inserting after section ten thereof, which shall be number ten and one-half, "and the rate of taxation shall not exceed twenty cents on each one hundred dollars of real estate and personal property and sixty cents on each poll."

Corporate limits.

SEC. 2. Amend section two of said chapter seventy-one of the Private Laws of one thousand eight hundred and eighty-three by substituting for said section the following: "Beginning at a point in the center of the Statesville and Salisbury Road, where the street running from the depot enters said road or street, and extending one-half mile in every direction therefrom, to form the corporate limits of the said town of Cleveland."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 290.

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF
ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of Elizabeth City and all amendments thereof be and the same are hereby repealed: *Provided*, Former charter repealed. Proviso: officers continued. *however*, that the members of the present board of aldermen, mayor, chief of police, city clerk, treasurer and all the appointive officers, except such as may be removed for cause or otherwise, shall continue to serve until their present term expires or their successors are elected and qualified.

CORPORATE LIMITS.

SEC. 2. The corporate limits of Elizabeth City shall be bounded as follows: Beginning at a point on Pasquotank River, at the southern mouth of Knobb's Creek; thence up the center of said creek to a bend in the same, at a point immediately opposite an angle of Road Street, near Knobb's Creek bridge; thence a west course, a straight line from the angle in Knobb's Creek to the angle in Road Street, near the Norfolk and Southern Railroad; thence southwardly along Road Street to the center of the Norfolk and Southern Railroad track; thence southerly and westerly along the center of the said railroad track to where the same crosses the end of Main Street; thence southerly and easterly along Main Street to the center of the road that leads by Baxter's ice plant; thence southerly and westerly along the road passing Baxter's ice plant to the west end of Church Street or West End Avenue; thence easterly along the south side of Church Street, extended, to the east side of Selden Street; thence southerly along the east side of Selden Street and the southerly projection of same to Ehringhaus Street; thence a straight line in a southerly course to Body Road, at the north line of the Alex. Wadsworth farm; thence easterly along the north line of the Wadsworth farm to the Pear Tree Road; thence easterly along the Pear Tree Road and Euclid Avenue to the corner of C Street; thence easterly along the south side of C Street to Factory Avenue; thence easterly, on a line three hundred feet southerly of Park Avenue and parallel with the same, to a point opposite the southern projection of Raleigh Street; thence northerly to the corner of Park Avenue and Raleigh Street; thence northerly along Raleigh Street to Pasquotank River; thence a continuation northerly to the line of Raleigh Street, to the northeast shore of Pasquotank River; thence westerly, binding the northeast shore of Pasquotank River, to a point on the north side of Goat Island, to suit a position on a line due

south from the southern mouth of Knobb's Creek; thence north along the said line to the southern mouth of Knobb's Creek, on the Pasquotank River, the place of beginning.

NUMBER OF WARDS.

Number of wards. SEC. 3. That said city shall be divided into seven (7) wards, to be known respectively as the First, Second, Third, Fourth, Fifth, Sixth and Seventh wards.

First ward. *First Ward Boundary.*—The First Ward shall be bounded as follows: Beginning on Pasquotank River, at the mouth of Knobb's Creek; thence up said creek and binding the city limits to Road Street; thence to Norfolk and Southern Railroad; thence westerly, binding the town limits along the Norfolk and Southern Railroad, to Bell Street; thence easterly along Bell Street to a branch of Poindexter Creek; thence southerly down said branch to Burgess (or Pleasant) Street; thence easterly along Pleasant (or Burgess) Street to Pasquotank River; thence northerly along said river to the place of beginning.

Second ward. *Second Ward Boundary.*—The Second Ward shall be bounded as follows: Beginning at the corner of Parsonage and Poplar streets; thence northerly along Poplar Street to the center of Poindexter Creek Swamp, the line of the First Ward; thence northerly along the line of the First Ward to Bell Street; thence westerly along Bell Street to the Norfolk and Southern Railroad; thence westerly along the Norfolk and Southern Railroad to Parsonage Street; thence along Parsonage Street easterly to the place of beginning.

Third ward. *Third Ward Boundary.*—The Third Ward shall be bounded as follows: Beginning on the Pasquotank River, at the eastern end of Burgess (or Pleasant) Street; thence westerly along said Burgess (or Pleasant) Street to Road Street; thence westerly still along said street to the center of Poindexter Creek Swamp; thence southerly along the boundary line of the Second Ward to the corner of Poplar and Parsonage streets; thence westerly along Parsonage Street to the Norfolk and Southern Railroad; thence binding the town limits on the Norfolk and Southern Railroad westerly to Main Street; thence easterly along Main Street to Elm Street; thence northerly along Elm Street to Cherry Street; thence easterly along Cherry Street to Harney Street; thence a direct straight line to the center of Matthews Street at Dyer Street; thence easterly along Matthews Street to Pasquotank River; thence northerly along Pasquotank River to the place of beginning.

Fourth ward. *Fourth Ward Boundary.*—The Fourth Ward shall be bounded as follows: Beginning at the corner of Road and Matthews streets; thence westerly along Matthews Street to Dyer Street; thence binding the line of the Third Ward, a straight line, to the center of Cherry Street, at Harney Street; thence westerly along Cherry Street to Elm Street; thence southerly along Elm Street

to Main Street; thence westerly along Main Street to the road that leads past Baxter's ice plant; thence southerly along the town limits to Church Street; thence easterly along Church Street to Persse Street; thence southerly along Persse Street to the first lane south of and parallel with Church Street; thence easterly along said lane to African Street; thence a direct straight line easterly to canal bridge, on Road Street; thence along Road Street northerly to Matthews Street, to the place of beginning.

Fifth Ward Boundary.—The Fifth Ward shall be bounded as follows: Beginning on Pasquotank River, on Matthews Street; thence westerly along Matthews Street to Road Street; thence southerly along Road Street to canal bridge; thence along Tiber Creek Canal easterly to Pasquotank River; thence northerly along Pasquotank River to the place of beginning. Fifth ward.

Sixth Ward Boundary.—The Sixth Ward shall be bounded as follows: Beginning at canal bridge on Road Street; thence westerly a direct straight line to the center of a lane on African Street, the line of the Fourth Ward; thence westerly along the said lane to Persse Street; thence northerly along Persse Street to Church Street; thence westerly along Church Street to Selden Street; thence southerly along Selden Street and the town limits to Ehringhaus Street; thence a straight line in a southerly course to Body Road, at the north line of Wadsworth farm, at the town limits; thence easterly along the town limits to the Pear Tree Road; thence northerly along the Pear Tree Road and the town limits to Martin Street; thence northerly along Martin Street to Tiber Creek Canal; thence westerly along Tiber Creek Canal to the place of beginning. Sixth ward.

Seventh Ward Boundary.—The Seventh Ward shall be bounded as follows: Beginning on Pasquotank River, at the mouth of Tiber Creek Canal; thence westerly up Tiber Creek Canal to Martin Street; thence southerly along Martin Street to Euclid Avenue; thence binding the town limits and Euclid Avenue to C Street; thence easterly along C Street to Factory Avenue; thence easterly, binding the town limits, to a point opposite the southern projection of Raleigh Street, at the town limits; thence northerly along Raleigh Street and the town limits to Pasquotank River; thence westerly along Pasquotank River to the place of beginning. Seventh ward.

MUNICIPAL ELECTIONS.

SEC. 4. That an election shall be held for the town of Elizabeth City on Tuesday after the second Monday of May, one thousand nine hundred and nine, and biennially thereafter, at each of which elections there shall be elected by the qualified voters of the said town a mayor, a chief of police, a treasurer and clerk (provided that one person shall hold the office of treasurer and clerk), a tax collector and seven aldermen; *Provided, however,* that one of said aldermen shall be elected in each of the seven wards of the said Town elections.
Officers.
Proviso: aldermen elected by wards.

	town by the qualified voters of said town residing in said ward:
Proviso: aldermen resident of ward.	<i>Provided further</i> , that each of said aldermen, at the time of his election, shall be a qualified voter in the ward in which he is elected; and <i>Provided further</i> , that should any alderman during
Proviso: removal to cause vacancy.	his term of office move from the ward in which he was elected, such removal shall cause a vacancy in the office of alderman from said ward, which vacancy shall be filled as provided in the charter of said town for vacancies occurring in the office of alderman from
Qualifications for officers.	other causes. The said mayor, chief of police, treasurer and clerk and tax collector shall be qualified voters in said town at the time
Term of office.	of their election; and they, together with said aldermen, shall hold office for two years and until their successors shall have been
Beginning of term.	elected and qualified; and they, together with said aldermen, shall be installed in office and enter upon the duties thereof on the first Monday in June following their election.
Call and notice of elections.	SEC. 5. Each of the aforesaid elections shall be called and notice thereof given by the board of aldermen of said town at least thirty days preceding the same.
Election precincts.	SEC. 6. That each ward in said town shall constitute an election precinct; and the said board of aldermen shall, at the time of calling any election, designate the polling places for same in the several election precincts: <i>Provided</i> , there shall be at least one polling
Polling place.	place in each election precinct: <i>Provided further</i> , that the said aldermen may divide each of said wards into more than one election
Proviso: polling place in each precinct.	precinct and designate polling places in each of said election precincts.
Proviso: subdivision of wards.	
Selection of registrar.	SEC. 7. The said board of aldermen shall select, at the time of calling said election, one person of good character for each election precinct, who shall be a qualified elector in said precinct, who shall
Publication.	act as registrar of voters for such precinct; and the said board shall cause the clerk of said town to make publication of the names of the persons so selected as registrars and of the persons appointed as judges of election, as hereinafter provided, and of the polling
	places, and of the time of the election, and of the size of the ballots, at the town hall and at three public places in each election precinct,
Notice served on election officers.	immediately after calling said elections, and to have a notice of their appointment served upon the registrars and judges of election
Vacancies.	by the chief of police of said town. If any registrar or judge of election shall die, become incompetent or neglect to perform his duties, said board of aldermen may appoint another in his place.
Registrar to qualify.	SEC. 8. Before entering upon the duties of his office, each registrar shall take an oath, before some person authorized by law to administer oaths, to faithfully perform the duties of his office as
Certificate.	registrar. A certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration.
Registration.	SEC. 9. It shall be the duty of the board of aldermen of said town to cause a registration to be made of all the qualified voters re-

siding therein, under the rules and regulations prescribed for the registration of voters for members of the General Assembly; and when there has been a registration of voters the board of aldermen may, in its discretion, before any election, order a new registration of voters; and unless such new registration shall be ordered, the election shall be held under the existing registration, with such revision as herein provided.

SEC. 10. In the event a new registration is ordered, the board of aldermen shall cause the clerk of said town to give thirty days' notice thereof, by posters, at three public places in each election precinct.

SEC. 11. Each registrar shall be furnished with registration books, and it shall be the duty of each to revise the registration book of his precinct in such manner that said book shall show an accurate list of the electors previously registered in each precinct and still residing therein, without requiring such electors to be registered anew: *Provided*, that this section shall not apply when a new registration is ordered as herein provided.

SEC. 12. Each registrar shall, between the hours of nine o'clock A. M. and five o'clock P. M., on each day (Sunday excepted), for seven days preceding the day for closing the registration books, as hereinafter provided, keep open said books in the different precincts for the registration of such electors residing in the precinct who are entitled to register under the Constitution and general laws regulating the election of members of the General Assembly, and whose names do not appear on the registration books. Such books shall be kept open until eight o'clock P. M. on each Saturday during the registration period, at the polling places in the various precincts, and shall be closed for registration on the second Saturday before each election.

SEC. 13. No registration shall be allowed on the day of election; but if any person shall on the day of election give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years or otherwise has become qualified to vote since the registration books were closed for registration, he shall be allowed to register and vote.

SEC. 14. If any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election; and if any vacancy shall occur on that day in the office of judge of election, the same shall be filled by the registrar. Vacancies occurring at any other time shall be filled by the board of aldermen. The persons appointed under the provisions of this section shall possess all the qualifications provided in this act for registrars and judges of election, and shall be sworn before acting.

SEC. 15. On the second Saturday before each election the registration books shall be kept open at the polling place in the precinct for the inspection of the electors of the precinct, and any of such electors shall be allowed to object to the name of any person ap-

New registration.

Notice of new registration.

Registration books.
Revision of books.

Proviso: new registration.

Opening of registration books.
Registration.

Hours of registration on Saturday.

Close of registration.

No registration on election day.
Exception.

Vacancies in election office on election day.

Vacancies at other times.

Challenge day.

Proviso: challenges on election day.

Challenge noted.

Hearing day.

Names erased from book.

Law governing challenges.

Hearing on challenges made on election day.

Deposit of registration books.

Appointment of judges of election. Political affiliations.

Judges to qualify.

Judges to open and superintend polls. Poll books.

Certificate and deposit of poll books.

Hours of election.

Persons entitled to vote.

pearing on said books: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting on the day of election to any person offering to vote.

SEC. 16. When a person is challenged, the registrar shall enter upon his books, opposite the name of the person objected to, the word "Challenged," and the registrar shall appoint a time and place, on or before the Monday immediately preceding election day, when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. It shall be the duty of the chief of police, when so requested, to serve any notice herein required. If any person challenged shall be found not duly qualified, the registrar shall erase his name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly. Whenever any person offering to vote is challenged or objected to on the day of election, the registrar and judges of election shall immediately proceed to hear and determine the objection under the aforesaid rules and regulations.

SEC. 17. Immediately after each election the registrars shall deposit the registration books for the respective precincts with the clerk of the town, who shall carefully preserve the same.

SEC. 18. The board of aldermen shall appoint, at the time of calling each election, two judges of election, who shall be of different political parties, where possible, and men of good character, able to read and write, and qualified electors in their respective precincts, in each election precinct in said town, who, before entering upon the discharge of their duties, shall take an oath, before some person authorized by law to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State.

SEC. 19. The judges of election shall open the polls and superintend the same until the close of the election; they shall keep two poll books, in each of which shall be entered the name of every person who shall vote in their respective precincts, and at the close of the election they shall certify the same, over their proper signatures, and deposit them with the clerk of the town, who shall carefully preserve them.

SEC. 20. The polls shall be open on the day of election from six o'clock and thirty minutes A. M. until six o'clock and thirty minutes P. M. and no longer.

SEC. 21. Each person registered, who is qualified to vote under the general law regulating elections for members of the General Assembly, and who shall have resided for four months immediately preceding an election within the limits of any election precinct in said town, and who shall take the oath for voters prescribed

in the aforesaid general election law, shall have the right to vote in such precinct, unless he is successfully challenged for good cause on the day of election: *Provided*, that removal from one ward or election precinct to another in the said town shall not operate to deprive any person of the right to vote in the precinct or ward from which he has removed until four months after such removal; and all electors shall register and vote in the election precinct of their residence, except in case of removal, as above specified, in which case such person shall register in the precinct or ward whence he has removed.

Proviso: removal from one ward or precinct to another.

SEC. 22. All ballots shall be printed or written or partly printed and partly written upon white paper, and shall be without device, mutilation or ornamentation; the size of the ballots to be fixed by the board of aldermen at the same meeting at which the election is called.

Ballots.

SEC. 23. Each alderman shall be voted for in his respective ward only, and on one ballot. The mayor, chief of police, treasurer and clerk and tax collector shall be voted for in all the wards of said town on another ballot.

Ballots for aldermen.
Ballots for other officers.

SEC. 24. The chief of police and clerk of said town shall provide for each election precinct in said town two ballot boxes, one of which shall be labeled "Ballot Box for Aldermen" and the other shall be labeled "Ballot Box for Mayor, Chief of Police, Treasurer and Clerk and Tax Collector." In the ballot box for aldermen each voter may deposit one ballot containing the name of the person for whom he desires to vote for alderman of that ward; in the other ballot box each voter may deposit one ballot containing the names of the persons for whom he desires to vote for mayor, chief of police, treasurer and clerk and tax collector. The registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and the boxes shall be sealed or securely fastened and not be opened until the polls are closed. After the election said ballot boxes shall be deposited by the registrars and judges of election with the chief of police, who shall preserve the same.

Ballot boxes.

Boxes examined and sealed.

Not opened until polls close.
Deposit of boxes.

SEC. 25. When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ballot; and if there shall be two or more ballots rolled up together, or any ballot shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ballot shall not be numbered in taking the ballots, but shall be void; and the counting of votes shall be continued without adjournment until completed, and the result thereof declared. Any ballot found in the wrong box shall not be counted, unless the registrar and judges of election shall be satisfied that the same was placed there by mistake.

Count of votes.

Ballots not counted.

Counting continued without adjournment.
Ballots in wrong box.

Board of
canvassers.

Delivery of
returns.

Quorum of board.

Canvassers to
meet and qualify.

Canvass of
returns.

Abstracts.

Return of
abstracts.

Judicial powers.

Persons declared
elected.

SEC. 26. The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct; and the members of the board of canvassers who shall have been so appointed shall attend the meeting of the board of canvassers and shall constitute the board of town canvassers for such election, and the majority of them shall constitute a quorum.

SEC. 27. The board of town canvassers shall meet on the next day after the election at twelve o'clock M., at the town hall, and the members of the board shall each take the oath prescribed in the general law for members of the board of county canvassers.

SEC. 28. The board of canvassers shall, at its meeting, in the presence of such electors as choose to attend, open, canvass and judicially determine the result, and shall make two abstracts, stating the name of each person voted for, and the number of votes given to each person for each different office, and shall sign the same and return one of said abstracts to the mayor and one to the town clerk, who shall record the same on the minute book of the town. The board of canvassers shall have power and authority to judicially pass upon all the facts relative to the election, and judicially determine and declare the result of the same, and whoever shall receive the greatest number of votes in said town for mayor shall be declared elected mayor; whoever shall receive the greatest number of votes in said town for chief of police shall be declared elected chief of police; whoever shall receive the greatest number of votes in said town for treasurer and clerk shall be declared elected treasurer and clerk; whoever shall receive the greatest number of votes in said town for tax collector shall be declared elected tax collector; whoever shall receive in the First Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Second Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Third Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Fourth Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Fifth Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Sixth Ward the greatest number of votes for alderman shall be declared elected alderman from that ward; whoever shall receive in the Seventh Ward the greatest number of votes for alderman in that ward shall be declared elected

Proviso: alderman
to be qualified
voter of ward.

alderman from that ward: *Provided*, that nothing contained in this section shall be so construed as to change the provision of this act requiring each alderman at the time of his election to be

a qualified voter in the ward in which he is elected. The said board of canvassers shall have power and authority to send for papers and persons and examine the latter, upon oath, and in case of a tie between the two opposing candidates the result shall be determined by lot.

Powers of
canvassers.

Settlement of ties.

SEC. 29. In all respects, other than as herein provided, all elections held in said town shall be conducted as prescribed for election of members of the General Assembly.

Law governing
election.

SEC. 30. If any person shall, with intent to commit a fraud, register and vote at more than one polling place or more than one time, or shall induce another to do so, in the same election, or if any person shall illegally vote at any election herein provided for, he shall be guilty of an infamous crime and imprisoned not less than six months nor more than twelve months, or fined not less than one hundred dollars nor more than five hundred dollars, in the discretion of the court; and any registrar of voters or any clerk or copyist who shall make an entry or copy with intent to commit fraud shall be liable to the same penalty.

Repeating or
illegal voting
infamous crime.

Punishment.

False entry.

SEC. 31. If any person shall falsely and corruptly take the oath prescribed for voters aforesaid, he shall be guilty of perjury and be fined not less than five hundred dollars nor more than one thousand dollars and be imprisoned at hard labor in the penitentiary not less than two years nor more than five years.

False swearing
perjury.
Punishment.

SEC. 32. If any person, by force or violence, shall break up or stay any election, by assaulting the officers thereof or by depriving them of the ballot boxes, or by any other means, such person and his aiders and abettors shall be guilty of a misdemeanor and imprisoned not more than three months and pay such fine as the court shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election or in counting and adding the result thereof, or shall behave in a disorderly or boisterous manner in the presence of said officers while so engaged in the discharge of their official duties, or obstruct such officers in the legal discharge of the duties of their several positions, such person shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Force or violence
misdemeanor.

Punishment.

Other acts
declared misde-
meanor.

Punishment.

SEC. 33. If any person shall treat with either meat or drink on any day of election, or on any day previous thereto, with an intent to influence the election, he shall forfeit and pay two hundred dollars, one-half for the use of the corporation and the other to the use of the person who shall sue for the same.

Forfeit for
treating.

Division of
forfeit.

SEC. 34. If any person shall discharge from employment, withhold patronage from or otherwise injure, threaten, oppress or

Other acts
declared misde-
meanor.

attempt to intimidate any qualified voter because of the vote such voter may or may not have cast in any election under this act, he shall be guilty of a misdemeanor.

Bribery, attempt to bribe, accepting or offering to accept bribe infamous crime. Punishment.

SEC. 35. If any person shall, at any time before, during or after an election, give any money, property or reward to any elector in order to secure his vote, he shall be guilty of an infamous crime and fined or imprisoned in the discretion of the court; and any person who shall receive or offer to receive such bribe shall also be guilty of an infamous crime and be fined or imprisoned in the discretion of the court.

Election officers to administer oaths.

SEC. 36. The registrar and judges of election are hereby empowered to administer all oaths and affirmations necessary in the conduct of elections.

False registration and personation of voter infamous crimes.

SEC. 37. If any person shall cause or procure his name to be registered in more than one election ward, or shall cause or procure his name or that of any other person whose name he has procured to be registered and who is not entitled to vote in the ward wherein such registration is made, or shall falsely personate any registered voter, he shall be guilty of a crime infamous by the laws of the State, and shall be punished for every such offense by fine not exceeding one thousand dollars or imprisonment at hard labor for a term not exceeding two years, or both, in the discretion of the court.

Punishment.

Person challenged for conviction of crime to answer.

SEC. 38. If any person be challenged as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to such alleged conviction, but his answers to such questions shall not be used against him in any criminal prosecutions; but if any person so convicted shall vote at the election without having been restored to the rights of citizenship, he shall be guilty of an infamous crime and punished by a fine not exceeding one thousand dollars or imprisoned at hard labor not exceeding two years, or both.

Answers not used against him. Voting without restoration to citizenship infamous crime. Punishment.

Examination of right to vote.

SEC. 39. That the judges of election shall in no case receive the vote of any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim the right to vote, they shall have power to examine such person and any other person or persons, under oath or affirmation, touching such right; and if any judge of election shall receive or assent to receive the vote of any person challenged without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such a vote shall be deemed to have received the same knowing it to be illegal.

Liability of judge assenting to reception of vote without swearing voter.

Powers of election officers in keeping order.

SEC. 40. That the registrar and judges of election in each ward shall respectively possess full power and authority to maintain order and to enforce obedience to their lawful commands during

their sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of such registrar or judges of election, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may, by an order, in writing, signed by the chairman and attested by their clerk, adjudge the person so offending to be guilty of contempt, and commit him to the common jail of the county for a period not exceeding thirty days, and such order shall be delivered; or if the sheriff or a constable shall not be present, or shall refuse to act, then by any other person who shall be deputed by them; and the keeper of said jail shall receive the person so mentioned and safely keep him for such a time as shall be mentioned in the commitment.

SEC. 41. If any person shall give away or sell any intoxicating liquors, except for medical purposes and upon the prescription of a practicing physician, at any places within Elizabeth City Township, at any time within twelve hours next preceding or succeeding any public election under this act, or during the holding thereof, he shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than one thousand dollars.

SEC. 42. If any officer required by this act to perform any duties pertaining to said election shall willfully fail or refuse to perform any duty or do any act required to be done by him or them under the provisions of this act, he shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

SEC. 43. That the provisions hereinbefore made for holding the elections of mayor and board of aldermen shall apply to the holding of all other town elections, including elections in regard to intoxicating liquors.

THE BOARD OF ALDERMEN.

SEC. 44. On the first Monday in June, one thousand nine hundred and nine, the aldermen-elect, after having taken and subscribed, before some person lawfully entitled to administer oaths, an oath or affirmation to support the Constitution of the United States and the Constitution of North Carolina, and to faithfully perform the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation, subscribed as aforesaid and attested by the officer administering the same), shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize and elect for their term one of their members chairman, who shall perform the duties of the mayor of the corporation, in case the office of mayor is vacant or the mayor is sick or absent. The board shall fill vacancies caused by death, resignation, failure to elect, or otherwise, in any and all the offices, elective or appointive, which may occur during its term of office: *Provided, however,* that any vacancies occurring in the board of aldermen shall be

Inferior courts.
Committals to
county jail.

Sale or gift of
liquor misde-
meanor.

Punishment.

Neglect of duty
misdemeanor.

Punishment.

Law governing
other elections.

Aldermen-elect
to qualify and
take office.

Organization.

Vacancies in
other offices.

Proviso: vacancies
in board of
aldermen.

	filled by electing such person or persons to fill such vacancies as a majority of the qualified voters from the said ward or wards
Regular meetings.	wherein such vacancy or vacancies occur shall recommend. Regular meetings of the said board of aldermen shall be held on the first Monday night in each and every month, during its term of
Special meetings.	office, at such hour as it may designate, and special meetings of the board may also be held on the call of the mayor or of a majority of the aldermen: and of every such meeting, when called by the mayor, all the aldermen then in the town shall be notified, and when called by a majority of the aldermen such as shall not
Election of officers.	join in the call shall be notified. After said board shall have first been organized, as hereinbefore provided, it may proceed to the appointment of a city attorney, street commissioner, chief of the fire department, health officer, harbor master, building inspector and all such other officers, deputies and assistants as it may deem
Terms of office.	necessary for the proper government of the town, which officers so appointed shall hold their offices, respectively, during the term of the board appointing them, and until their successors are appointed and qualified, subject, however, to be removed at any time, and others appointed in their stead, for misbehavior or neglect in office. The said board may fix the compensation of each of the officers appointed by them at such sum as they may deem
Compensation of officers.	proper, unless otherwise provided in this charter. Before acting as such, each of the appointed officers shall take an oath, before some person authorized by law to administer oaths, to faithfully discharge the duties required of him by the board of aldermen; and each shall execute a bond in such an amount as the board
Officers to qualify and give bond.	may require, with security, to be approved by the board: <i>Provided</i> , that any bond herein required may be secured by any bonding or surety company authorized to do business in North Carolina. The bonds herein required of the treasurer and clerk and
Proviso: bonds by surety companies.	tax collector shall be renewed every year. The board may require the chief of police to perform the duties of harbor master and building inspector without additional compensation.
Removal of bonds of treasurer and tax collector, Chief of police, harbor master and building inspector.	

POWER TO MAKE ORDINANCES.

Power to make ordinances.	SEC. 45. That the board of aldermen shall have power to make, and provide for the execution thereof, such ordinances for the government of the town as it may deem proper, not inconsistent herewith or with the laws of the land.
Control of finances and property.	SEC. 46. That the board of aldermen shall have control of all the finances and of the property, real and personal, belonging to the town, and, among the powers hereby granted, shall have power and authority, by ordinances duly enacted:
Powers specified.	(1) To provide for the payment of any existing indebtedness and of any obligation that may from time to time be made by the town, and to appropriate funds for that purpose.
In relation to town debt.	

(2) To establish, construct and keep in repair streets, sidewalks, bridges, culverts, drains and conduits in the town, to regulate the construction and use of the same, and to abate or punish any obstruction or encroachment thereon.

In relation to streets.

(3) To prevent excavations on any street or sidewalk, unless by permission of the board or except under the direction of the street commissioner; to prescribe and exact fees for such privilege, and to require deposits as guarantees of the proper restoration of such street or sidewalk.

In relation to excavations.

(4) To provide for the lighting of the streets, public grounds and public buildings, and for furnishing light to the citizens of said town, by contract or otherwise, and to erect, own and operate machinery, fixtures, appliances and appurtenances of every nature whatever necessary for said purposes.

In relation to lights.

(5) To regulate the speed of all railroad trains, street cars and locomotives within the town, and their stops at street crossings; to require said companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the streets over or across which their trains or cars are operated, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvement, in the same manner as against abutting property owners.

In relation to railroad and street railway companies.

(6) To require all railroad companies to maintain gates or watchmen at street crossings, when deemed necessary.

In relation to street crossings by railroads.

(7) To regulate and control the laying and constructing of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair; to regulate and control the location of cable and street railroad tracks and all steam railroad tracks, and to require railway companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings and other things as the board of aldermen may deem necessary.

In relation to laying tracks.

(8) To control and regulate the location and use of steam engines in the town, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

In relation to location and use of steam engines.

(9) To regulate the use of automobiles, motor cars, motorcycles or any motor vehicles, to issue permits for the use of such vehicles and to require the same to be numbered.

In relation to motor vehicles.

(10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in said town.

In relation to inspections of food.

(11) To provide for the inspection of all dairies, inside and outside of the town limits, doing business within the town, and charge and provide license fees; to regulate and maintain a standard for the quality of milk sold in the town, and provide penalties for the violation thereof.

In regard to inspection of dairies and regulation of dairy products.

In regard to slaughter of animals and regulation or prohibition of slaughter-houses.

In relation to cleansing of dairies and other buildings.

In relation to markets.

In relation to public grounds and animals remaining at large.

In relation to observance of Sunday and good order near churches and schools.

In relation to fire department, fire apparatus and military companies.

In relation to fire limits and dangerous buildings.

In relation to construction of buildings and erection of poles.

In relation to inspections of buildings and premises and fire regulations.

(12) To regulate, license or prohibit the business of slaughtering animals in the town limits; to revoke such license for malconduct in business; to regulate or prohibit slaughterhouses which furnish meats to markets within the town.

(13) To require any owner or occupant of any dairy, grocery, blacksmith shop, stable or slaughterhouse to cleanse, repair or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

(14) To establish markets and market places, and provide for the government and regulation thereof.

(15) To establish and regulate public grounds, and to regulate, restrain and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs and other animals in the town, and to authorize the impounding and sale of the same for the costs of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance, and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if the provisions of the ordinance have been complied with.

(16) To pass ordinances for the due observance of Sunday and for the maintenance of order in the vicinity of churches and schools.

(17) To establish and own stations and other property for a fire department for extinguishing fires, and to provide everything necessary for the regulation and maintenance of such department, and to make such appropriation as they may deem necessary for the maintenance of military companies organized in the city according to law.

(18) To establish fire limits and prohibit the erection, building, placing, removing or repairing of wooden buildings within said limits; to prohibit the removal of any wooden building from one place to another within said limits, and require all buildings within said limits to be constructed with fireproof material; also, to prohibit the repairing of wooden buildings within said limits, when the same shall have been damaged one-third of their value, and to provide the mode of ascertaining such damage; also, to declare nuisances all dilapidated wooden buildings which it deems dangerous, on account of fire or otherwise, and to require the same to be removed, in such manner as the board may direct.

(19) To provide for an inspection of the construction of all buildings in said town, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the town, and to cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

(20) To authorize one or more officers, agents or employees of the town to enter in and upon all buildings and premises within the town to inspect and discover whether the same are dangerous,

on account of fire, or in an unclean or unhealthy state; to cause all defects to be remedied and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires and the preservation of health as it may deem expedient.

(21) To require the construction of suitable fire escapes on or in hotels, auditoriums, schoolhouses, lodging houses, factories and other buildings, whether now built or hereafter to be built. In relation to fire escapes.

(22) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces and other heating apparatus, and to cause the same to be removed and made safe, and to prevent the nuisances on account of dense smoke from such furnaces. In relation to construction of chimneys and heating apparatus and prevention of smoke nuisance.

(23) To regulate the size, number and manner of construction of doors, windows and stairways of theaters, tenement houses, audience rooms, public halls and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fires, and sufficient light and air for the preservation of health. In relation to exits of houses used for public gatherings.

(24) To define what shall be nuisances in the town, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines or imprisonment. In relation to definition and abatement of nuisances.

(25) To establish one or more crematories, and to provide for the removal of all filth, carcasses of dead animals and other unhealthy substances for cremation, and to require the owners and occupants of all premises to keep them in a cleanly condition. In relation to crematories and removal of filth.

(26) To require the owners of private drains, cesspools, sinks and privies to fill up, cleanse, alter, relay, repair and fix and improve the same as they may be ordered by ordinances, and to impose penalties upon persons failing to do these things. If there be no person in the town upon whom such order can be served, the town can have such work done, and the cost of the same shall be a lien on the property and taxed up against it and collected in such manner as the board may determine. In relation to private drains, cesspools, sinks and privies.

(27) To establish and maintain one or more cemeteries, and to regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and to impose penalties on physicians, undertakers, sextons and others for any default in the premises. In relation to cemeteries and vital statistics.

(28) To establish systems of sewerage and works for sewage disposal, and to extend and build the same beyond the corporate limits when deemed necessary. In relation to sewerage system.

(29) To provide for taking an enumeration of the inhabitants of the town, and it shall be the duty of the Governor of the State, whenever the board shall by resolution so request, to appoint a commissioner, who shall supervise such enumeration, and whose In relation to town census.

compensation, together with all the expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide.

In relation to electrical wiring, plumbing and gasfitting.

(30) To pass ordinances regulating the electrical wiring, plumbing and gasfitting in the town, and to require all persons desiring to carry on the trades of electrical wiring, plumbing and gasfitting to pass such examinations and possess such qualifications as may seem proper to said board.

In relation to extension of facilities by light, gas, telephone, water, sewerage or street railway companies.

(31) To compel any electric-light company, gas company, telephone company, water company, sewerage company or street railway company to run its poles, wires, pipes, mains and tracks down any street, and to extend same down and along said streets to such extent as may be deemed necessary by said board, notwithstanding any provision in any contract between the said town and any of said companies may provide to the contrary: *Provided*, the revenue derived from such extension shall equal six per cent per annum on the cost of such extension.

Proviso: revenue derived from extension.

In relation to fines, forfeitures and penalties for breach of ordinance.

(32) To prescribe fines, forfeitures and penalties for breach of any ordinance enforcing the powers granted in this charter, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Penalty for violation of ordinance.

SEC. 47. That for the violation of any ordinance made by said board of aldermen, it may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the trial justice without stay of process, mesne or final; and when judgment shall be given for any such penalty, the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of thirty days or until payment thereof shall be made.

Recovery.

Imprisonment for nonpayment.

Penalties incurred by minors.

SEC. 48. That all penalties incurred by any minor for the breach of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minor.

Interest by officer in contract with city misdemeanor.

SEC. 49. That it shall be unlawful for any mayor, alderman, commissioner, member of any executive board or other officer of said town, directly or indirectly, to become a contractor for work done for the town, or to become, directly or indirectly, personally interested in or receive profit from any purchase of supplies for any department of said town, and any such person so offending shall be guilty of a misdemeanor and removed from office.

Penalty.

OTHER POWERS AND DUTIES OF THE BOARD OF ALDERMEN.

Quarantine powers.

SEC. 50. The board of aldermen may take such means as it deems effectual to prevent the entrance into the town or the spread of any infectious or contagious disease; may stop, detain and examine for such purpose every train, conveyance or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within the town or within three miles

Hospitals.

thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted or infected with any contagious or infectious disease, or when there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease; and said board may levy a sanitary tax.

Removal of persons.

Removal or destruction of infected property.
Sanitary.

SEC. 51. That in case any person be removed to the hospital the board of aldermen may obtain before any justice of the peace a judgment against such person for the expense of his or her removal, support, nursing and medical attention, and, in case of death, against his or her legal representative, and in that event burial expenses also, if the town incurs that expense.

Expense of persons removed to hospital.

SEC. 52. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the town whenever by it deemed necessary, and shall have power at any time to widen, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any lands necessary for any of the purposes named in this section, upon making reasonable compensation to the owner or owners thereof. In case the owners of the land and the board of aldermen cannot agree upon a price, the said board of aldermen shall appoint five freeholders, residents of Elizabeth City, who shall assess the land to be condemned and make report to the board of aldermen. If the board of aldermen accept the said report, it shall pay or tender to the said landowner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said board of aldermen and its successors. If the landowner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of the right to appeal or a suit *de uero* for damages against the corporation for the value of the land taken.

Powers in relation to streets.

Power of condemnation of land.

Procedure for assessment of damages.

Right of appeal.

SEC. 53. The board of aldermen shall have the power to require any owner of real estate in said town which shall front any street upon which a sidewalk has been established and graded to furnish for paving or repairing the pavement of such sidewalk, as far as it may extend along said real estate, such labor and material as the board may direct, and to enforce such requirements with proper fines and penalties; and on failure of the owner to furnish said labor and material within twenty days after notice by the chief of police to said owner, or, if the owner is a nonresident, on his agent, or if such nonresident have no agent in Pasquotank County, or if personal service cannot be made upon the owner or agent, then, after publication by the chief of police for two successive weeks of a notice in some newspaper published in Elizabeth City, calling on the owner to furnish such labor and material for said

Landowners to furnish labor and material for sidewalk.

Failure of owner.

Work done by city.
Assessment on owner.

Assessment a lien on property.

Collection of assessments.

Reimbursement to owner furnishing labor and material.

Assessment districts.

Owners of lots to pave one-fourth of streets.

Failure of owner.

Work done by town.
Assessment on property.
Assessment a lien on property.

Collection of assessment.

Proviso: payment in installments.

Proviso: street crossings.

Bond issue for paving and curbing.

paving or repairing, the board of aldermen may cause the same to be furnished, and shall assess against the owner one-half of the full cost thereof; and upon the failure or refusal of the owner to pay his part of said cost the board of aldermen is empowered and directed to assess the amount thereof upon the property and enter the same upon the tax list of said town for the current year; and the said assessment so entered on said tax list shall constitute a lien on said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the corporation of Elizabeth City against said owner in the Superior Court of Pasquotank County, in the nature of an action for foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said town from the owner thereof, as aforesaid. If the owner does furnish the labor and material herein required, the town shall reimburse him to the extent of one-half the cost thereof.

SEC. 54. That the board of aldermen may, from time to time, for the purpose of grading, paving and otherwise improving the streets of Elizabeth City, create and establish assessment districts within said town, and it may require every owner of real estate abutting the streets in any of the said districts to pave one-fourth of the street fronting such lot, in such manner and with such material as the board of aldermen shall at the same time pave one-half thereof, and to enforce such requirement by proper fines and penalties; and upon the failure of such owner to do such paving, after twenty days' notice given by the chief of police to said owner or, if he be a nonresident, to his agent, or if such nonresident have no agent in Pasquotank County, or if personal notice cannot be served upon the owner or agent, then, after publication of a notice by the chief of police for ten days in some newspaper published in said town, notifying said owner to do such paving, the board of aldermen may have same done, and the cost thereof may be assessed upon such property for the current year; and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the town of Elizabeth City against said owner in the Superior Court of Pasquotank County, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said town from the owner thereof, as aforesaid: *Provided, however,* that the said board may allow any person to pay same in equal annual installments, not exceeding five, each installment bearing interest at five per cent until paid: *Provided further,* that all street crossings shall be paved by the town.

SEC. 55. To enable the board of aldermen of Elizabeth City to pave its part of said streets, as set out in the preceding section, and also to enable it to purchase stone curbing (which it is hereby

empowered to purchase), it is hereby authorized and empowered to contract for the said paving of said streets, and to issue its bonds, from time to time, of such denominations and in such amounts as may be necessary, up to and not exceeding one hundred and twenty thousand dollars, drawing interest at the rate of five per cent per annum from the date of issue, payable annually: *Provided*, said bonds shall be sold at not less than par and shall become due and payable twenty years from the issue thereof. That one hundred thousand dollars arising from the sale of said bonds shall be used for paving the streets as aforesaid, and twenty thousand dollars shall be used in the different wards for curbing sidewalks with stone, in proportion to the amount of taxes each ward pays.

Limit of amount.
Interest.

Proviso: bonds
not to be sold
below par.
Maturity.

Apportionment of
proceeds of bonds.

SEC. 56. That no contract for the paving provided for in section fifty-five shall be made by the board of aldermen without first having the approval of the board of permanent improvement.

Contracts for
paving.

SEC. 57. That a board of permanent improvement for Elizabeth City, consisting of five members, no two of whom shall ever be from any one ward, be established. The said members shall be elected as other officers, at the regular municipal election in May, one thousand nine hundred and nine, for aldermen of the corporation, and their successors shall be elected at every municipal election for aldermen held in said town thereafter, so long as may be necessary to accomplish the purposes for which they are to be elected: *Provided*, upon any vacancy, by death, resignation or otherwise, in said board of permanent improvement, the remaining members shall fill such vacancy for the unexpired term: *Provided further*, that said board shall serve without compensation.

Board of permanent improvement
established.

Election of board.

Election of
successors.

Proviso:
vacancies.

Proviso: board to
serve without pay.

SEC. 58. Before the streets are paved and improved, the board of aldermen shall have the power to compel the water, gas and sewerage and railway companies to lay all pipes and tracks, so as to make all connections in order to avoid the necessity of tearing up any part of the improved streets.

Pipes and tracks
to be laid before
paving.

SEC. 59. That the aldermen of the said corporation shall levy a tax annually, not exceeding twenty-five cents upon the hundred dollars valuation of all real and personal property, to pay the interest and principal of the bonds mentioned in section fifty-six of this act.

Tax for bonds.
Rate.

SEC. 60. The board of aldermen shall have the right to regulate and establish rates of wharfage and prescribe the limits of the part of said town, and also the power to appoint wood inspectors, whose duty it shall be to inspect all firewood brought to the city for sale.

Wharfage.

Wood inspectors.

SEC. 61. The board of aldermen shall appoint annually a finance committee, to be composed of three freeholders and citizens of the city, who shall examine the books, accounts, vouchers and papers of the treasurer and clerk, chief of police, tax collector, street commissioner and trial justice of Pasquotank County, and

Finance committee.

Duties.

Itemized annual
report.

Report to be published. Political faith.	make an itemized report, in writing, to the said board at its regular meeting in June, one thousand nine hundred and nine, and thereafter at its regular meeting in June of each year, which report the board of aldermen shall have published; that one member of said finance committee shall be of opposite political faith from that of the majority of the board of aldermen so appointing said
Pay of committee.	committee. The said committee shall receive such compensation as the board may provide, not to exceed one hundred and fifty dollars.
Vital statistics.	SEC. 62. The board of aldermen of said town may provide for the collection of vital statistics of the town by its health officers, and shall enact such laws and furnish such books as may be necessary to carry same into effect.
Salary of aldermen.	SEC. 63. Each member of the board of aldermen shall receive a salary of two dollars for every regular meeting and one dollar for every special meeting of the board that he attends.

VETO POWER OF THE MAYOR.

Ordinances and contracts submitted to mayor.	SEC. 64. Every ordinance or contract which shall have passed the board of aldermen shall, before it becomes a law or binding upon the board, be called to the attention of the mayor. If he shall approve said ordinance or contract, his approval shall be entered upon the minutes of the board, but if not he shall file with the board within ten days his objections, in writing, and the board shall consider the same. If, after such consideration, five-sevenths of the board shall agree to pass such ordinance or contract, it shall then become a law and binding upon the board.
Approval entered on minutes.	In all cases the names of the persons voting for or against such ordinance or contract shall be entered upon the minutes of the board. If no objection shall be filed by the mayor, in writing, against such ordinance or contract within ten days after it shall have been passed and called to his attention, then the same shall be a law and binding upon the board.
Objections filed in writing.	
Five-sevenths of board to pass ordinance or contract.	
Vote entered on minutes.	
Ordinance or contract binding if objections not filed.	

DUTIES, AND POWERS OF THE MAYOR.

Enumeration of powers and duties of mayor.	SEC. 65. The mayor, in addition to any other duties which may be enumerated in this act, shall preside at the meetings of the board of aldermen (provided that in no case shall said mayor be allowed to vote at said meetings, except the vote of the board be a tie), and shall communicate, in writing, to the board, whenever it shall be deemed expedient by it, a general statement of the situation and condition of the town with respect to its government and improvement; he shall recommend to the board the adoption by it of all such measures connected with the police, street and fire departments as he may deem expedient; he shall recommend the adoption of all such ordinances affecting the security, health and cleanliness of the town as he may desire; he shall be vigilant
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and active in causing the laws and ordinances of the town to be duly executed and enforced; he shall have power and authority over the police force and general supervision over the street commissioner, with authority to direct them; and all town orders shall be countersigned by him. He shall be paid a salary of two hundred dollars per annum, from the general funds of the town, which salary shall be in full for all services rendered.

DUTIES AND POWERS OF THE CHIEF OF POLICE.

SEC. 66. It shall be the duty of the chief of police to serve such processes as are issued to him by the trial justice for the violation of any of the town ordinances or the criminal laws of the State:

Provided, he shall not be allowed to serve any civil process. He shall perform police duty, under the direction of the mayor, and shall be subject to such regulations and shall perform such duties as the board of aldermen may prescribe; he shall preserve the peace by the suppression of all disturbances and the apprehension of all offenders, and shall have the power to summon as many persons as he may deem necessary to assist in the performance of the above duties; he shall collect all huckster and dog taxes levied by the board; he shall communicate each month to the board at its regular meetings, in writing, a full statement of all costs, fines, taxes and fees collected by him and the police force, and the disposition made of same; he shall pay over to the treasurer of the town, at least once a month, all the moneys that may have been collected by him to and for the use of the city.

Enumeration of powers and duties of chief of police.

Proviso: not allowed to serve civil process. Further enumeration of powers and duties.

Monthly returns of collections.

Monthly settlements.

SEC. 67. He shall give a bond, with approved sureties, in a penal sum to be fixed by the board of aldermen and payable to the corporation of Elizabeth City, conditioned to diligently perform all duties imposed upon him by virtue of his office, and to faithfully pay to the treasurer all sums of money collected or received by him for the use of the city.

Bond of chief of police.

SEC. 68. The compensation of the chief of police shall be nine hundred dollars per annum, in full for all services rendered; and all fees collected by him for services rendered in any court shall be turned into the treasury of the town by him.

Compensation.

Fees to use of town.

SEC. 69. The chief of police may also be required, at the discretion of the board, to act, without additional compensation, as harbor master and also as building inspector.

To act as harbor master and building inspector.

DUTIES AND POWERS OF THE POLICE.

SEC. 70. It is hereby made the duty of the police department and force, at all times of day and night, and the members of such force are hereby empowered to specially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and places, to protect the rights of persons and

Enumeration of duties and powers of policemen.

property, to guard the public health, to preserve order at elections and all public meetings and assemblages, to regulate the movements of teams and vehicles in the streets, bridges, parks, public squares and public places and highways; arrest all street mendicants and beggars; to provide proper police attendance at fires; to assist, advise and protect strangers and travelers in public streets and at railroad stations; to carefully observe and inspect all places of public amusement, all places of business having license to carry on such business, and to repress and restrain all unlawful or disorderly conduct or practices therein; to enforce and prevent the violation of all laws and ordinances in force in said town, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent, as far as possible, any injury to town property and buildings, streets and sidewalks; to summon as many persons as may be necessary to assist them in the performance of the above duties; to report to the chief of police any repairs needed, and to perform such other duties as may be required of them by the board of aldermen or the mayor or the chief of police or the trial justice; and they shall be liable to removal as elsewhere provided in this act.

Power to enter
enclosures and
houses.

SEC. 71. The police shall have power to enter the enclosure and house of any person, without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of such person so offending, and, if necessary, to summon a *posse* to aid them, and all persons so summoned shall have like authority to enter and arrest.

Jailer to receive
persons arrested.

SEC. 72. That upon demand by a town policeman, the sheriff or jailer of the county of Pasquotank is hereby required, without a *mittimus*, to receive into the jail of the county as prisoner any person taken up in the night by the police force, and to keep such person safely until the morning, when the offender shall be taken before the trial justice and be lawfully dealt with, and for such service the jailer shall be entitled to such fees as in other like cases.

Fee of jailer.

DUTIES OF TREASURER AND CLERK.

Enumeration of
duties of treas-
urer and clerk.

SEC. 73. It shall be the duty of the treasurer and clerk of the corporation of Elizabeth City to keep regular and fair minutes of the proceedings of the board of aldermen, and to preserve all books, papers, bonds and reports presented to the board, and other articles committed to his care during his continuance in office, and deliver them to his successor. He shall receive and faithfully keep all moneys which shall be paid to him for the use and behalf of said corporation, and disburse the same according to an order given in obedience to a direction of said board appearing on its minutes; he shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose, showing from what source the money was received and for what purpose

paid out, and shall submit said account to the board whenever required; he shall keep his accounts so that the tax levied and collected for each fund shall be separate, and shall pay out of each separate fund such amounts as are due the same, and when proceeds are paid over to him by an officer of the corporation they shall be credited to the fund for which the tax is levied to raise revenue for the same; he shall also keep an order book, with stub, and when the order is issued he shall not deliver the same to the payee until it is countersigned by the mayor; he shall pay to his successor all moneys in his hands belonging to said corporation of Elizabeth City, and faithfully perform all duties imposed upon him as treasurer and clerk by the law and ordinances of said board of aldermen. The treasurer and clerk shall give bond, payable to the corporation of Elizabeth City, in a sum to be fixed by the board of aldermen, with sureties, to be approved by the board. For his services he shall be paid a sum in the amount of two hundred and fifty dollars per annum, and the further sum of two dollars for each regular monthly meeting and the sum of one dollar for each call meeting of the board. He shall make a report of the funds coming into his hands at the end of his term, and for his failure to make this last report he shall be fined two hundred and twenty-five dollars, to be recovered by suit in the Superior Court, for which his bond will be responsible.

Bond of treasurer and clerk.

Salary.

Reports at end of term.

Penalty for failure.

DUTIES OF THE TOWN ATTORNEY.

SEC. 74. It shall be the duty of the town attorney to attend all meetings of the board of aldermen for the purpose of giving them such legal advice as may be necessary: to represent the town in all civil and criminal actions to which the town shall be a party: to advise the mayor of the town, when requested so to do, and to prosecute any violation of the town ordinances before the trial justice. He shall receive a salary of two hundred dollars per annum in full of all services rendered. He shall be subject to removal as provided for elsewhere in this act.

Duties of town attorney.

Salary.

DUTIES OF THE STREET COMMISSIONER.

SEC. 75. The street commissioner shall be vested with the powers of a policeman, and it shall be his duty to keep in repair all the streets, alleys, highways, crossings, sidewalks, canals, ditches, bridges, wells, pumps, drains, and so forth, within the town boundary, under direction of the mayor; he shall have power and it shall be his duty to tear down and remove any building or buildings, or parts thereof, or any awning or other obstruction to the sidewalk, when ordered by the board of aldermen; he shall have at his disposal all labor due the town, and shall be furnished with

Street commissioners vested with powers of policeman. Enumeration of duties and powers.

such material and tools, horses, carts, etc., as the board of aldermen may deem necessary, on requisition by him. He shall be subject to removal as elsewhere provided in this act.

DUTIES AND POWERS OF THE CHIEF OF THE FIRE DEPARTMENT.

- Duties and powers of chief of fire department.** SEC. 76. The chief of the fire department shall have supervision of the fire department, and shall make at each regular meeting of the board of aldermen a report of the expenses, labors and general services thereof, the fires extinguished thereby, the estimated amount of property saved and destroyed, and all other matters as may be proper; he shall communicate, in writing, to the board when a building, occupied or unoccupied, store, dwelling or other house within the limits of the corporation is a menace to property or is in an unsafe or dangerous condition; he shall be present at each fire and have control of the fire department. If he deem it necessary to check the progress of any fire, he may lay hose across any street, railroad or railway or through any building, and he may cause any house to be pulled down or blown up, and shall not be liable to any person for any damage caused thereby. Should the chief of the fire department be absent from any fire, then the foreman of Fire Company Number One shall be vested with the powers herein conferred on the fire chief, and should they both be absent the mayor shall be vested with the powers herein conferred on the chief.
- Powers at fires in absence of chief.**
- Care of fire apparatus and hydrants.** SEC. 77. He shall see that all fire apparatus belonging to the corporation is kept in first-class condition for immediate service at all times, and that all hydrants are inspected at least twice a year, and he shall perform any additional duties imposed upon him by the board of aldermen or the laws of the State.
- Compensation.** SEC. 78. His compensation shall not exceed one hundred dollars per annum for all services rendered, and he shall be subject to removal as provided elsewhere in this act.

DUTIES OF THE HEALTH OFFICER.

- Duties of health officer.** SEC. 79. It shall be the duty of the health officer to keep a record of the vital statistics of the town, to inspect the town prison and to attend professionally the town prisoners and such poor persons as in his judgment are deserving or likely to become a charge upon the town. He shall be under the control of the board of aldermen, and shall perform such other duties as may be prescribed from time to time by the board. His salary shall be three hundred dollars per annum in full for all services rendered.
- Salary.**

DUTIES OF THE HARBOR MASTER.

- Duties of harbor master.** SEC. 80. It shall be the duty of the harbor master to enforce all rules and regulations which the board of aldermen may prescribe for the government of the port of Elizabeth City and for the

proper anchorage of vessels in the harbor. He shall have power to remove all vessels anchored in an improper place, and shall have the right and power to settle all matters of dispute between masters of vessels, boats and steamboats as to the priority of the right to land or fasten to a wharf in said town, and to cause the same to be removed upon the demand of the owner of the wharf.

DUTIES OF THE BUILDING INSPECTOR.

SEC. S1. It shall be the duty of the building inspector to perform the duties required of other building inspectors, as set out in subchapter eleven, chapter seventy-three of the Revisal of one thousand nine hundred and five, and such other duties as may be required of him by the board of aldermen.

Duties of building inspector.

TAXES.

SEC. S2. The board of aldermen shall have power to annually impose, levy and collect upon all real and personal estate within the corporate limits of the town—

Taxing powers.

(1) A tax for general municipal purposes, not to exceed seventy-five cents on each one hundred dollars of assessed valuation of said real and personal estate;

Tax on property for general purposes.

(2) A tax for the purpose of defraying the necessary expenses of the fire department, not to exceed seven cents on each one hundred dollars of assessed valuation of said real and personal estate; and

Tax for fire department.

(3) Taxes for such other purposes as it may be authorized to levy taxes for by act of the General Assembly, not to exceed the amounts mentioned in said act: *Provided*, that there shall be no poll tax levied in the corporate limits of Elizabeth City for general municipal purposes.

Special taxes.

Proviso: no poll tax.

STREET-LABOR TAX.

SEC. S3. The board of aldermen is hereby vested with the right to impose and levy on each able-bodied male person residing within the corporate limits of Elizabeth City between the ages of twenty-one and forty-five a tax, not to exceed one dollar and fifty cents, for the improvement of the public streets, alleys and parks of Elizabeth City, and to provide for the collection thereof: *Provided*, that any person liable therefor who shall fail or refuse to pay said taxes shall be guilty of a misdemeanor and fined in any court of competent jurisdiction not exceeding fifty dollars or imprisoned not exceeding thirty days.

Street tax.

Proviso: non-payment a misdemeanor. Punishment.

MACHINERY FOR THE COLLECTION OF TAXES.

SEC. S4. The treasurer and clerk shall, on the first Monday in May in each and every year, make advertisement in each ward of the corporation of Elizabeth City, notifying all persons residing

Advertisement for listing taxes.

Lists of taxables.	in the corporation who own or have control of taxable property in the town on the first day of June to return on or before the last day of June to a list taker, to be appointed by the aldermen, a list of all their taxable property in the corporation of Elizabeth City. Said list shall state the number of lots or parts of lots and all other property and polls now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the list takers shall be sworn to before him in like manner as other tax lists are sworn to.
Lists sworn to.	
List taker to make out tax lists.	SEC. 85. And from the returns so made, the list taker shall, within thirty days after the expiration of the term for taking said list, make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by the law for the collection of State taxes; and the said list taker shall copy in said book the assessments on file in the register of deeds' office of all property within the corporate limits, which assessments may be revised, corrected or amended by the board of aldermen.
Assessments.	
Lists of delinquents.	SEC. 86. That the list taker shall, within thirty days from the returns of the tax list, make, to the best of his knowledge and belief, by comparing his book with the returns to the Register of Deeds of Pasquotank County of the list of assessments made by the county assessors, and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in said corporation who shall have failed to return or list in the manner and time aforesaid, and said persons so failing to list shall forfeit and pay a sum, to be fixed by the board, not to exceed twenty-five per cent of the amount of the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have the power given to the board of county commissioners to revise the tax list, except to alter valuations of real estate; and shall, as near as may be, make the town tax list compare with the tax list given in to the county by the citizens of the corporation of Elizabeth City upon all subjects embraced in both lists. The tax lister shall be paid for all services rendered not less than fifty dollars nor more than one hundred dollars.
Forfeit for failure to file list.	
Revision of tax lists.	
Pay of tax lister.	
Failure to list taxes a misdemeanor.	SEC. 87. That all persons who are liable for poll tax to the said corporation and shall willfully fail to list their polls, and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, to the same extent as for a failure to list State and county taxes, and on conviction thereof before the trial justice of Pasquotank County or any justice of the peace shall be fined not more than ten dollars, said fine to be collected in the same manner as other fines of the town are collected; and it shall be the duty of the tax collector of said corporation to prosecute offenders against this section.
Punishment.	
Tax collector to prosecute.	

SEC. 88. That as soon as the list taker shall have furnished the assessment roll, as provided, and the same shall have been revised or accepted by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation and place the assessment rolls in the hands of the tax collector for collection, who shall collect all taxes levied upon the poll and upon real or personal property. He shall have the same power to enforce and collect taxes as the Sheriff of Pasquotank County. He shall, when he has completed the tax book, which shall not be later than October first in each and every year, furnish the town treasurer with a statement of the amount due each separate fund, according to the tax levied in each and every year. On the first day of February of each year after any tax is levied, a penalty of five per cent on the amount of all taxes due and unpaid may be added to the taxes and collected in the same manner as the taxes, if the aldermen so order, which shall be in their discretion.

Levy and collection of taxes.

Power of tax collector. Statements furnished town treasurer.

Penalty for delay in payment.

SEC. 89. The tax collector shall sign all licenses granted by the board of aldermen, and collect the money therefor; he shall collect all rents from the markets or other property of the town, and all other taxes, except the huckster tax and dog tax; he shall settle with the treasurer at the end of each month: he shall pay over to the town treasurer such moneys as are collected by him for the account of each separate fund, according to the tax levy of the corporation, and take the treasurer's receipt for the same to the account of each fund, until the amount due the same from the tax levied by the board of aldermen, either for licenses or other taxes, is settled. On failure to settle at said times he shall be fined for each failure the sum of ten dollars. He shall give bond, payable to the corporation of Elizabeth City, as hereinbefore provided, with surety, to be approved by the board, in the sum fixed by them. His compensation shall be five per cent on the amount collected, up to thirty thousand dollars; exceeding this amount, he shall receive one-half of one per cent, which is to be paid in full for all services rendered. And if the town tax collector shall have been unable to collect any part of said taxes, by reason of the insolvency of any of the persons owing the same, or any other good reasons, he shall deliver to the board of aldermen a list of all such insolvents, delinquents and all other taxes uncollected; and if the same is allowed, he shall be credited with the amount thereof, or so much as may be allowed.

Tax collector to collect licenses, taxes and rents.

Monthly settlements.

Fine for failure to settle. Bond of tax collector.

Compensation.

Credits to tax collector.

SEC. 90. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the county, or by public notices posted in each ward of the town if the property be personally, and of thirty days if the property be realty.

Collection by distress.

- Levy on personal property outside of town. SEC. 91. And the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the town, within the county of Pasquotank, belonging to a delinquent taxpayer of the town, in order to enforce the payment of taxes due the town by said delinquent.
- Sale of real estate for taxes. SEC. 92. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of March, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale, known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate; and thereupon the aldermen shall direct the same to be sold by the collector, after advertising for thirty days in some newspaper published in the county, which the collector shall do.
- Procedure for sale. SEC. 93. And the collector shall divide the said land into as many parts as may be convenient (for such purpose he is authorized to employ a surveyor), and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereto. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the land, the same shall be struck off to the town, and if not redeemed, as hereinafter provided, shall belong to said town in fee.
- Land struck off to town.
- Returns of sales. SEC. 94. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the town treasury, subject to the demand of the owner.
- Right to redeem land. SEC. 95. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same, within one year after the sale, by paying to the purchaser the sum paid by him and twenty-five per cent additional to the amount of taxes and expenses, and the purchaser shall thereupon convey to him all his interest in said land.
- Conveyance of land not redeemed. SEC. 96. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, by deed, executed under the hand of the mayor and clerk, attested by the corporate seal; and the recital in such conveyance, or in any conveyance of land sold for taxes due the town, that the taxes were due, or of any matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.
- Real estate of persons under disability. SEC. 97. That the real estate of infants or persons *non compos mentis* shall not be sold for tax, and when the same shall be

owned by such, in common with other persons free of such disability, the sale shall be made as provided in the Revisal of one thousand nine hundred and five.

LICENSE TAXES.

SEC. 98. The board of aldermen may levy a tax equal to the License taxes. State tax upon all subjects taxed by the General Assembly for public purposes; and in addition to subjects and things taxed by the General Assembly for public purposes, the board of aldermen of Elizabeth City, North Carolina, shall have power to levy and collect each year a specified or license tax on the following subjects, to wit:

(1) On all organ grinders, a tax not to exceed ten dollars per Organ grinders. annum.

(2) On any person, firm or corporation who posts bills, circulars, Bill posters and cards, advertising, printed or written matter of any kind, or who sign painters. paints signs or other advertising matter, or who distributes any advertising matter of any kind or distributes samples of any kind, a tax not to exceed twenty-five dollars per annum or two dollars per day, and fifty cents per day for each helper. This shall not apply to residents of this city advertising their own merchandise, wares, etc., for their own benefit.

(3) On all agents selling pictures, maps, books or other mer- Book agents. chandise, from house to house or from person to person, a tax not to exceed twenty-five dollars per annum.

(4) On all itinerant opticians, oculists or medical specialists, a Itinerant medical tax not to exceed fifty dollars per annum. specialists.

(5) On all traveling specialists who follow the business of ex- Itinerant dentists. tracting teeth, a tax not to exceed twenty-five dollars per annum.

(6) On all express companies, a tax not to exceed one hundred Express com- dollars per annum. panies.

(7) On all dealers or vendors of fireworks of any kind, a tax Dealers in not to exceed twenty-five dollars per annum. fireworks.

(8) On every broker, board of trade or exchange dealing in cot- Brokers. ton or grain futures, flour, coffee, or meat futures or futures of any other commodity of value, a tax not to exceed one hundred dollars per annum.

(9) On all public auctions of horses, a tax not to exceed ten dol- Horse auctions. lars per day.

(10) On all bootblacks, a tax not to exceed one dollar per an- Bootblacks. num.

(11) On each auctioneer, a tax not to exceed ten dollars per Auctioneers. annum; and before exercising the duties as such he shall take a receipt therefor in the form of a license, and no other person shall be allowed to sell under an auctioneer's license.

(12) On every two-horse carriage or hack running to the depot Two-horse hacks. or elsewhere for reward, a tax not to exceed ten dollars per annum.

- One-horse hacks. (13) On every one-horse carriage or hack running to the depot or elsewhere for reward, a tax not to exceed eight dollars per annum.
- One-horse drays. (14) On each one-horse public dray, cart or wagon, a tax not to exceed ten dollars per annum.
- Two-horse drays. (15) On each two-horse public dray, cart or wagon, a tax not to exceed twenty dollars per annum.
- Electric-light company. (16) On each electric-light company selling or offering to sell electricity for lighting, heating or power, a tax not to exceed two hundred dollars per annum.
- Dealers in fish and oysters. (17) On each dealer in fish or oysters, a tax not to exceed ten dollars per annum.
- Gas companies. (18) On each gas company, a tax not to exceed two hundred dollars per annum.
- Gasfitters and plumbers. (19) On each gasfitter and plumber, a tax not to exceed fifty dollars per annum.
- Gift enterprises. (20) On all gift enterprises or persons whose business it is to sell prize candies, photographs, pictures, jewelry or any other article with which a prize is offered as an inducement to buy, a tax not to exceed fifty dollars per annum.
- Prize show. (21) On showhouses where prizes are offered as an inducement to purchase tickets, a tax not to exceed twenty-five dollars on each exhibition.
- Dealers in hides, furs and bones. (22) On all dealers in hides, furs or bones,* a tax not to exceed twenty dollars per annum.
- Ice-cream dealers. (23) On all ice-cream dealers, a tax not to exceed five dollars per annum.
- Job printing office. (24) On every job-printing office, a tax not to exceed five dollars.
- Itinerant lightning-rod agents. (25) On every itinerant who deals in or who puts up lightning rods, a tax not to exceed ten dollars per month or for less time.
- Itinerant feather renovators. (26) On every itinerant who deals in renovating feathers, a tax not to exceed ten dollars per month or for less time.
- Fruit and refreshment stands. (27) On each fruit stand to sell lemonade, ice cream, water-melons, fruits or sandwiches on public occasions, a tax not to exceed ten dollars for the first day and one dollar for each day thereafter.
- Loan agents. (28) On all persons or corporations who conduct so-called loan offices or who carry on a business of loaning money on personal property, watches, jewelry and household and kitchen furniture, by pledge or otherwise, a license tax of not less than one hundred dollars per annum.
- Agents selling oils. (29) On every agent for the selling of kerosene or other oils, a tax not to exceed two hundred dollars per annum.
- Lubricating-oil agents. (30) On lubricating-oil agents, an annual tax of not to exceed fifty dollars per annum.
- Omnibus. (31) On every omnibus carrying passengers for hire, a tax not to exceed ten dollars per annum.

(32) On every exhibitor of photographs, kinetographs, moving Picture shows, pictures or other like exhibitions, a tax not to exceed five dollars per week.

(33) On every taker of likenesses, by whatever art, a tax not Photographers. to exceed ten dollars per annum.

(34) On every civil engineer or surveyor, real-estate agent or Civil engineers, surveyor, real estate agent or broker, a tax not to exceed fifteen dollars per annum.

(35) On every itinerant vendor of specifics, or itinerants mak- Itinerant medicine ing prescriptions or applications or administering medicine or vendors. drugs for diseases, a tax not to exceed fifty dollars per week.

(36) On all manufacturers of soda water, or bottlers, a tax not Manufacturers of soda water or bottlers. to exceed fifteen dollars per annum.

(37) On every soda and mineral water fountain, a tax not to Soda and mineral water fountains. exceed five dollars per annum.

(38) On all undertakers, a tax not to exceed twenty-five dollars Undertakers. per annum.

(39) On all veterinary surgeons, a tax not to exceed five dollars Horse doctors. per annum.

(40) On every person, firm or corporation who sells or issues to Trading stamps. any merchants or manufacturers any trading stamps or other devices to be redeemed by the person issuing, giving away or selling the same, a tax not to exceed one hundred dollars per annum.

(41) On every billiard, pool or bagatelle table, a tax not to Billiard, pool and bagatelle tables. exceed fifty dollars per annum.

(42) On all tenpin alleys or bowling alleys, a tax not to exceed Tenpin and bowling alleys. fifty dollars per annum.

(43) On every exhibition of animals for a reward, a tax not to Animal shows. exceed twenty-five dollars per annum.

(44) On all peddlers of patent soap, medicine, ink, varnish or Peddlers. other goods, wares or merchandise which are not the products of manufacture of this State, a tax not to exceed twenty-five dollars per annum.

(45) On all lecturers for a reward, unless the reward be wholly Lecturers. devoted to some literary or charitable purpose, a tax not to exceed five dollars per lecture.

(46) On all museums or waxworks or curiosities of any kind Museums and wax-works. exhibited for reward, a tax not to exceed five dollars per annum.

(47) On every itinerant physician, dentist or chiropodist, a tax Traveling doctors, dentists and corn doctors. not to exceed ten dollars per annum.

(48) On each room or hall used as a theater or opera house Theaters and opera houses. where public exhibitions or performances are given for profit, a tax not to exceed one hundred and fifty dollars per annum.

(49) On every traveling theatrical company giving exhibitions Traveling theat-rical companies. in any hall, tent or other place not licensed as in the preceding subsection, whether on account of municipal ownership or for any other reason, a tax not to exceed ten dollars on each exhibition or performance; and the owner of the hall, tent or other place shall be responsible for the tax.

- Circuses. (50) On every exhibition of a circus or show with a menagerie, to which the price of admission, including a reserved seat, exceeds seventy-five cents, for each day or part of a day, a tax not to exceed three hundred dollars.
- Circuses. (51) On every exhibition of a show or circus with a menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but requiring more than fifteen cars for transportation, a tax of not to exceed two hundred and fifty dollars for each day or part of a day.
- Circuses. (52) On every exhibition of a show or circus with a menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but which does not require more than fifteen cars for transportation, a tax not to exceed fifty dollars for each day or part of a day.
- Circuses charging not more than twenty-five cents. (53) Circuses charging not to exceed twenty-five cents admission, including reserved seat, a tax not to exceed twenty-five dollars for each day or part of a day.
- Side shows. (54) On each side show to any circus or other show, whether attached to the show or not, for which a separate charge of admission is made, a tax not to exceed fifty dollars for each day or part of a day.
- Other shows under canvas. (55) On every other show given under canvas, in which animals are exhibited, trapeze or juggling performances are given, or any other performances other than those already enumerated, a tax not to exceed fifty dollars for each day or part of a day.
- Rent agents. (56) On every person, firm or corporation acting as agent of another and engaged in collecting rents for compensation, a tax not to exceed ten dollars per annum.
- Coal dealers. (57) On every person, firm or corporation engaged in and conducting the business of selling coal, at wholesale or retail, a tax not to exceed ten dollars per annum.
- Collection agencies. (58) For every person, firm or corporation collecting accounts, notes, bills or money for one person in favor of another, as a regularly organized collecting agency, a tax not to exceed twenty-five dollars per annum.
- Bicycle dealers and repairers. (59) On every person, firm or corporation engaged in the business of buying and selling or repairing bicycles, or buying or selling bicycle supplies or fixtures, whether such business is conducted in connection with some other business or not, a tax not to exceed ten dollars per annum.
- Ship brokers. (60) On every person, firm or corporation engaged in the business of managing the affairs occurring between the owners of vessels and the shippers or consignees of the freight which they carry, usually known as ship brokers, a tax not to exceed twenty dollars per annum.
- Persons keeping horses or mules for hire. (61) On every person, firm or corporation who keeps horses or mules to hire or let, with or without vehicle, a tax not to exceed twenty-five dollars per annum.

(62) On every person, firm or corporation who buys or sells horses or mules as a business or for profit, a tax not to exceed twenty-five dollars per annum. Horse dealers.

(63) On every commission merchant, broker or dealer buying or selling goods or merchandise on commission, a tax not to exceed fifteen dollars per annum. Commission merchant.

(64) On any person acting as the agent of another in selling sewing machines, or any manufacturer selling sewing machines within the city, a tax not to exceed twenty-five dollars per annum. Sewing-machine agents.

(65) Any person who shall carry from place to place any goods, wares or merchandise, and offer to sell or barter the same, or who actually barter or sells the same, shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, a license tax not to exceed twenty-five dollars per annum; each peddler with horse or mule or ox, with or without vehicle, or with a vehicle propelled by other power, a license tax not to exceed fifty dollars per annum; on every peddler of medicine or drugs, whether on foot or with horse, mule or ox, with or without a vehicle, or with a vehicle propelled by any other power, a tax not to exceed one hundred dollars per annum; on every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares or merchandise, a tax not to exceed one hundred dollars per annum. These sections shall not apply to those who offer for sale periodicals, printed music, ice, fuel, fish, vegetables, fruits or other articles of the farm or dairy. Peddlers defined.
Peddlers' tax.
Peddler on foot.
Peddlers with horse, mule or ox.
Peddlers of medicine or drugs.
Itinerant salesmen.

(66) On every company of gypsies or strolling bands of persons, living in wagons or tents, or otherwise, who trade horses and receive reward for pretending to tell fortunes, a tax not to exceed one hundred dollars per annum. Exceptions.

(67) On each hotel charging not more than one dollar per day, a license tax of not to exceed ten dollars per annum. Hotels.

(68) On each hotel charging more than one dollar per day, a license tax not to exceed twenty-five dollars per annum. Hotel charging more than one dollar per day.

(69) On each slot machine wherein is kept any article to be purchased by depositing therein any coin or thing of value, a tax not to exceed five dollars for each machine per annum. Slot machines.

(70) On each machine wherein may be seen pictures or any music may be heard by depositing in the machine anything of value, and each weighing machine, and each machine for the use of making stencils, operated by slot, wherein money or other thing of value is to be deposited, a tax not to exceed two dollars and fifty cents on each machine per annum. Slot machines.

(71) On every merry-go-round, hobbyhorse, switchback railway, shooting gallery or place for any other game or play, with or without name (unless used for private amusement), a tax not to exceed twenty-five dollars per annum. Games and plays.

Dealers in weapons.	(72) On each merchant, storekeeper or dealer who shall keep in stock, sell or offer for sale any pistol, metallic pistol cartridges, bowie knives, dirk, dagger, sling shot, loaded cane, or brass, iron or metallic knuckles, a tax not to exceed ten dollars per annum.
Dealers in pianos and organs.	(73) On any person, firm or corporation selling pianos or organs, a tax not to exceed twenty-five dollars per annum.
Dealers in cigarettes.	(74) On every dealer or merchant selling cigarettes, a tax not to exceed five dollars per annum.
Telegraph companies.	(75) On every telegraph company, a tax not to exceed twenty-five dollars per annum.
Telephone companies.	(76) On every telephone company, a license tax not to exceed one dollar for each 'phone in use per annum.
Pawnbrokers.	(77) On all pawnbrokers, a license tax not to exceed fifteen dollars per annum.
Laundries.	(78) On each Chinese or steam laundry, a license tax not to exceed ten dollars per annum.
Laundry agents.	(79) On any agent for any out-of-town laundry, a tax not to exceed twenty-five dollars per annum.
Skating rinks.	(80) On each skating rink, a tax not to exceed ten dollars per annum.
Butchers.	(81) On each butcher, a tax not to exceed one hundred dollars per annum.
Water companies.	(82) On each water company, a tax not to exceed two hundred dollars per annum.
Sewerage companies.	(83) On each sewerage company, a tax not to exceed fifty dollars per annum.
Male dogs.	(84) On each male dog, a tax not to exceed one dollar per annum.
Female dogs.	(85) On each female dog, a tax not to exceed five dollars per annum.
Transfer agents.	(86) On each person who shall go upon the property of any railroad or steamboat company and solicit the carrying of any baggage, trunks, valises or any other article for which the said solicitor is to receive compensation, a tax not to exceed five dollars per annum.
Street railway companies.	(87) On each street railway company, a tax not to exceed two hundred dollars per annum.
Dealers in fresh meats.	(88) On each dealer in fresh meats, a tax not to exceed one hundred dollars per annum.
Restaurants.	(89) On each restaurant or eating saloon, a tax not to exceed twenty-five dollars per annum.
Electricians.	(90) On each electrician, a tax not to exceed twenty-five dollars per annum.
Plumbers and pipe fitters.	(91) On each plumber and pipe fitter, a tax not to exceed twenty-five dollars per annum.
Pressing clubs.	(92) On every pressing club or other place for the cleaning or dyeing of clothes, a tax not to exceed ten dollars per annum.

(93) On every stallion or jack serving mares within the corporate limits, a tax not to exceed twenty-five dollars per annum. Stallions or jacks.

(94) On each piano or organ repairer or tuner, a tax not to exceed ten dollars per annum. Piano tuners.

(95) On all other subjects taxed by the law of the State, unless specifically exempted from municipal taxation, such tax as it may see fit, not exceeding the tax levied by the State. Other subjects.

SEC. 99. No license tax enumerated in section ninety-eight of this act, when issued, shall be transferable. License not transferable.

SEC. 100. No license tax enumerated in section ninety-eight of this act, when issued and levied, shall for any cause be refunded to the payer of that license tax. License tax not returnable.

SEC. 101. The board of aldermen shall have the power to levy any and all of the above-mentioned license taxes upon any person, firm or corporation carrying on any of the trades, professions, etc., set out in the preceding section, within one mile of the corporate limits of the said town. Extent of territory subject to license tax.

SEC. 102. That the license tax provided for in this act shall be collected by the collector of taxes; and if not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, as provided in this charter for collection of other taxes by distress, or such other penalty enforced as provided for by the city ordinances. Collection of license tax. Collection by distress.

SEC. 103. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 104. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 291.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-three of the Laws of one thousand eight hundred and eighty-nine, amending the charter of the town of Marion, together with the amendatory acts thereto, be amended and consolidated, as follows, to wit, and the following shall be the charter of the said town of Marion: That the inhabitants of the said town of Marion, in the county of McDowell, shall be and continue, as they heretofore have been, a body politic and incorporate, and, in the name of the town of Marion, shall have the right to contract and be contracted with, sue and

Charter amended and consolidated.
Body politic and corporate.
Corporate name.
Corporate powers.

be sued, plead and be impleaded, to purchase, to receive by donation, devise or otherwise, to hold and convey property, real and personal.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall be as follows: Beginning at the intersection of the Burnsville and old Morganton and Asheville roads, north of where Higgins Hall now lives, and runs south with said Burnsville Road to the northeast corner of the Henry Leonard lot; then with the north and west lines of the said lot to the northwest corner of the Collins (now Cresawn) lot; then with the line of the said lot to the northwest corner of Rufus Dobson's lot; then with the north line of his lot to the road; then with the said road to the southeast corner of the Colored Baptist Church lot; then with the south line of said lot and further to a stake in the west side of Johnson Street; then north 26° west with Johnson Street to Fern Avenue; then west with Fern Avenue to a stake in the west side of Logan Street; then south 64° east with Logan Street to a stake, opposite the southeast corner of the Colored Methodist Church; then a direct course to the top of Phoenix Knob; then south with the outside lines of William McD. Burgin and H. A. Tate to a stake in J. L. Morgan's line of the old Solomon lands; then west with J. L. Morgan's line and H. A. Tate's line to a Spanish oak, on top of a hill, an old corner; then westward to the old Buck Creek Road; then with the Buck Creek Road to the junction of the J. L. Morgan line with the Huthsteiner tract; then west to the branch running from the Huthsteiner tract; then with the said branch to the Southern Railway; then across the said railroad to the northwest corner of the Tom Martin lot; then with a line of the said lot to the southwest corner thereof; then eastwardly, so as to include the houses built by Dr. W. P. Jones and others, to a point twenty poles south of William Mitchell's dwelling house, on the bank of the south prong of Young's Fork of Muddy Creek; then down said creek, as it meanders, to a stake south in said creek, south of the southeast corner of the cemetery lot; then with the east line of said cemetery lot to a stake on the north side of the C. C. & C. Railroad (now Southern); then with the north side of said railroad to the branch northwest of the said cemetery lot; then north 19° east to the southeast corner of Elhanan dormitory; then north to a stake on the south side of the Morganton Road, opposite a house belonging to John Yancey, in which one Presnell now lives; then with the south side of the said Morganton Road, westerly to McDowell Avenue; then north with said avenue to the northeast corner of R. L. C. Gibson's lot; then with his line south 55° west to the old Morganton and Asheville Road; then with said old road north 70° west to the beginning.

Town officers.

SEC. 3. That the officers of the said town shall consist of a mayor and five aldermen, who shall, biennially, on the first Monday in May, be elected by the qualified voters of said town.

SEC. 4. Any qualified voter of the said town shall be eligible to the office of mayor or alderman. All voters eligible as mayor or alderman.

SEC. 5. Every person entitled to vote in the county of McDowell for members of the General Assembly, and who shall have been a *bona fide* resident of the town of Marion ninety days preceding the day of election, and registered, as hereinafter provided for, shall be entitled to vote for mayor and aldermen, or at any election held therein for any municipal purpose. Electors.

SEC. 6. The mayor, immediately after his election, before entering upon the duties of his office, shall take, before a justice of the peace or clerk of the court, the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and impartially, according to my best skill and ability, all the duties of the office of mayor of the town of Marion, while I continue therein; and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations for the government of Marion, and in discharge of my duties do equal justice in all cases whatsoever; so help me, God." Mayor to qualify. Form of oath.

SEC. 7. Each alderman, before entering on the duties of his office, shall take, before the mayor or some justice of the peace, an oath that he will duly and impartially perform the duties of an alderman of the town of Marion, according to his best skill, ability and judgment. Aldermen to qualify.

SEC. 8. That the board of aldermen shall have power to appoint a marshal or constable to execute the laws and ordinances for the government of Marion, to fill any vacancies occurring in the board of aldermen that may occur during their term of office, and also to appoint such other officers as they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of Marion. They may also appoint a clerk and treasurer for the board. They shall require the tax collector and treasurer to give such bond as may be necessary for the faithful performance of their duties. In case of vacancy in the office of mayor, or during his temporary absence or inability to perform the duties of his office, the board shall have the power to fill the same *pro tempore*. Powers of aldermen. To appoint marshal or constable. To fill vacancies in board. To appoint other officers. Clerk and treasurer. Tax collector and treasurer to give bond. Mayor pro tem.

SEC. 9. That the present mayor and commissioners are hereby declared like officers, with power and duties of aldermen of Marion, until their successors are elected and qualified. Present officers.

SEC. 10. It shall be the duty of the aldermen, at their regular meeting in April of each alternate year, to give twenty days' notice, by advertisement, of any municipal election, by publishing it in a newspaper published in Marion and by advertising at the courthouse door and four other public places in the corporate limits of said town. If the said aldermen shall fail to give notice of an election and hold and declare the same in the manner herein described, such of them as shall be in default shall forfeit and pay, for the equal benefit of the town and of him who shall sue Notice for municipal elections. Forfeit on aldermen for default.

Election officers.	therefor, the sum of fifty dollars. It shall be the duty of the
Registration.	aldermen to appoint a registrar and inspectors of election, and the registrar so appointed shall open the registration books ten days preceding the election, and keep them open till Saturday evening at sunset preceding the day of election, at some convenient
Challenges.	place within the town. Any elector shall have the right to challenge anyone registering illegally, at any time within the ten days or on the day of election.
Law governing election.	SEC. 11. That the election for mayor and aldermen for said town of Marion shall be held and proceeded in as provided in chapter ninety of the Revisal of one thousand nine hundred and five.
Punishment for failure to qualify as mayor or alderman.	SEC. 12. Any person who shall, for twenty days after having been notified of his election as mayor or alderman aforesaid, willfully and intentionally refuse to qualify shall be fined not exceeding twenty-five dollars, to be collected and enforced as fines for violation of town ordinances.
Mayor to communicate quarterly.	SEC. 13. It shall be the duty of the mayor to communicate quarterly, in writing, to the board of aldermen (or oftener if he shall deem it expedient), first, a general statement of the situation and condition of the town, in relation to its government and improvement; second, to recommend for the adoption of the board
Statement of condition of town.	of aldermen all such measures connected with police, security, health and cleanliness of the town as he shall deem expedient;
Recommendations of measures deemed expedient.	third, to keep a faithful minute of all receipts issued by him and of all judicial proceedings, and to report, in writing, at every regular monthly meeting of the board of aldermen, the total amount of costs and fines that have been imposed by him in all judicial proceedings for violation of municipal ordinances during the previous month, and he shall be vigilant and active in causing the laws and ordinances for the government of Marion to be executed and enforced.
Minutes of judicial proceedings.	SEC. 14. That any person violating any ordinance of Marion shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment at labor on the streets for thirty days.
Monthly reports of costs and fines.	SEC. 15. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in McDowell County, or to such other officer to whom a justice of the peace may direct his precepts. An indorsement by the mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.
Violation of ordinance, misdemeanor.	SEC. 16. That the mayor shall have power to commit any person convicted of a violation of any town ordinance to the county or town prison until the fine and costs imposed by him and the jail fees are paid, and such person can only be released as is provided in like cases in other courts.
Punishment.	SEC. 17. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the
Precepts of mayor.	
Indorsement on warrant subpoena.	
Committals for fines and costs.	
Inferior court.	

town, have all the power, jurisdiction and authority of a justice of the peace to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the aldermen. The mayor shall, further, be a special court, within the corporate limits of the town, to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall be found guilty he shall be fined, at the discretion of the court or mayor, not exceeding the amount specified in the ordinance so violated, or imprisoned, at the discretion of the court or mayor, not exceeding the length of time specified in the ordinance or ordinances so violated.

Jurisdiction.

Special court.
Jurisdiction.

SEC. 18. That any town constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town shall have the right to commit such person or persons to the county or town prison for as early trial as practicable.

Committal pending trial.

SEC. 19. That the board of aldermen shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town; and the said aldermen shall have authority, by their ordinance, to confine, control and manage such person until the said fees and penalties and forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rate for labor and board as the aldermen may adopt.

Fines and penalties worked out on streets.

SEC. 20. That the board of aldermen shall have power to lay out and open any new street or streets within the corporate limits, whenever by them deemed necessary; and they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and to secure any spring, stream or shoal of water for the purpose of furnishing the town with water for the use of its citizens or for the use of the fire department of the said town, at any point convenient or practicable; and for the purpose of conducting the same to the town they shall have full power and authority to condemn, appropriate or use any land or lands necessary for any purpose named in this section, upon making reasonable compensation to the owner or owners thereof; but in case the owner of the land sought to be condemned or appropriated for public use by the aldermen cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and citizen of Marion; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor in his stead shall choose one for him; and in case

Powers of aldermen as to streets.

Water supply.

Arbitration for assessment of damages.

the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land sought to be condemned and ascertain the damage that may be sustained by and the benefit accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the aldermen the right to use the land for the purpose for which it was condemned; and all damages agreed upon between the owner of the land and the aldermen, or awarded by the arbitrators, shall be paid, as other town liabilities, by taxation: *Provided*, that either party may appeal to the Superior Court.

Proviso: right of appeal.

Owners of lots to construct sidewalks.

Work done by town on failure of owner.

Apportionment of cost.

Assessment of value.

Assessments a lien on property. Enforcement of payment.

Proviso: refusal of owner waiver of notice.

SEC. 21. That the said board of aldermen shall have power to require the owner or owners of lots on such streets as they may desire to construct sidewalk or sidewalks in front, and all sidewalks adjoining said lot or lots, in such manner as may be prescribed by said aldermen; and on failure to do so within ten days after notice to the said owner or, if he be a nonresident of the county of McDowell, to his agent, or if such nonresident has no agent in said county, then, after advertisement for ten days on such lot or lots and at three other public places within said town, calling on the owner to construct said sidewalk or sidewalks in the manner prescribed in the said notice, the board of aldermen may cause the said sidewalk or sidewalks to be constructed, either with brick, dirt, stone, concrete or gravel, or any other substance that may be decided upon, in their discretion, and the said person or persons in default shall pay fifty per centum of such sum or sums for construction of said sidewalk or sidewalks, as three commissioners shall estimate the construction of the said sidewalk or sidewalks to be worth, one commissioner to be chosen by the property holder, one by the board of aldermen, and the said two commissioners shall select a third, and in case the said property holder or holders refuse to select a commissioner, then the board of aldermen shall select one for him. The said commissioners shall be citizens of the town, unconnected with the property holder or holders or with any of said aldermen, and disinterested; and the said sum or sums shall be assessed by the said three commissioners and shall be collected in like manner as taxes due the town, by distress or otherwise. Said sum or sums so assessed by the said commissioners shall be a lien upon said lot or lots; and if not paid in six months after completion of said sidewalk or sidewalks, such lot or lots may be sold, or enough of the same to pay fifty per centum of such expenses and costs, under the same rules, regulations and restrictions and rights of redemption as are prescribed in this charter for the sale of land for unpaid taxes: *Provided*, that if the owner or his agent shall avow his intention not to construct said sidewalk or sidewalks, the board of aldermen may proceed at once to construct the said sidewalk or sidewalks

without notice. Before estimating the value or worth of the said sidewalk or sidewalks, the said three commissioners shall appoint a day when they shall hear parties interested on the subject, giving at least three days' notice of the time and place of their sitting: *Provided*, that no property owner shall pay more than fifty per centum of the cost of the same.

Hearing to parties
on assessment.

SEC. 22. That the arbitrators or commissioners referred to in sections twenty and twenty-one shall take an oath, before the mayor or some justice of the peace, to value and assess the said property or costs faithfully and impartially and without fear or favor.

Proviso: limit of
charge on
property.
Arbitrators to
qualify.

SEC. 23. That the board of aldermen may provide for the establishment, organization and equipment, government and pay of such members of fire companies as they shall deem necessary and proper; that in case of a fire occurring in said town, the mayor or, in his absence, one of the aldermen who may be present may order the blowing-up or pulling-down or destroying any house or houses deemed necessary to stop the progress of the fire, and no person shall be liable, civilly or criminally, for acting in such cases in obedience to such order. They shall also have power to establish fire limits within said town, within which it shall not be lawful for any person to erect or build any wooden house, bridge or other wooden structure, make any wooden addition to any building, bridge or structure, or cover any building with any material other than metal or slate. They may prohibit wooden buildings from being removed from without into said fire limits, or being removed from one place to another within the same, under such penalties as the board of aldermen may establish, and the said penalty may be sued for and recovered from the owner by action in any court having jurisdiction, or the erection or removal to such district of any wooden building or structure may be declared a nuisance and abated by the order of the aldermen.

Fire companies.

Powers of mayor
at fires.

Fire limits.

SEC. 24. That they shall have power to make ordinances to prohibit or control the firing of firearms, firecrackers, torpedoes and other explosive materials, and to govern the sale thereof in the town; the pace and speed at which horses may be driven or ridden through the streets, at which railroad engines and trains shall run within the town limits; to prohibit said railroads from stopping their engines or cars on said streets, and require the said railroads to keep the street crossings in good repair; the manner in which powder and other inflammable substances may be kept and sold; the manner in which commercial fertilizers may be stored; the manner in which dogs and hogs, horses, goats and cows and other cattle may be kept, and to prevent them from running at large in said town, and to declare and make the same a nuisance; to cause alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their

Further enumera-
tion of powers of
aldermen.

duty, on complaint, to order the sanitary policeman to have said places cleaned and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board and charged with that duty, shall have authority to enter the premises described to be in bad order and inspect and have the same cleansed, and the expenses of abating such nuisance shall be recovered from the occupant in any court having competent jurisdiction.

Further enumeration of powers of aldermen.

SEC. 25. They shall have power and it shall be their duty to prohibit all trades and occupations that are a nuisance from being carried on in said town, and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the town limits. They shall have power and it shall be their duty to cause all sunken lots and other places in which water stands and stagnates to be drained and filled up, when the same shall be deleterious to the health of the neighborhood, and to recover from the owner or occupant the cost of such draining, cleansing, etc., and the expenses shall be a lien on the lot, provided the owner or occupant, after ten days' notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from anything within and for one mile without the town limits to be removed, and for the removing or abating any such nuisance the person creating same shall pay the above expenses as required.

Regulation of sale of provisions and other articles.

SEC. 26. That the said board shall have power to regulate the manner in which provisions and all other articles shall be sold in the streets and markets of said town, and to regulate the manner in which the streets and markets of the said town may be used and kept.

Officer interested in contract with town guilty of misdemeanor.

SEC. 27. That no mayor or alderman or other officer of said town shall, directly or indirectly, become a contractor for work to be done for the town. Any person herein offending shall be guilty of a misdemeanor.

Taxing power.

Tax rate.

SEC. 28. That the board of aldermen of said town shall have power annually to levy for town purposes taxes as follows: One dollar on one hundred dollars valuation of real or personal property and three dollars on each poll, and the valuation of all property within said town so liable to taxation for purposes of said town shall be the same as may be assessed thereon for taxation for State and county purposes; and the said board of aldermen shall also have power to levy a license tax on the following trades and other subjects of taxation, referred to in section three, article fifth of the Constitution of this State, to wit:

Valuation of property.

License taxes.

Auctioneers.

Butchers.

Dealers in prize goods.
Street peddlers and fakirs.

(1) On every auctioneer, a tax of five dollars.

(2) On every butcher, a tax not to exceed twenty-five dollars.

(3) On every dealer in prize goods, a tax of fifty dollars.

(4) On every street peddler or fakir selling goods of his own manufacture or otherwise, a tax of ten dollars per day, and it shall be the duty of the marshal to collect such tax before allowing such fakir to sell such goods.

- (5) On every billiard, pool or bagatelle table, a tax of not less than twenty-five dollars and not exceeding one hundred dollars, and it shall be the duty of the marshal to collect such tax. Billiard, pool and bagatelle tables.
- (6) On every itinerant dentist, a tax of ten dollars. Itinerant dentists.
- (7) On every skating rink, a tax of not less than five nor more than twenty-five dollars. Skating rinks.
- (8) On every dog, a tax of one dollar. Dogs.
- (9) On every itinerant artist or other artist taking likenesses or enlarging those already taken, or soliciting orders for the same, a tax of ten dollars. Itinerant artists.
- (10) On every merry-go-round or flying jenny or machine of like nature, a tax of not less than twenty dollars nor more than one hundred dollars per month. Merry-go-rounds or flying jenny.
- (11) On every tenpin or bowling alley, a tax not exceeding one hundred dollars. Tenpin and bowling alleys.
- (12) On every circus or menagerie, fortune teller, sleight-of-hand performer, minstrel troupe, carnival, rope or wire dancer, for each day's performance in the corporate limits of the said town, whether exhibiting free of charge or otherwise, a tax of not less than five dollars per day and not over one hundred dollars per day. Shows.
- (13) On every retail dealer in firecrackers, bombs, torpedoes, Roman candles or other fireworks and explosives, a tax of not less than fifty dollars nor more than two hundred dollars. Dealers in fireworks and explosives.
- (14) On every dealer in pistols or pistol cartridges, a tax of fifty dollars. Dealers in pistols and cartridges.
- (15) On every dealer in "near beer," "Tidal Wave" or any other soft drinks, by whatever name known, a tax of not less than ten dollars per month and not over fifty dollars per month. Dealers in soft drinks.
- SEC. 29. That it shall be the duty of the owner of property within the corporate limits of the said town to make and furnish the list taker with a list of every piece of property, described separately, whether real or personal property; and every owner of property within said town who fails or refuses to list his or her property in such manner shall forfeit and pay the sum of fifty dollars, to be recovered as other penalties and forfeitures; and it shall be the duty of the treasurer of the said town to collect the same for the use and benefit of the said town. Owners to test property. Forfeit for failure. Treasurer to collect forfeit.
- SEC. 30. That every person subject to work upon the public roads, as now provided by law, who lives within the corporate limits of the said town, upon being lawfully warned, shall be required to work two days in every four months of each year or to pay in lieu thereof the sum of one dollar for each day, by noon of the day preceding the day upon which he is warned to work. Road duty. Commutation.
- The town tax collector shall warn every such person so liable to work for two days in every four months of each year, unless said sum of one dollar for each day's work shall have been previously paid; that upon the failure of the said tax collector to warn any person so liable to work, unless said sum of one dollar Warning for road duty. Commutation charged to tax collector for failure to give warning.

shall be collected for each day, it shall be the duty of the board of aldermen of said town to charge to the account of the said tax collector the sum of one dollar for each day every person liable to work on said streets has not been warned to work by said tax collector, and shall not remit the same, except for good cause shown.

Power to enforce sewerage connections.

To compel use of water.

To condemn and remove privies.

Building regulations.

Limit of penalties.

Building license.

Building without license, misdemeanor.

Punishment.

Returns of property for taxation.

Advertisement for returns.

Lists by fiduciaries.

Individual liability.

Contents of lists.

SEC. 31. That the board of aldermen of the said town shall have and is hereby given full and complete authority to compel any and all persons and corporations living in said town to connect with the sewerage system of the said town, to compel any and all persons and corporations to use the water furnished by said town to its inhabitants, to condemn and remove any and all privies within the corporate limits of the said town, and to enact all such ordinances and penalties as may be necessary to carry any part or all of this ordinance into effect.

SEC. 32. That the board of aldermen of the said town shall have and is hereby given full and complete power and authority to prescribe the material out of which any structure, building or bridge may be built, altered or repaired within the fire limits of the said town, under such penalties as they may prescribe, not to exceed the sum of fifty dollars or thirty days' imprisonment for each and every offense; and it shall be the duty of every person, firm or corporation, before commencing the erection of any building, bridge or other structure, or before beginning to alter or repair the same, to obtain from the said board of aldermen a license to build, alter or repair the same, and said license shall specify the material out of which the same may be built, altered or repaired; and every person, corporation or firm who shall fail to obtain the license hereinbefore provided, before commencing to build, alter or repair any building, bridge or other structure within the fire limits of the said town, shall be guilty of a misdemeanor and fined a sum not exceeding fifty dollars or imprisoned not more than thirty days for each offense or for each day such work shall be prosecuted.

SEC. 33. That all persons liable to taxation of any kind in said town shall annually make return of their respective lists of taxable property to the clerk and treasurer of said town or a tax lister to be appointed by the board of aldermen; and it shall be the duty of the town clerk and treasurer or a tax lister to be appointed by the board of aldermen, by posting an advertisement in at least ten public places in said town, to notify all persons that within thirty days after date of such notice they shall make such returns of their tax lists. Lists of the taxable property of testators, intestates, minors, lunatics and of property held in trust shall be given in by executors, administrators, guardians or trustees, or *cestui que trust*, as the case may be, and the person so required to list any such property shall be individually liable for payment of taxes assessed thereon. Such lists shall give a description of the

tracts of land, of the lot or part of the lot, the taxable polls and all other property liable to taxation of the person returning the same, and shall be sworn to by such person, before some justice of the peace or before the clerk and treasurer or tax lister; and they are severally hereby authorized to administer to all persons returning such lists the oath prescribed by law to be taken by persons giving in their tax lists under any act providing for the collection of taxes by the State. Said tax lists so returned shall be filed in the office of the clerk and treasurer of the town, who shall, within thirty days after the expiration of the time limited for taking such lists, make out from the same, in a proper book kept for the purpose, an alphabetical list of the persons and owners of the property included in said list, and the taxes assessed thereon, in the same manner as tax lists are made or required to be made for collection of State taxes. The said clerk and treasurer or tax lister shall, also, within the time aforesaid, make out in manner aforesaid, to the best of his knowledge, information and belief, a list of the polls and all taxable property in the town of which the owners thereof shall have failed to return a tax list in the manner and within the time aforesaid, and all such persons so listed by the clerk and treasurer or tax lister shall forfeit and pay for the use of said town on all their property so listed by the clerk and treasurer or tax lister a sum to be paid, to be fixed by the board of aldermen, not exceeding twice the sum due for taxes by such delinquent, and such sum, when so fixed, shall be collected as is provided for collection of other taxes due said town: *Provided*, said tax shall not exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of real and personal property. In all cases in which the owner of any real or personal property in said town is unknown to the clerk and treasurer or tax lister, he shall, on such delinquent lists, enter all such property and taxes assessed on the same. The usual tax lists made as aforesaid by the clerk and treasurer or tax lister of said town, or under his supervision, or a duly certified copy of such list in the hands of the tax collector or constable, shall have the force and effect of a judgment and execution for the taxes so assessed and appearing in such lists, respectively, and the same may be collected by levy and sale of property of the party owing any such taxes, on giving such notice as is required by law for executions from one of the Superior Courts of the State; and the officer charged with the duty of collecting such taxes shall have all the powers vested by law in the sheriffs or tax collectors for collection of taxes due the State.

Lists to be sworn to.

Tax books.

List of delinquents.

Forfeit for failure to list.

Proviso: limit of tax.

Property of unknown owners.

Copy of list to tax collector.

Collection by levy and sale.

Powers of officers.

Tax listing.

SEC. 34. For the purpose of taking the list of taxable property as aforesaid, the town clerk and treasurer or tax lister shall attend at the mayor's office for twenty days (Sundays excepted)

from and after the first Monday in June, and the property to be given in shall be such as was owned by the taxpayer on the first day of June.

Land sold for taxes.

SEC. 35. That no sale of real estate in said town for payment of taxes assessed against such real estate, as appearing on the tax list aforesaid, shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or an account of any informality or irregularity whatever in any proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property and all the penalties and costs accruing on such assessment and the proceedings for such sale were paid at the time of the sale of the same.

Date when taxes due.

SEC. 36. That all taxes levied by said aldermen, except license or privilege taxes, shall be due and payable, on the first Monday of September of each year, to the constable or tax collector of said town, and after the first Monday of October may be collected by him by distraining or levying upon any property of the taxpayer to be found within said town, and selling as hereinafter provided for.

Date when collectible by distress.

Returns for taxation.

SEC. 37. All persons owning any property within said town liable to taxation for town purposes shall return the same to the town clerk and treasurer or tax lister, as hereinbefore provided for in this charter, and all property therein liable to such taxation, owned by minors, lunatics or persons *non compos mentis*, shall be returned, as herein provided, by their guardian or guardians, if they shall have any such in the State.

Returns by fiduciaries.

SEC. 38. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable or tax collector for satisfaction of taxes due on all property returned by them; and the constable or tax collector of said town is hereby authorized, at any time after the taxes may be due the town on said property, as aforesaid, to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

Collection of taxes.

SEC. 39. Whenever the taxes due said town shall be due and unpaid, the constable or tax collector of said town shall immediately proceed to collect them as follows:

Levy and sale of personal property.

First. If the party charged, or his agent, has personal property in said town equal in value to the taxes charged against him, the constable or tax collector shall seize and sell the same, under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents.

Levy on lands.

Second. If the party charged has not personal property to be found in the town of sufficient value to satisfy his taxes, the

constable or tax collector of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent; and a list thereof shall be by the constable or tax collector returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy.

Third. The constable or tax collector shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice, stating these particulars, on him, personally, if he be a resident of said town; if the delinquent does not reside in the said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, postpaid, to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice, substantially as above described, at five public places in said town, at least thirty days before the sale of said land, and this last-mentioned notice shall be posted as in all cases of sales of land for taxes in said town.

Notice to delinquent.

Fourth. The sale shall be made at the courthouse door in said town, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent reside out of said town, and his address be known to the constable or tax collector, he shall, within one month after the sale, mail to him notice of sale and date thereof, the name and address of the purchaser, of the sum bid, and of the amount of taxes and costs to be paid by such delinquent as a condition of its redemption.

Notice to non-resident.

SEC. 40. The whole lot or tract of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of taxes, with all expenses, for the smallest part of the land. At all such sales the mayor may become a bidder and purchase the whole lot or tract of land for taxes due, and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Manner of sale.

SEC. 41. The delinquent may retain possession of the property for twelve months after the sale, and within that time redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto. At the time of said payment to the purchaser he shall give to the delinquent a receipt therefor. If he shall refuse or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and he shall give him a receipt therefor, and upon such payment to the purchaser or town clerk all right under the purchase shall cease.

Time for redemption.

SEC. 42. At the time of such purchase of real estate for taxes the town constable or tax collector, on receipt of the amount bid

Receipt to purchaser.

for such real estate, shall give the purchaser a receipt, stating the amount bid, by whom and for what purpose, and describing the land sold, stating, further, the name of the owner of said land and the amount of taxes due.

Deed for property not redeemed.

SEC. 43. If the delinquent, his agent or attorney shall fail to redeem, as hereinbefore provided, for twelve months, at the expiration of that time the purchaser may present his receipt, referred to in section thirty-six hereof, and the town constable or tax collector of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said services he shall be allowed one dollar, to be paid by the purchaser. The deed from the constable or tax collector to the purchaser shall be registered in the register's office of McDowell County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid which the delinquent, his agent or attorney had at the time of sale for taxes.

Real estate bid in by town.

SEC. 44. All real estate bid in by the mayor of the said town for the use of the said town at sales made by the constable or tax collector for taxes due may be redeemed, as hereinbefore provided, by the payment on the part of the delinquent, his agent or attorney of the amount of tax and cost, and twenty-five per centum additional, to the town clerk and treasurer within twelve months.

Election on bond issue.

That for the purpose of improving the streets of the town or opening up new ones, for furnishing water supplies, erecting tanks or constructing reservoirs for holding a supply of water in aid of the fire department herein provided for, or for the purpose of better lighting the streets, the corporate authorities of said town,

Petition for election.
Limit of amount.

upon a petition of one-fourth of the property holders in said town, may submit a proposition to the voters of said town to issue coupon bonds of the said town to an amount not exceeding ten thousand

Proviso: successive elections.

dollars at any one time: *Provided*, the said corporate authorities may submit such propositions, upon petition as aforesaid, as often as they may deem it necessary or for the good of the said town;

Call of election.

that when such petition is presented it shall be the duty of the board of aldermen to call an election, notice of the said election

Notice of election.

to be published at least sixty days, in five public places in said town. The said notice shall contain the amount proposed to be

Law governing election.

borrowed, the rate of interest, the time at which the bonds are to be due, and the object to which the same is to be applied. The said election shall be held and conducted as other municipal elections

Ballots.

and as the same is herein provided for; that the vote on the said proposition shall be by ballot, which shall be written or printed, and those voting in favor of the appropriation shall have written or printed on their ballots "For Subscription," and those voting against the proposition shall vote ballots having printed or

written thereon the words "Against Subscription." That if the proposition is adopted by a majority of the qualified voters of said town, the board of aldermen shall cause bonds to be issued, in the name of the town of Marion, in such denominations as they may deem best, bearing six per cent interest and payable at such time as shall be designated in the proposition submitted. bonds shall be signed by the mayor and countersigned by the clerk of the board and shall have the town seal affixed thereto. It shall be the duty of the board of aldermen, when said bonds are issued, to provide by taxation on all the subjects of taxation within the corporate limits of said town to meet the interest on said bonds and the principal as the same may become due.

Issue of bonds.
Denominations.
Interest.
Authentication.
Tax for bonds and interest.

SEC. 45. That all laws and parts of laws inconsistent with the provisions of this charter, within the corporate limits herein provided for, are hereby repealed, except chapter seventy-three of the Private Laws of one thousand nine hundred and one, and this act shall be in force from and after its ratification.

Repealing clause.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 292.

AN ACT TO INCORPORATE THE TOWN OF FUQUAY SPRINGS, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Fuquay Springs, in the county of Wake, be and the same is hereby incorporated and made a municipal corporation, by the name and style of Fuquay Springs, with all the powers, rights and privileges conferred upon towns and cities by chapter seventy-three of the Revisal of one thousand nine hundred and five, not inconsistent with the special provisions of this act: *Provided*, that the provisions of this act shall not become effective in making said Fuquay Springs a municipal corporation until the same have been submitted to the qualified voters within the boundaries set out in section two of this act, at an election to be held for that purpose, and unless at such election a majority of said qualified voters shall ratify and approve the same by their votes. Such election shall be held on the twenty-seventh day of April, at such place within the boundaries set forth in section two of this act as may be selected therefor by the registrar and judges of election, hereinafter named, and conducted and held in the same manner, except as otherwise herein provided, as is now prescribed by law for holding elections for members of the General Assembly. Said registrar and judges of election shall, for at least thirty days preceding the election, give public notice of such election, together with the purpose thereof, by posters, at not less than four public places within the boundaries

Town incorporated.
Corporate name.
Corporate rights.
Proviso: election on ratification of act.
Date of election.
Polling place.
Law governing election.
Notice of election.

Registration.	set forth in section two of this act. Said registrar shall keep a registration book, at some public place within the aforesaid boundaries, at least twenty days prior to said election, and shall register therein all qualified voters within the aforesaid boundaries who shall apply for registration and qualify themselves in the manner provided by law for registration of electors for members of
Notice for registration.	the General Assembly, and the place at which such registration is held shall be publicly announced by publication, by posters,
Tickets.	as hereinbefore required for announcement of said election. At said election those favoring the aforesaid incorporation shall vote a ticket with the words, written or printed thereon, "For Incorporation," and those opposing said incorporation shall vote a ticket with the words, written or printed thereon, "Against Incorporation." For the purpose of holding the aforesaid election on April twenty-seventh, one thousand nine hundred and nine, T. R. Harrison is hereby named and appointed registrar and E. T. Spence and A. G. Blanchard are hereby named and appointed judges of election, who are authorized and directed to hold said election as herein provided for; and said registrar and judges of election are authorized and empowered, at the close of said election, to count and pass upon the votes cast, and to declare the result of the election so held: <i>Provided further</i> , that if for any cause said registrar or any one or both of said judges of election cannot act in holding the election hereinbefore provided for, the clerk of the Superior Court of said county of Wake is authorized and empowered to appoint some other qualified elector within the aforesaid boundaries as registrar and one or more such qualified electors as judges of election, who shall have the same power and perform the same duties as the said registrar and judges of election herein named and appointed.
Registrar.	
Judges of election.	
Count of votes and declaration of result.	
Proviso: clerk of superior court to appoint in place of registrar or judge not acting.	
Corporate limits.	SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the line between lands of S. S. Fuquay and land formerly owned by Wake Realty Company, said point being due east of a point fifty feet south from the center of the mineral spring; thence due north two thousand six hundred and forty feet to a stake; thence due west two thousand six hundred and forty feet to a stake; thence due south two thousand six hundred and forty feet to a stake; thence due east two thousand six hundred and forty feet to the beginning.
Town officers.	SEC. 3. That the officers of said town shall consist of a mayor, secretary, treasurer, five commissioners and a constable, or marshal, and such policemen as in the judgment of the mayor and commissioners may be necessary for the preservation of the peace and good order in said town. Said commissioners are hereby authorized to appoint a mayor <i>pro tem</i> .
Officers elected by commissioners.	SEC. 4. That the secretary-treasurer, marshal (or constable) and policemen shall be elected by the commissioners, and shall hold office during the pleasure of the commissioners. Their salary shall be fixed by said board. The commissioners shall have au-
Vacancies.	

thority to fill all vacancies on the board of commissioners, the mayor, secretary-treasurer, constable, marshal or policemen. The commissioners may elect one of their own number secretary-treasurer.

SEC. 5. That an election shall be held on the first Saturday Town elections, after the first Monday in May, A. D. one thousand nine hundred and nine, and every two years thereafter, for the office of mayor and commissioners for said town, under the general State law.

SEC. 6. That said commissioners are authorized to levy a tax Taxing power. rate in said town, which shall not exceed twenty-five cents *ad* Tax limit. *valorem* on the one hundred dollars' worth of property and seventy-five cents on the poll, for general town purposes. The commis- License taxes. sioners may also levy such license or privilege taxes upon subjects mentioned in section three of article five of the State Constitution as may be just and reasonable. All persons in said town subject Road duty. to duty of working on the public roads shall, if required by order of said commissioners, work out their time on the public streets of said town, but they shall not be required to work on the public roads elsewhere.

SEC. 7. The said board of commissioners may appoint one of Street commis- their number street commissioner, whose duty it shall be to require sioner. Duty. all persons to work on said streets of said town, under the general road law in operation for the county of Wake: *Provided*, that the Proviso: pay to said commissioners may work the streets of said town in any man- work streets. ner which to them may seem just and proper, and pay for the same out of the public treasury of said town.

SEC. 8. That until the election shall be held, E. J. Ragsdale shall Officers named. be mayor and E. T. Spence, M. C. Nichols, J. K. Sessoms, T. J. Smith and Thomas R. Harrison shall be commissioners and Ebenezer Knox shall be marshal of said town.

SEC. 9. That no live stock of any kind whatsoever shall be per- Live stock not to mitted to run at large in said town. Any person violating this run at large. section shall, upon conviction, be fined not less than five dollars and Punishment. not more than twenty-five dollars.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 293.

AN ACT TO AMEND THE CHARTER OF THE CAROLINA POWER AND LIGHT COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty, Private Acts of one thousand eight hundred and ninety-nine, incorporating the Cape Fear Power Company, all of whose property and all of whose rights, powers, privileges and franchises, including those granted

Procedure for
condemnation.

by said chapter one hundred and sixty, Private Acts of one thousand eight hundred and ninety-nine, are now vested in and owned by the Carolina Power and Light Company, be and the same is hereby amended by adding at the end of section seven of said chapter one hundred and sixty the words, "The said company shall have the right to follow the procedure as to condemnation prescribed in the general laws of the State," and by striking out from said section seven any provisions as to such procedure inconsistent therewith.

Width of right
of way.

SEC. 2. That said chapter one hundred and sixty, Private Laws of one thousand eight hundred and ninety-nine, be and the same is hereby further amended by striking out, in line three of section eight thereof, the word "twenty-five" and substituting in lieu thereof the word "seventy-five."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 294.

AN ACT TO AMEND THE ACT ESTABLISHING THE WADES-BORO GRADED-SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Election of
trustees.

SECTION 1. That chapter eighty-nine, Private Laws of one thousand nine hundred and seven, be and the same hereby is amended by striking out the words "General Assembly of one thousand nine hundred and nine," in line six of section five of said act, and inserting in lieu thereof the words "Board of Education of Anson County."

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 295.

AN ACT TO PROVIDE FOR THE PAYMENT OF WITNESSES APPEARING BEFORE THE ASHEVILLE POLICE COURT.

The General Assembly of North Carolina do enact:

Witnesses sub-
pœnaed may
prove attendance.
Witness fee.

SECTION 1. That all witnesses who are lawfully and regularly subpœnaed and who appear before the Asheville police court shall be allowed to prove their attendance and charge fifty cents per day for their services, their *per diem* to be taxed by the judge of said

court in each case as a part of the costs thereof: *Provided*, that no witness shall prove attendance in more than one case nor for more than one day in the same case.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 296.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF POLICE AND FIRE COMMISSIONERS FOR THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide for the better management of the police and fire departments of the city of Durham, a board of police and fire commissioners, to consist of three members, all of whom are to be elected at the regular municipal election to be held for the city of Durham in May, one thousand nine hundred and nine, one of said three commissioners to be elected for the term of six years, one for four years, and the other for the term of two years, and the three persons so elected shall, after qualifying as hereinafter provided for, be and constitute the board of police and fire commissioners of the city of Durham. The terms of office of said police and fire commissioners shall commence on the first Monday after the said regular municipal election of one thousand nine hundred and nine, and shall continue in office until their successors are elected and qualified.

Board of police and fire commissioners established.
Election of commissioners.

Terms of commissioners.

Beginning of term.

SEC. 2. That the electors of the city of Durham shall, at the regular municipal election for said city to be held in May, one thousand nine hundred and eleven, and biennially thereafter, elect from the electors of said city of Durham one commissioner to succeed the commissioner whose term will expire in that year, and as the terms of the commissioners elected under this bill respectively expire the vacancies in the board thus made shall be filled by electing members for six years, whereby all will serve and hold office for six years, and one to be elected biennially in May by the electors in said city, as hereinbefore provided. If any member of the said board of police and fire commissioners shall refuse to qualify or, after qualification, shall become physically or mentally disqualified to serve, resign, cease to be a qualified voter of the city of Durham or be a candidate for any office, Federal, State or municipal (same to be found as a fact by the board of aldermen and spread upon its minutes), there shall be at once a vacancy in said board of police and fire commissioners, which vacancy shall

Election of successors.

Vacancies.

Candidacy for other office.	be filled by the board of aldermen at their next regular meeting, or at a special called meeting, after such vacancy occurs; and when any member of the board of police and fire commissioners is named as an applicant or candidate for any office or a proper person to receive such office, the chairman of said board of police and fire commissioners shall, or any member of said board may, notify him, in writing, that his name is mentioned in connection with such office; and if said member so notified shall not, within ten days after receipt of said notice, file with the chairman of said board his statement, in writing, that he is neither a candidate nor applicant for such office, and that he will not serve nor accept it if elected or appointed, the said board of police and fire commissioners shall declare vacant his office as a member of said board, which shall be filled in the manner herein prescribed for filling vacancies otherwise created in said board. When such vacancies are filled, for any cause other than expiration of term, they shall be filled by the board of aldermen only for the unexpired term.
Vacancies filled by aldermen.	
Commissioners to qualify.	SEC. 3. That each commissioner and his successors in office shall, before entering on the duties of his office, take and subscribe the following oath, to be administered by the mayor: "I swear that I will faithfully and impartially demean myself as a member of the board of police and fire commissioners of the city of Durham during my continuance in office. I have not, in order to influence my election to this office of commissioner, directly or indirectly, expressly or impliedly, promised my vote or support to any person for any office in the city of Durham nor for any other office. I will not knowingly permit my vote in the election or appointment of any person to position in the police or fire department to be influenced by fear, favor or affection, reward or hope thereof, but in all things pertaining to my said office I will be governed by my conviction of the public good." The oath shall be entered on the minutes of the proceedings of the board, and the original shall be filed in the office of the city clerk. That on the first Monday after their election said commissioners shall assemble and, after taking the oath of office, organize and elect a secretary for the ensuing year, who, if said commissioners shall so desire, may be selected from among their own number. The said board of commissioners, so organized, shall be known as the board of police and fire commissioners of the city of Durham. The commissioner elected for a term of six years, and his successor in office, shall be the chairman of said board. The members of the said board shall be paid a salary of one hundred dollars per annum each, to be paid by the city of Durham in equal monthly installments. The said board shall hold regular monthly meetings on the second Monday of each month, in some room in the city of Durham designated for that purpose, at such hour as the board may determine. The chairman may and, upon written request of any one member, shall call special meetings of said board, of which due notice shall be
Form of oath.	
Oath recorded and filed.	
Organization.	
Chairman.	
Salary of commissioners.	
Regular meetings.	
Special meetings.	

given to each member not requesting such meeting. The secretary shall keep in proper books a record of the proceedings of all meetings, and shall perform such other duties as the board may require. The said board shall adopt rules and regulations for the government thereof. It shall establish, promulgate and enforce proper rules, regulations and orders for the good government of the police and fire departments, and in any investigation pertaining to their duties shall have power to compel the attendance of persons and the production of papers, and, through and by their chairman, administer oaths: *Provided*, that such rules and regulations shall not in any way conflict with any ordinance of the board of aldermen.

Records.

Rules and regulations.
Rules for government of departments.
Powers in investigations.

Proviso: rules not to conflict with ordinances.

SEC. 4. The police and fire departments of the city of Durham shall be under the general control and supervision of the board of police and fire commissioners herein created, and subject to the rules and regulations adopted by said board. Immediately on the election of said commissioners they shall proceed to organize the said departments, as herein described, and to assume all the duties conferred upon them by this act. Members of the police force and firemen of the city of Durham shall be appointed by said board of commissioners as vacancies occur and as herein provided. The officers and members of the police and fire departments shall be appointed to hold office at the pleasure of said board, upon good behavior, and the said officers and members of the police and fire departments, including the chief of said two departments, may be reprimanded, suspended without pay or dismissed by said board for inefficiency, for any offense against the rules of said board, malfeasance, misfeasance or nonfeasance, neglect of duty, absence without leave, or other breach of discipline, immoral conduct or conduct unbecoming an officer or rendering him in the opinion of said board unfit to act as such officer. The salaries of the chief of police and of the chief of the fire department and all other members of said two departments shall be fixed and determined by the board of aldermen of the city of Durham.

Control and supervision of police and fire departments.

Organization of departments.

Appointment of policemen and firemen.

Term of appointment.

Pains and penalties.

Salaries determined by aldermen.

SEC. 5. That the chief of police and chief of the fire department of said city shall make semimonthly a full and detailed report to the board of police and fire commissioners of the condition of their respective departments, service and conduct of the policemen and firemen, and shall each make a monthly report to the board of aldermen of the general condition of their respective departments. In the case of absence or disability of the chief of police, then a member of the police force shall be designated by the police and fire commissioners to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the chief of police.

Reports of chiefs of departments.

Substitute chief of police.

SEC. 6. That the chief of police may appoint, with the consent of the mayor, special police, whenever the exigencies of the time, in his judgment, may demand it. He may appoint or employ, with the consent of the mayor, detectives, and assign them to specific

Appointment of special policemen.

Detectives.

Further enumeration of powers and duties. duties. He shall be the chief executive officer of the police force, and he shall be chargeable with and responsible for the discipline and efficiency of the police force and the execution of all laws and the rules and regulations of the board of police and fire commissioners. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments, from time to time, whenever in his judgment the exigencies of the service may require such change. He shall have power to suspend, without pay, pending the trial of charges, any member of the police force: *Provided, however,* that no such suspension shall be continued for a period of more than ten days without affirmative action to that effect by the board of police and fire commissioners. If the suspension of any members of the police force shall not be confirmed by the said board on the charges preferred, he shall be entitled to full pay from date of suspension, notwithstanding such charges and suspension. Said chief of police may grant leave of absence to members of the force for a period of not exceeding ten days. He shall report to the board of police and fire commissioners all changes or assignments of officers and all leaves of absence granted. He shall have general care of the peace of the city, and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force and see to the execution of every ordinance.

Power to suspend officers.

Proviso: limit of suspension.

Reports to commission.

Powers and duties of chief of fire department.

SEC. 7. That the chief of fire department shall be the chief executive officer of the fire department, and shall be chargeable with and responsible for discipline and efficiency of the members of his department and of the execution of the rules and regulations of the board of police and fire commissioners; that during the absence or disability of the chief of fire department the assistant chief shall assume the duties of the chief of the fire department during such absence or disability.

SEC. 8. That all laws and parts of laws inconsistent with or repugnant to this act are hereby repealed.

SEC. 9. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 297.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LITTLETON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Territory constituted school district.

SECTION 1. That all the territory embraced within a radius of two and one-half miles from the center of the town of Littleton which lies partly in the county of Halifax and partly in the county of Warren, incorporated under chapter two hundred and fifty-

four of the Public Laws of North Carolina of one thousand eight hundred and eighty-nine as the Littleton supplemental public schools for the white and colored races shall be and is hereby constituted a public-school district, which shall be called "Littleton Official title. Graded School."

SEC. 2. That the board of aldermen of the town of Littleton are hereby authorized and required to order an election on the first day of June, one thousand nine hundred and nine, after thirty days' notice in three public places in said territory, at which shall be submitted to the qualified voters residing in said territory the question of levying on all polls and property therein an annual special tax, not to exceed thirty cents on the hundred dollars valuation of property and ninety cents on each poll, for the support and maintenance of the public schools in said district. Election on special tax.
Notice of election.
Rate of tax.

SEC. 3. That the said board of aldermen shall appoint a registrar for said election and shall appoint two qualified voters residing in said district as poll holders and judges of election, who, together with said registrar, shall hold said election at the time specified, at such place or places as may be designated in the order and notices of said election within said district, and shall canvass and judicially determine the result and certify the same to the board of aldermen of the town of Littleton, to the board of county commissioners of the county of Halifax and to the board of county commissioners of the county of Warren, and these respective boards shall have the returns duly recorded among the official records of their offices, and said election shall be held in all other respects in accordance with the general provisions of the election law of the State: *Provided*, that no notice of said registration shall be required, except such as said board of aldermen may order. Appointment of election officers.
Canvass of vote.
Returns.
Record of returns.
Law governing election.
Proviso: notice of election.

SEC. 4. At such election the voters in favor of levying and collecting said tax shall vote a ballot on which shall be written or printed "For School Tax," and those opposed shall vote a ballot on which shall be written or printed "Against School Tax." If a majority of the qualified voters shall vote "For School Tax," then all the provisions of this act shall be in full force and effect; and the county commissioners of Warren County shall annually levy and cause to be collected on all property and polls in the territory lying in Warren County the tax herein provided, and the county commissioners of Halifax County shall annually levy and cause to be collected on all property and polls in the territory lying in Halifax County the tax herein provided, in the same manner and at the same time as other taxes of the respective counties are levied and collected; and the bond of the sheriff or tax collector of each of these counties shall be responsible for said taxes collected by him to the same extent as it is liable for other taxes collected by him. Ballots.
Levy of tax.
Sheriffs liable on bond.

Trustees named.	SEC. 5. That the following persons shall constitute the board of trustees of said Littleton Graded School: Eugene Johnston, C. G. Moore, E. B. Perry, J. W. Hudson, Josh Harris, V. B. Mitchell, J. L. Wright, S. G. Daniel.
Organization.	SEC. 6. That the said board of trustees shall organize within thirty days after the election and shall elect a chairman, a secretary and a treasurer; and the treasurer shall give a good and sufficient bond, approved by the said board of trustees, and he and his bond shall be liable for all funds in his hands belonging to said school district.
Treasurer to give bond.	
Apportionment from general funds.	SEC. 7. That all funds apportioned said district by the county boards of education of Halifax and Warren counties, respectively, from the State and county school funds, and all funds derived from the special tax levied and collected under the provisions of this act, shall be turned over to the treasurer of said board and shall be apportioned and used under the direction of said board of trustees for the support and maintenance of the schools in said district. No money shall be paid out by said treasurer except upon order of the said board of trustees, signed by the chairman and the secretary thereof.
School orders.	
Powers and duties of trustees.	SEC. 8. That the said board of trustees shall have the control and management of all the public schools in said district, and may establish such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of all officers and teachers of said schools; and the proper officers shall be required to make to the State Superintendent of Public Instruction, the county superintendent of public instruction and the county board of education such reports as are required of other public schools by the public-school law of this State.
Reports.	
Trustees incorporated.	SEC. 9. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of the Board of Trustees of the Littleton Graded
Corporate name.	School, and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title of all public-school property in the territory embraced in said school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.
Corporate powers.	
Title to school property.	
Effect of election.	SEC. 10. That if, at the election herein provided for, the majority of the qualified-voters shall vote "For School Tax," then all the provisions of this bill shall be of full force and effect, and the provisions of chapter two hundred and fifty-four of the Public Laws of North Carolina of one thousand eight hundred and eighty-nine shall be of no force and effect, and the latter shall be deemed repealed and revoked by said vote of a majority of the qualified

voters at said election; but if at said election a majority of the qualified voters shall vote "Against School Tax," then none of the provisions of this act shall be of any force or effect, and the provisions of chapter two hundred and fifty-four of the Public Laws of North Carolina of one thousand eight hundred and eighty-nine shall continue to be of full force and effect.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 298.

AN ACT TO AMEND THE CHARTER AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF MADISON.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Madison shall be Incorporation.
and continue, as they have been, a body corporate, and the cor- Corporate name.
poration shall bear the name and style of the town of Madison,
and under such style and name is hereby vested with all the prop- Corporate powers.
erty and rights of property which now belong to the corporation,
under any name or names heretofore, and by this name may ac-
quire and hold all such estate as may be devised, bequeathed, sold
or in any manner conveyed to it, and may, from time to time, as
it shall be deemed advisable by the proper authorities of the cor-
poration, invest, sell or dispose of the same; and under this name
shall have power to contract and be contracted with, to sue and be
sued, and shall have all the powers, rights and privileges necessary
or belonging to or usually appertaining to municipal corporations.

SEC. 2. That the corporate limits of said town of Madison shall Corporate limits.
be extended so as to include all the territory included in the fol-
lowing boundaries, to wit: Beginning at a point eighty feet west
of the north pier of the county bridge across Dan River; thence
running north with Water Street to the north side of Decatur
Street; thence on north three hundred feet; thence west till you
strike the east line of the right of way of the Roanoke and South-
ern Railway (now leased to the Norfolk and Western Railway);
thence with the east line of said right of way till it reaches the
corporation line of the town of Mayodan; thence west to a point
six hundred feet east of Big Beaver Island Creek; thence south-
wardly, parallel with the meanderings of said creek, to a point
fifty feet south of the Roanoke and Southern Railway; thence east-
wardly with the right of way of said railway to the old Cape Fear
and Yadkin Valley Railroad (now Southern); thence a straight
line to the first station.

ELECTIONS.

- Town elections. SEC. 3. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, and every two years thereafter, be elected a mayor and six aldermen for the said town; and the administration and government of the town shall be vested in said mayor and board of aldermen and such other officers as are hereinafter provided for. The board of aldermen for said town are herein given the authority and vested with the power to lay off and divide the town into wards, whenever in their judgment the town reaches or attains to the size to require the same.
- Mayor and aldermen.
- Wards.
- Electors. SEC. 4. That all persons entitled to vote for members of the General Assembly at the time of the election provided for in the preceding section, and who have been residents of the town for ninety days next preceding the day of election and shall have registered as provided herein, shall be allowed to vote for mayor and the aldermen, and no one except a qualified elector of the town shall be eligible to any office in the corporation (and in case the town shall be divided into wards the aldermen shall be residents of the wards for which they are chosen).
- Law governing elections. SEC. 5. That the provisions made or hereafter made by the General Assembly which may be in force at the time of any town election for testing the qualifications and right of any person to vote shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby vested with full and ample judicial power to pass upon and decide said qualifications.
- Judicial powers.
- Appointment of election officers. SEC. 6. That the board of aldermen shall, on the first Monday in March, one thousand nine hundred and nine, and every two years thereafter, appoint a registrar and two judges of election (and whenever said town shall be divided into wards, then they shall appoint one judge from each ward), all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the door of the mayor's office and notice to be served on such appointees by the chief of police, and shall give ten days' notice of a registration of voters for the said election at the door of the mayor's office, specifying the time, place and name of registrar for said election.
- Publication of appointments. Notice on appointees. Notice of registration.
- Registration. SEC. 7. That the registrar shall be furnished by said board of aldermen with registration books, and it shall be his duty, after being qualified to perform the functions of his office fairly, impartially and according to law, to revise the existing registration book of the said town in such a manner that said book shall show an accurate list of electors previously registered in such town and still residing therein and entitled to vote without requiring such electors to be registered anew; and such registrar shall, also, between the hours of seven o'clock A. M. and sunset (Sunday excepted), from and including the last Monday in March, up to ten
- Registrar to qualify.
- Revision of books.
- Registration.

days previous to the election, keep open the book for the registration of any electors residing in the town and entitled to registration whose names do not appear in the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said town, keeping the names of white voters separate and apart from those of the colored voters; and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina two years and in the town of Madison ninety days previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said town, as defined in section four of this act. If any person willfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the board of aldermen, on fifteen days' notice before the opening of the books, may order an entirely new registration of voters whenever they may deem it necessary and proper.

Oath of voters.

False swearing
misdemeanor.

Punishment.

New registration.

SEC. 8. The registration books shall be closed ten days before the election, and after the same are closed no person shall be allowed to register except those coming of age or whose length of residence, either in the State or in the town, shall have reached the required time after the books close and before or on election day, who are otherwise qualified electors of the town; and the books shall then be placed in the office of the town clerk and may be inspected by any person so desiring; and the clerk shall mark the day on which they were received by him, and they shall not be taken from his custody until the day of election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall receive no compensation for making said registration and shall be guilty of a misdemeanor.

Close of registration.
Registration after
close.

Deposit for books.

Inspection
allowed.Penalty for failure
to deposit books.

SEC. 9. That after being duly sworn by the mayor, or a justice of the peace, to conduct the election fairly, impartially and according to law, the registrar and the judges of the election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of election and all questions of voting, superintend and conduct the election for municipal offices in like manner and during the same hours as elections for members of the General Assembly are conducted; they shall count the ballots and declare the result, and shall receive such pay for their services as may be allowed by the board of aldermen.

Conduct of
election.Count of votes
and declaration
of result.
Compensation.

SEC. 10. If any judge or the registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once; and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him, after being duly sworn; or if a vacancy occur in said office, for

Appointments by
mayor in absence
of judge or
registrar.

Ballots.	any reason, then the mayor shall appoint to fill the vacancy. The voter shall designate on his ballot the person for whom he votes for alderman; otherwise his vote shall not be counted. Ballots shall all be on white paper and without device, and the aldermen
Proviso: wards.	shall be voted for on the same ballot as the mayor: <i>Provided</i> , that in the event that the town shall hereafter be divided into wards, then and in that case the aldermen for each ward shall be so designated on the ticket.
Count of votes.	SEC. 11. That at the close of the election the vote shall be counted by the registrar and judges, and such person as shall receive the largest number of votes for mayor shall be declared elected mayor, and such persons as shall receive the largest number of votes for aldermen shall be declared elected aldermen; and the mayor and aldermen shall be notified of their election by the said registrar and judges. The board of aldermen may at any time provide for more than one voting place, and may appoint such registrars and judges as may be proper; and in case more than one voting place is provided, the board may make such provisions as it may deem proper as to the residence of the registrar and judges and as to the number at each place.
Persons declared elected.	
Notification.	
Voting places.	
Ballots to be preserved.	SEC. 12. After the ballots shall have been counted they shall be carefully preserved, and the registrar and judges of the election shall certify and subscribe the poll and registration list, which, together with the ballots aforesaid, shall be returned to the town clerk, who shall keep them in the archives of the town; and two returns of the result of the election shall be made, under the hand of the registrar and the judges thereof, setting forth, in writing and in words, the number of votes each candidate received, one of which shall be given to the mayor and the other filed in the archives of the town by the town clerk, who shall on the day following publish the result of the election at the door of the mayor's office.
Deposit of ballots and books.	
Returns of election.	
Decision of ties.	
Mayor to qualify.	SEC. 13. If, of the persons voted for as mayor, there shall be an equal number of the votes between any two or more having the largest number of votes, or if, of the persons voted for as aldermen, there shall be an equal number of votes between two or more of them, the registrar and judges shall decide the matter by casting lots, in any manner upon which they may determine.
Form of oath.	
	SEC. 14. That the mayor, on the day after the election, or as soon thereafter as possible, not later than the Friday following the election, and before entering upon the duties of his office, shall, before the outgoing mayor or a justice of the peace, take the following oath: "I, do solemnly swear (or affirm) that I will diligently endeavor to perform, faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Madison while I continue therein; and I will cause to be executed, as far as in my power lies, all the laws, ordinances

and regulations made for the government of the town: and in the discharge of my duties I will do equal justice in all cases whatsoever."

SEC. 15. That each alderman, before entering upon the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of alderman for the town of Madison, according to the best of his skill, ability and judgment. Aldermen to qualify.

SEC. 16. That the mayor and aldermen shall hold their offices, respectively, until the next ensuing election and until their respective successors shall be qualified. Term of office.

SEC. 17. That if the aldermen shall fail to give notice of election, to hold and declare the same in the manner herein prescribed, each of them as shall be in the fault shall forfeit and pay, for the equal benefit of the town and of him who shall sue therefor, fifty dollars. Forfeit for failure to call and hold election.

SEC. 18. That if any person elected mayor shall refuse to be qualified, or if there is a vacancy in the office after election and qualification, either by reason of resignation, death or otherwise, or if the mayor be unable to discharge the duties of his office, the board of aldermen shall choose some person for the unexpired term or during his disability, as the case may be, to act as mayor, and the person so selected shall be clothed with all the authority and powers given under this charter to the regularly elected mayor: and the board of aldermen shall also choose other aldermen to supply the place of such as shall refuse to serve, and fill all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible. The board of aldermen, at the first meeting after their election, shall elect one of their number to act as mayor *pro tempore* in the absence, sickness or inability to act of the mayor. Election of mayor to fill vacancy.

SEC. 19. That any person elected mayor or alderman who shall refuse to be qualified as such shall forfeit and pay to the equal use of the town and of him who will sue therefor, the sum of twenty-five dollars. Election of aldermen to fill vacancies.

MAYOR.

SEC. 20. That the mayor of the town of Madison is hereby constituted a special court, with all the jurisdiction and powers now and hereafter given to justices of the peace in criminal offenses occurring within the limits of said town or within one mile of the corporate limits thereof. He shall preserve and keep the peace, and may, upon proper proceedings, cause to be arrested persons found in the town limits charged or convicted of crimes in other counties or States, and may bind such persons to appear at the proper tribunal to answer for their offenses, or in proper cases may imprison them. He shall also have jurisdiction to issue processes, to hear and determine all misdemeanors consisting of a Mayor made special court. Jurisdiction and powers.

	violation of the ordinances or regulations of the said town, to enforce penalties by issuing execution upon any adjudged violations thereof, to execute the laws and rules made by the aldermen; and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same; and he may issue process without complaint, when he is satisfied that there has been a violation of the law; and the mayor shall have power to issue a <i>capias</i> for any witness or other person summoned to appear before the said court and failing to appear, and shall have power to fine said witness or other person not exceeding fifty dollars or imprison such person not exceeding thirty days for each and every such offense.
Subpoenas.	
Capias.	
Limit of punishment.	
Proceedings.	SEC. 21. That all proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace; and in all cases there shall be a right of appeal to the Superior Court of the county of Rockingham; that whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court for failure to pay fine and costs, it shall be competent and allowable for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the town.
Imprisonment for fines and costs.	
Precepts.	SEC. 22. That the mayor may issue his precepts to the chief of police of the town and to such other officer to whom the justice of the peace may issue his precepts.
Minutes kept by mayor. Judgments rendered by mayor.	SEC. 23. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in Rockingham County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Rockingham. The said mayor and police officers of said town shall have full and ample jurisdiction in the territory outside of the town of Madison for one mile in all directions from the corporate limits.
Extent of jurisdiction.	
Mayor's office.	SEC. 24. That the mayor shall keep his office in some convenient part of the town designated by the aldermen. He shall keep the seal of incorporation and perform such duties as from time to time shall be prescribed, and he shall receive a salary, to be fixed by the board of aldermen.
Town seal.	
Salary.	
Mayor to preside—vote.	SEC. 25. That the mayor shall preside at all meetings of the board of aldermen, except as otherwise herein provided; and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote, and he shall vote in no other case; <i>Provided, however,</i> that the mayor shall have the power to veto any motion, ordinance
Proviso: mayor to have veto.	

or resolution; the mayor to notify the town clerk of the veto before midnight of the next succeeding day; and in case of a veto it shall become the duty of the mayor to immediately call a special meeting of the board of aldermen, to be held before midnight of the second day next following the day on which the clerk is notified of the veto, and at such meeting the board may pass, over the veto of the mayor, the said motion, ordinance or resolution by a vote of two-thirds of the entire board.

Special meeting to consider veto.

Two-thirds vote.

BOARD OF ALDERMEN.

SEC. 26. That the aldermen shall form one board, and a majority of them shall constitute a quorum and be competent to perform all duties prescribed for the aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often at least as once in every calendar month. Special meetings of the aldermen may be held on the call of the mayor or a majority of the aldermen; and all aldermen, when a meeting is called by the mayor, and those not joining in call when made by majority of the board, shall be notified of the meeting, but the board may at any regular meeting adjourn the meeting to any subsequent time, at which said time it may transact any business that could be transacted at a regular meeting.

Aldermen to form board—quorum.

Stated meetings.

Special meetings.

Adjourned meetings.

SEC. 27. That if any alderman shall fail to attend the regular meeting of the board of aldermen, or a special, of which he shall have notice, as prescribed in the charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay the sum of four dollars, and it shall be the duty of the mayor to enforce such forfeiture.

Forfeit for nonattendance.

SEC. 28. That the aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government and general welfare of the town as are not inconsistent with this charter and with the Constitution and laws of the State: and all ordinances of the town of Madison now in force or hereafter enacted shall, unless otherwise provided by the board of aldermen, apply with equal force to the territory outside of the town limits for one mile in all directions from the town.

Power to pass ordinances.

Application of ordinances.

APPOINTIVE OFFICERS.

SEC. 29. That the aldermen, at their first meeting after their election, or as soon thereafter as convenient, shall appoint a clerk (an attorney, if they deem it expedient), a treasurer, a collector of taxes and a chief of police, who shall respectively hold their offices during the official term of the aldermen who appointed them, subject, however, to be removed at any time by the board of alder-

Officers elected by aldermen.

Terms of office.

Officers to qualify and give bonds.	men and others appointed in their stead, for misbehavior, neglect or failure to discharge properly the duties of the office. Before acting, each of the said officers shall be sworn to the faithful discharge of his duty, and all except the attorney shall execute a bond, payable to the town of Madison, in such sum as the aldermen shall determine; and the said officers shall receive such compensation as the board of aldermen may allow.
Compensation.	
Duties of clerk.	SEC. 30. That it shall be the duty of the clerk to keep regular and accurate minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be directed by the board of aldermen and by this charter.
Reports of treasurer.	SEC. 31. That the treasurer shall make out annually a fair transcript of the receipts and disbursements on account of the town for the general inspection of the citizens, and cause the same to be posted at the door of the mayor's office at the end of each fiscal year; and for his failure to comply with the duties prescribed in this section he shall forfeit and pay, for the use of the town and him who shall sue therefor, one hundred dollars.
Publication.	
Forfeit for failure.	
Enumeration of duties of treasurer.	SEC. 32. That it shall be the duty of the treasurer to call on all persons who may have in their hands any moneys or securities belonging to the town which ought to be paid or delivered into the treasury to surrender same to him, and to safely keep the same for the use of the town, and to disburse the funds according to such orders as may be duly drawn on him in the manner herein-after specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as town treasurer.
Orders on treasury.	SEC. 33. That all orders drawn on the treasury shall be signed by the town clerk and countersigned by the mayor, and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his account, and also the sources whence are derived the moneys received by him.
Power and authority of tax collector.	SEC. 34. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax lists as due for town taxes. He shall be credited in settlement, as sheriffs are credited, with amount in suit by appeal, all poll tax and taxes on personal property which the board of aldermen shall declare to be insolvent and uncollectible. He shall at no time retain in his hands over
Fines and penalties.	
Accounts.	
Settlements.	

one hundred and fifty dollars for a longer time than ten days, upon a penalty of ten per cent per month to the town upon all sums so unlawfully retained. The board of aldermen, at the meeting before the last regular meeting of each fiscal year, shall appoint one or more of their number to be present and assist at the counting and settlement between the tax collector and the town treasurer, and to audit and settle the account of the town clerk and treasurer and chief of police and other policemen. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of the said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to re-election to said office.

Penalty for delay.
Audit of accounts.

Report and
record of audits.

Removal of tax
collector.

SEC. 33. That the board of aldermen shall have power to appoint such a police force as the good government of the town may require, who shall hold their offices during the term of the board appointing them and until their successors are appointed. The members of the police force shall give bonds, in such sum as the board of aldermen may prescribe, for the faithful discharge of the duties imposed by law and the charter and ordinances of the town, and to faithfully account for all moneys that may come into their hands by virtue of their offices. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of the fines and costs collected by him. It shall be the duty of the chief of police to attend the mayor's court each day and report any violations of the laws or ordinances of the town; to collect all fines and penalties imposed, and pay the same to the town treasurer, and to execute the orders and judgments of said court; to see that the laws and ordinances of the town are enforced, and do such other things as may be required of him by the board. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the town and the outlying territory of which the mayor and policemen are hereinbefore given jurisdiction, by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the mayor or others, and in the execution thereof shall have the same powers which sheriffs and constables have. The members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances. That said policemen shall have power to take bail for appearance of defendants or other persons charged with violation of the town ordinances, in the manner and to the extent that such power is vested in sheriffs; and in case such

Police force.

Policemen to give
bonds.

Powers and duties
of chief of police.

Policemen to
qualify.

Power to take
bail.

- person or persons shall not appear, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting parties and their sureties. That the chief of police shall have the power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose on the statement that he will pay fine and cost, upon failure to pay same or in case of an escape.
- Power of rearrest.**
- Fees.** SEC. 36. The policemen shall receive and turn over to the town clerk the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs for like service. The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation. In times of exigency the mayor may appoint, temporarily, additional policemen for such time as shall appear necessary, who shall take the same oath and be subject to the same control as regular policemen.
- Control and compensation of policemen.**
- Additional policemen.**
- Suspension of policemen.** SEC. 37. The mayor may at any time, upon charges preferred or upon finding said chief or any member of the police force guilty of misconduct, have power to suspend such member from service until the board of aldermen shall convene and take action in the matter; and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to the service. Any violation of the regulations or orders of any superior shall be good cause for dismissal; and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.
- Cause for dismissal.**
- Policemen drunk on duty.**
- Badges, arms and uniforms.** SEC. 38. The board of aldermen shall require the entire police force to wear badges and to be so armed and uniformed as to be readily recognized by the public as peace officers: *Provided, however,* that the mayor and chief of police may authorize such officers, for special purposes, to appear on duty in plain clothes. And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the town and secure the inhabitants from personal violence and their property from loss or injury.
- Proviso: plain clothes.**
- Action on bonds.** SEC. 39. That for any breach of his official bond as town clerk, chief of police, tax collector or any other officer who may be required to give an official bond, such officers shall be liable, in an action on the same, in the name of the town, at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment, from time to time, until the whole penalty be recovered.
- Town prison.** SEC. 40. It shall be the duty of the board of aldermen to establish and maintain a suitable, safe and sanitary prison, or calaboose, for the detention of any offenders against the laws or the ordinances of the town.
- Weighers and inspectors.** SEC. 41. That the board of aldermen shall have power to appoint weighers and inspectors of provisions and other products,

auctioneers and such other officers as they may deem proper for Auctioneers, the good government and welfare of the town; to make all rules and regulations governing said officers, prescribe their fees or remunerations, and may require any of them to give bond, as provided herein for other officers.

SEC. 42. The mayor or board of aldermen may employ detectives. Detectives, and the board of aldermen may offer a reward for the capture Rewards, and conviction of criminals in order to bring to justice offenders against the town ordinances, and also offenders against the laws of the State, when the offense is committed in the town limits or in one mile of the town limits.

TAXES.

SEC. 43. That in order to raise a fund for the expenses incident Taxing powers, to the proper government of the town, the board of aldermen may annually levy and collect the following taxes, viz.:

(1) On all real and personal property within the corporate Tax on property, limits, and on all personal property owned by residents of said town, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly, *ad valorem*, a tax not exceeding one dollar and thirty cents on every hundred dollars value.

(2) A poll tax not exceeding three dollars and ninety cents a Tax on polls, poll on the taxable polls of all persons who may be residents in the town on first day of June of each year.

(3) Upon all dogs kept in the town and which may be so kept Tax on dogs, on first day of June, a tax, not exceeding five dollars, and all dogs so taxed shall be subjects of larceny: *Provided, however*, that a discrimination within this limit may be made on the different species and sexes of dogs.

SEC. 44. That the town clerk, on the second Monday in May of Advertisement for each and every year, shall make advertisement in some newspaper listing for taxes, and at the mayor's office, notifying all persons who own or have control of property liable to taxation by the town on the first of June to enter to him, or some person designated by the board to act as tax lister, on or before the last of June, the list of their said taxable property. Said lists shall state the number of lots Returns for or parts of lots and all other property now taxable or that here- taxation, after may be made taxable by the laws of the State or the ordinances of the town, and the lists so returned to the town clerk Lists to be or tax lister shall be sworn to in every case, and the person desig- sworn to, nated to take the list is hereby authorized to administer the following oath: "I, A. B., do solemnly swear that the tax return made Form of oath, out and signed by me contains a full and accurate list of lots owned by me in the town of Madison, a full and accurate list of all personal property, and a full and accurate list of other stocks, bonds, solvent credits and other property subject to taxation by the laws of the State and the ordinances of the said town, according to my best knowledge, information and belief: so help me, God."

Tax books.

SEC. 45. From returns so made, the town clerk, or some one appointed in his stead, shall, without fail, before the first day of August next ensuing, make out and complete the tax book, which shall contain an alphabetical list of all persons liable to taxation by the town, with the age and color, and with assessed value of all real estate and the listed value of all personal property. The clerk or other person making out the tax lists shall follow the assessments on file in the register of deeds' office for Rockingham County; but in case any property has not been assessed by the county assessors, then the clerk or person who makes the list will assess the property at its true value: *Provided, however*, that all assessments and all lists of personal property may be revised, corrected or amended by the board of aldermen, and the valuation of any property, real or personal, may be raised, after giving five days' notice to the person liable to taxation, or his agent, to show cause why such change should not be made.

Proviso: revision of lists.

Lists of delinquents.

SEC. 46. That the clerk shall, after the most diligent inquiry and by comparing his books with the county tax books, make out a list of all persons liable for poll tax or for taxes on property who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such persons in a separate part of his book and shall charge them up with double taxes. No person shall be excused from paying said double tax except on application to the board of aldermen and for cause shown.

Failure to list a misdemeanor.

SEC. 47. That all persons who are liable for poll tax to the said town and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof before the mayor of said town or any justice of the peace of Madison Township shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said town to prosecute offenders against this section.

Punishment.

Tax collector to prosecute.

Levy and collection of taxes.

SEC. 48. That as soon as the clerk shall have furnished the assessment roll, as provided, and the same shall have been revised by the board (if such revision is deemed necessary), the board of aldermen shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the tax collector for collection, who shall forthwith proceed with the collection, and all taxes shall immediately become due as soon as such lists are placed in the hands of the tax collector; and if any person, firm or corporation fails to pay his, their or its taxes on or before the first day of November of the year in which said taxes are listed, then and in that event each person, firm or corporation failing in making payment of such taxes by the said date shall pay a penalty of one per cent of the total amount of said tax for each month, or fraction thereof, of such

Taxes due.

Penalty for delay in payment.

failure after November the first; the said penalty to be charged in said tax receipts, to be paid and collected as such taxes are paid and collected. That if all such taxes are not paid on or before the thirty-first day of December next following the listing of said taxes, the tax collector is authorized to proceed to collect said taxes and penalties by distress and sale, as provided by law. The said tax collector shall pay the moneys, as they are collected, to the treasurer; and the collector, for his compensation, shall receive a per centum on the amount collected, to be fixed by the board; and the said tax collector shall make full settlement with the town treasurer and the board of aldermen on or before the first day of April of each and every year, and for failure to comply with the provisions of this charter shall be liable to a penalty of fifty dollars for each and every offense, the said penalty to be collected by the board of aldermen.

Collection by
distress.

Compensation of
tax collector.

Full settlement.

Penalty.

SEC. 49. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the tax collector shall proceed forthwith to collect the same by distress and sale, together with all cost of sale, after public advertisement for the space of ten days in some newspaper published in the town, if the property to be sold be personalty, and of thirty days if the property be realty.

Sale of property
for taxes.

SEC. 50. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate, except such lot of land of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the board of aldermen, and thereupon he shall sell the same at the door of the mayor's office, after advertising for thirty days in some newspaper published in the town; and the collector may divide the said land into as many parts as may be convenient, and for such purpose he is authorized to employ a surveyor, and shall sell as many parts thereof as may be required to pay said taxes and all expenses and costs attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed, as hereinafter provided, shall belong to said town in fee.

Sale of real estate
for taxes.

Land struck off
to town.

SEC. 51. If upon a sale of the land there shall be a surplus after paying said taxes and costs and expenses for advertising and selling same, it shall be paid into the town treasury, subject to the demand of the owner, without interest.

Surplus.

SEC. 52. The owner of any land sold under the provisions of this charter, or any person acting for such owner, may redeem the same, within one year after the sale, by paying to the purchaser the sum paid by him for the land and twenty-five per cent on the

Time for
redemption.

amount of the taxes, costs and expenses, and the treasurer shall refund to the owner, without interest, the proceeds of the sale, less double the amount of the taxes.

Deed for property
not redeemed.

SEC. 53. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser, or his assigns, by a deed, signed by the tax collector, attested by the town clerk and with the corporate seal attached; and the recital in such conveyance shall be conclusive evidence that the tax collector has complied with all of the requirements of this charter necessary to make the sale valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

Real estate of
persons under
disability.

SEC. 54. That the real estate of infants or persons *non compos mentis* shall not be sold for taxes; and when the same shall be owned by such, in common with other persons free of such disability, the sale shall be made as provided in The Code.

License taxes.

SEC. 55. That in addition to the subjects listed for taxation, the aldermen may levy an annual license on the following subjects, the amount of which licensed tax, when fixed, shall be collected by the collector of taxes; and if it be not paid on demand, the same may be recovered by suit, or the article upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

Peddlers.

(1) Upon all itinerant merchants or peddlers vending or offering to vend in the town, a license tax not exceeding fifty dollars (\$50) a year, except such only as sell books, charts, maps or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured; and not more than one person shall peddle under a single license.

Tables and places
for games or play.

(2) Upon every billiard table, bowling alley or alley of like kind, bagatelle table, pool table or table stand, or place for any other game or play, with or without a name, kept for hire in a house used or connected with a hotel or restaurant, a license tax not exceeding one hundred dollars (\$100) a year.

Liquor dealers.

(3) Upon every permission by the board of aldermen to retail spirituous, vinous, malt or intoxicating liquors, a license tax not to exceed one thousand dollars; and upon wholesale dealers in the same, a license tax not less than two hundred dollars and not more than five hundred dollars.

Hotels.

Boarding houses
and restaurants.

(4) Upon every hotel, a license tax not exceeding fifty dollars (\$50); and upon every boarding house with more than ten boarders, and every restaurant and eating house, a license tax not exceeding twenty-five dollars (\$25); and the board of aldermen may fix the license taxes provided in this subsection according to the size, patronage or income of the hotels, boarding houses, restaurants and eating houses.

Circuses.

(5) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the town or in

one mile thereof, a license tax not exceeding one hundred dollars (\$100) for each performance or separate exhibition; and upon every side show connected therewith, a license tax not exceeding ten dollars (\$10), the tax to be paid before exhibition, and if not, to be doubled.

(6) Upon every company or person exhibiting, in the town or within one mile thereof, stage or theatrical plays, sleight-of-hand performance, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding twenty dollars (\$20) for every twelve hours allowed to exhibit, the tax to be paid before exhibiting or the same to be doubled.

(7) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not to exceed twenty dollars (\$20), to be paid before exhibition or the same shall be doubled.

(8) Upon each show or exhibition of any other kind, and on each concert for reward (unless for religious or beneficial purposes), in the town or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars (\$10), to be paid before exhibition or the same to be doubled: *Provided, however,* that plays, shows or other amusements given in a regularly licensed hall or opera house shall not be taxed.

(9) Upon every dog which may be brought into the town after the first of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such dogs in town, which permission shall not extend further than the last day of May next ensuing.

(10) Upon every auctioneer or erier of goods at public auction, a license tax not exceeding fifty dollars a year: *Provided,* that this section shall not conflict with the provisions of section two hundred and twenty of the Revisal.

(11) Upon every stock and bond broker, sewing-machine company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sale stables, livery stables or stock yard doing business in the town, a license tax not exceeding twenty-five dollars a year.

(12) Upon every person engaged in the business of posting, distributing or tacking up bills, posters, signs or advertisements of any kind, a license tax not exceeding fifty dollars.

(13) Upon every building and loan association, oil agency or shooting gallery, a license tax not exceeding twenty dollars a year.

(14) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal, or either, insurance agent or agency, and every skating rink, a license tax not exceeding ten dollars a year.

(15) That every telegraph, telephone or electric company, power company, street railway company, waterworks company furnishing

Side shows.

Other shows.

Artificial curiosities.

Other shows.

Strolling musicians.

Proviso: shows in licensed halls.

Dogs.

Auctioneers.

Proviso: general law.

Miscellaneous occupations.

Bill posters.

Building and loan associations, oil agencies, shooting galleries, Other miscellaneous dealers.

Public-service corporations.

- water to the city or citizens, every railroad company having a depot or office in the city shall pay a license tax not exceeding one hundred dollars per annum.
- Opera houses and show halls. (16) Upon every opera house or hall used for theatrical, musical or other entertainments of like kind, a license tax not exceeding one hundred dollars.
- Banks and junk shops. (17) Upon every bank or banker, each junk shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or Mills, factories, machine shops and foundries, a license tax not exceeding fifty dollars a year.
- Commission merchants. (18) Upon all commission merchants or commercial brokers, a license tax not exceeding ten dollars per year.
- Vehicles for hire. (19) Upon every omnibus, hack, cab, carriage, dray, baggage wagon used to transport persons, baggage, freight or other articles for hire, a license tax not exceeding twenty dollars.
- Business, trade or profession not enumerated. (20) The board of aldermen shall have power to levy an annual license tax on any business, profession, trade or avocation of any kind carried on in the town of Madison, not before enumerated herein, not to exceed five hundred dollars.
- License year. (21) That the license year shall begin on the first day of June of each and every year, and when a license is taken out after the first day of June the tax shall be proportioned according to the unexpired term of the year.
- Graduation of license tax. (22) That the board of aldermen shall have the power to graduate any license taxes permitted in this charter by dividing the business in the classes according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class.
- Doing business without license misdemeanor. (23) Any person carrying on or practicing any business, profession, trade or avocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor, and shall upon conviction be fined fifty dollars or imprisoned thirty days, and every day that he continues to violate this section after first indictment shall constitute a separate and distinct offense.
- Punishment. Separate offense.

STREETS, SQUARES AND PARKS.

- Powers of aldermen as to streets and public grounds. SEC. 56. That the board of aldermen shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change and open new streets and widen or change those already open, and make such improvements thereon as they may deem best for the public good; also, to lay out, regulate and establish parks and squares, within or without the city limits, for the use of the city; to regulate and protect public grounds and protect shade trees of the city.
- Cellars and other obstructions. SEC. 57. That the board of aldermen shall have power to prohibit cellars or entrances to cellars under the sidewalks, or any obstructions upon said streets, and may adopt such ordinances for the

regulation and use of the streets, squares, parks and other public property belonging to the city as it may deem best for the public welfare.

SEC. 58. That the board of aldermen may appoint a superintendent of streets, to have charge of the streets of the town, under the supervision of the board of aldermen or street committee, as it may deem best, and may appoint such other officers to care for and improve the streets, squares and parks as it may think proper.

SEC. 59. That every owner of a lot on a street, if so ordered by the board of aldermen, shall improve, curb, pave or repair, in such manner as the board of aldermen may direct, such sidewalk, as far as it may extend along such lots; and shall, also, if so directed by the board of aldermen, macadamize, pave or otherwise improve the gutters adjoining the said sidewalk and one-fourth of the street adjoining, with such materials and in such a manner as may be required by the board of aldermen, and all work done under this section shall be done under the strict supervision of the superintendent of streets or of the street committee; and on the failure to do as directed within twenty days after the notice by the superintendent of streets or of the chief of police to said owner or, if he be a nonresident of the county of Rockingham, to his agent, or if such nonresident have no agent in said county known to the board, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the superintendent of streets or the chief of police for ten days in some newspaper published in Madison, calling on the owner to make such repairs, the board of aldermen or superintendent of streets may cause the same to be repaired or improved as directed by the board, and the expenses shall be paid by the person in default. Said expenses shall be a lien upon said lot, and if not paid within two months after completion of the work such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided*, however, that the board of aldermen, in order to secure uniformity in the work done, may, after giving ten days' notice, in the manner herein prescribed, to the owner, have all the work provided for herein done by the town forces or by contract, and charge the actual cost of such work to the abutting property, and the said charges shall be a lien, as herein provided, and collectible as provided above: *Provided, further*, that if the property owner should so elect, and give notice of the fact, in writing, to the board, within the two months, hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which the said work is done, up to the time when the same shall be due and collectible, which said date shall be the date on which the taxes are due and col-

Superintendent of streets.

Other officers.

Owners to improve sidewalks and gutters.

Work done by town on default of owner.

Expense a lien on lot. Collectible as taxes.

Proviso: power of town to do all work.

Proviso: payment in installments.

Proviso: appeals
from assessments.

lectible; and in case of the failure or neglect of any property owner to pay said installment when the same shall be due and collectible, then and in that event the said amount of said installment shall be a lien upon said property, as hereinbefore provided, and collectible as provided above: *Provided further*, that whenever the town has had any of the said work done it shall give the owner of the said abutting property ten days' notice of the amount charged against his said property, and if the said owner is dissatisfied with the amount of the said charge he may give notice to the board of aldermen within ten days, aforesaid, that he takes an appeal to the next term of the Superior Court of Rockingham County, and shall within five days thereafter serve a statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions at law; and the said owner may in like time and manner appeal from any order or act of the board of aldermen made or done under this section, but said appeal shall not delay or stop the said improvements.

Penalties for
failure to make
improvements.

SEC. 60. In addition to the above provisions, the board of aldermen may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the board of aldermen.

Procedure for
condemnation of
land.

SEC. 61. That when any land or right of way shall be required for the purpose of opening new streets or widening or changing those already opened, or other objects allowed by this charter, and for want of agreement as to the compensation therefor, and the same cannot be purchased from the owner or owners at what the board considers a reasonable price, the same may be condemned and taken by the board of aldermen at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the board of aldermen and one by the owner or owners; and in case these two do not agree, then the two thus chosen shall select a third; and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified so to do, then it shall be the duty of the board of aldermen to appoint a disinterested freeholder to act on the part of said owner or owners; and in making said valuation said freeholders, after giving the owner or owners or their agents notice, or giving ten days' notice in a newspaper published in the town, in case such owner cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on

being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against the town of Madison, and shall pass the title to the town of Madison of the land so taken, and the land may at once be taken and used by the town for the purpose intended: *Provided*, that if any person whose land is taken under this paragraph, or if the board of aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court: *Provided*, *however*, that such appeal shall not hinder or delay the board of aldermen in opening, widening or changing such street or making such improvement.

Proviso: right of appeal.

Proviso: appeal not to delay work.

SEC. 62. The board of aldermen may grant franchises to street railway companies, electric companies, telephone companies or companies of other kinds to use the streets of the town, to lay pipes, tracks, wires and to set poles and to run cars and for other purposes, and may charge for such franchises and privileges, in addition to the annual license taxes, such amount as it may think just, to be turned over to the general fund of the town.

Power to grant franchises.

FIRES AND FIRE DEPARTMENT.

SEC. 63. That the board of aldermen shall have power to provide for the organization, equipment, maintenance and government of fire companies and a fire department.

Fire companies and fire department.

SEC. 64. That the board may establish and maintain fire limits in the town, in which it shall be unlawful to erect and repair wooden buildings and additions thereto; it may also prohibit the removal of wooden buildings of any kind into said limits, or from one place to another within the limits; it may also prohibit or restrict the explosion of fireworks or explosives of any kind, and govern the sale thereof in the town, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Fire limits.

Fireworks and explosives.

SEC. 65. The board may make rules and regulations governing the erection and construction of buildings in the town, so as to make them as safe as possible from fire; and in case of fire the mayor or, in his absence, a majority of the aldermen may order the blowing-up, tearing-down, or destruction in any other way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

Building regulations.

Powers of mayor at fires.

MARKET HOUSE.

SEC. 66. The board of aldermen shall have power to establish, maintain and regulate a market or markets; may prescribe the time and manner and place of sale of fresh meats, fish and other marketable product; may rent the stalls in such a manner and at

Establishment and regulation of markets.

such prices as it may deem best; may appoint a keeper, inspector or other officers of the market; may designate an officer to inspect fish, meats and other products, and said officer shall have power and it shall be his duty to summarily condemn all unsound products offered for sale in the town for food, and cause the same to be removed at the expense of the person, firm or corporation offering it for sale.

Condemnation of products.

Offering unsound food for sale a misdemeanor.

SEC. 67. It is hereby declared a misdemeanor for any person, firm or corporation to knowingly offer for sale in the town any unsound article of food.

MISCELLANEOUS.

SEC. 68. That no mayor, alderman or any other officer of the town shall, directly or indirectly, become a contractor for work to be done for the town, and any person herein offending shall be guilty of a misdemeanor.

Misdemeanor for officer to have interest in town contracts.

SEC. 69. That the board of aldermen may prohibit the running at large in the town of dogs, horses, cattle and other brutes; may regulate the speed at which horses or other animals may be ridden or driven through the streets, and the speed at which engines, cars, trains and automobiles shall run within the corporate limits of the town; may prohibit railroads from stopping their engines and cars on the streets of the town, and may require said railroads to keep the street crossings in good repair, under the supervision of the superintendent of streets or the street committee.

Further powers of aldermen.

SEC. 70. That among the powers hereby conferred on the board of aldermen, they may issue bonds only after they have passed an ordinance by a three-fourths vote of the entire board, at two separate regular meetings, submitting the question of issuing the bonds to a vote of the people of the town, and a majority of the qualified registered voters have voted in favor thereof. Thirty days' notice shall be given of such election in some newspaper published in Madison (and if no paper is published in Madison, then in some paper published in Rockingham County), at which election those who favor creating the debt shall vote "Approved" and those who oppose it shall vote "Not Approved." The board may order a new registration of the voters at any and all such elections if they deem it proper to do so.

Power to issue bonds.

Notice of election on bond issue.

Ballots.

New registration.

SEC. 71. That the board of aldermen shall have power, by a two-thirds vote of the aldermen present, to sell any real property belonging to the town; and when so authorized, a deed for the said real estate may be executed by the mayor and attested by the town clerk, with the corporate seal of the town attached: *Provided, however*, that this section shall not apply to plots in the cemetery, except as to the manner of the execution of the deed.

Power to sell and convey real estate.

Proviso: cemetery lots.

SEC. 72. That in all cases where judgment may be entered up against any person or persons for fines or penalties according to

Work in payment of fines and penalties.

the laws and ordinances of the town of Madison, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such persons so convicted to work on the streets or other public works until, at a fair rate of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

SEC. 73. That any officer of the town of Madison who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals or effects of such town shall be guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Failure of officer to turn over property to successor misdemeanor. Punishment.

SEC. 74. That any persons violating any ordinance of the town shall be guilty of a misdemeanor.

Violation of town ordinances misdemeanor. Effect of act.

SEC. 75. That from and after the ratification of this act the same shall thenceforth be the charter of the town of Madison, and all laws now constituting the charter of the town and affecting the government thereof in the grant heretofore made of its corporate franchise and powers, except acts relating to the issue of bonds, and all laws of a public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect the town: *Provided, however*, that such repeal shall not annul any ordinances, by-laws or rules of the corporation, unless the same be inconsistent with this act; nor shall such repeal affect any act done or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the corporation, by its present name, from any corporation or person whatever, be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the town of Madison.

Proviso: effect of repeal.

SEC. 76. That no offense committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by said repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of the act such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at the time of the repeal for any offense committed or for any penalty or forfeitures incurred under any acts or ordinances hereby repealed shall be affected by such repeal: *Provided further*, that no law heretofore repealed shall be revived by the repeal of any act repealing such law; and *Provided, lastly*, that all persons who at the time when the said repeal shall

Offenses committed and penalties and forfeitures heretofore incurred.

Proviso: prosecutions pending.

Proviso: laws not revived. Proviso: officers to fill out terms.

take effect shall hold any office under any of the acts hereby repealed shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this act.

SEC. 77. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 299.

AN ACT TO INCORPORATE THE SALISBURY RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.	SECTION 1. That T. H. Vanderford, L. H. Clement, W. F. Snider, L. E. Heilig, M. L. Jackson and Thomas J. Jerome, their associates, successors and assigns, are hereby created a body politic and corporate, with perpetual succession, under the name and style of the
Corporate name.	Salisbury Railway Company, and under that name may sue and
Corporate rights.	be sued, and may acquire, by purchase, gift, devise, lease or otherwise, any real, personal or mixed property or estate, and may lease or sell same as the interests of the company may require, and may acquire and own real or personal property, and may sell, mortgage or lease the same.
Capital stock.	SEC. 2. That the authorized capital stock of said company shall
Power of increase.	be one hundred and twenty-five thousand dollars, with the privilege of increasing same to one million dollars, upon the payment of the tax required by law, to be divided into shares of one hundred
Subscriptions to capital.	dollars each; that said capital stock may be subscribed for and paid in money, lands, mines, mineral property, materials, bonds, timber, labor or services, or terminal facilities, rights of way or otherwise, as may be agreed upon between the subscribers and the
Liability of stockholders.	said company, acting through its board of directors. No stockholder shall be liable for anything except his unpaid subscription.
Books of subscription.	SEC. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or the majority of them, acting in person or by proxy, at such times and places and
Capital on which to commence.	under such rules and regulations as they may prescribe; that as soon as ten thousand dollars has been subscribed for to the capital stock, the said company is authorized to commence operations and to exercise all the rights, powers and privileges and franchises granted by this act; and said corporators, or a majority of them, acting in person or by proxy, shall be authorized to call a meeting of the stockholders for the purpose of organizing, at such place or places as they may deem advisable, after giving ten days'
Meeting for organization.	

notice thereof; and at such meeting and at each annual meeting Directors, thereafter a board of not less than seven directors shall be elected by the stockholders, the said board of directors to hold office for one year and until its successors are elected. The said board of directors shall elect a president, vice president, secretary and treasurer and such other officers as may be deemed proper, and fix their duties; but the offices of secretary and treasurer may be combined and one person elected to fill both of said offices.

Term of directors.
President and other officers.

Secretary and treasurer.

SEC. 4. That after the organization of said company the president and board of directors may from time to time open books of subscription to the capital stock of said company, at such times and places and under such rules and regulations as they may prescribe.

Books of subscription after organization.

SEC. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight, passengers, mail and express from Winston, Forsyth County, to Salisbury, Rowan County, through the counties of Forsyth, Davidson, Davie and Rowan; thence to Mount Pleasant, to Concord, or either or both of those places, in the county of Cabarrus; thence through the counties of Cabarrus or Stanly to either Monroe, Wadesboro or Matthews, or any point on the Seaboard Air Line in the counties of Union, Anson or Mecklenburg; and thence to any point on the line of railway of the Atlantic Coast Line.

Power to locate, construct and operate railroad.
Termini and route.

SEC. 6. That this company may build its said railroad and any branch railroads as may be deemed advisable, and it shall have all the powers and privileges contained in volume one, chapter sixty-one, of the Revisal of one thousand nine hundred and five of North Carolina.

Branch roads.
Powers and privileges under general law.

SEC. 7. That any right of way may be acquired by said company by purchase, gift or otherwise, and when any right of way may be required by said company for the purpose of constructing its railroad or branches, and for want of agreement, or for any cause, it cannot be obtained from the owner, same may be condemned in accordance with volume one, chapter sixty-one, of the Revisal of one thousand nine hundred and five of North Carolina; and the company shall have the power to appropriate and condemn land in like manner for the location of depots, warehouses, shops and other houses necessary for the purposes of the company, and such right of way shall extend fifty feet on each side of the track of said railroad or branches.

Power to acquire right of way.

Procedure for condemnation.

Acquisition of land for other purposes.

Width of right of way.

SEC. 8. That said company shall have the right to borrow money, when so authorized by its board of directors in any general or special meeting, to issue coupon bonds at a rate of interest not exceeding six per cent. and to secure payment of same by mortgage or deed-of-trust agreement, and may issue first-mortgage bonds not exceeding fifteen thousand dollars per mile of its main road and branches. In case the said railroad may be divided and

Right to borrow money and issue bonds.

Mortgages.

First-mortgage bonds.

Mortgage on sections.

built in sections, which the said company is hereby authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct.

Partial construction and operation.

Sec. 9. A part of the railroad line of said company may be constructed without completing its entire line, and said part may be operated and charges may be collected therefor, notwithstanding the entire line of the company has not been completed.

Counties, townships and municipalities may subscribe to stock.
Procedure for making subscriptions.
Petition for election.

Sec. 10. That any county, township, city or town in any of the counties along or near the line of construction of said railroad or branch lines may subscribe to the capital stock of the corporation in the following manner: Upon presentation of a petition, in writing, signed by not less than twenty per cent of the qualified voters of a county, township, city or town, to the board of commissioners of such county (in case it is a county or township for which application is made) or proper governing authority of such city or town (in case it is a city or town for which application is made), requesting such governing body to submit to the qualified voters of a county, township, city or town where such petitioners may reside, a proposition to subscribe a definite sum, to be named in such petition, to the capital stock of this corporation, the board of commissioners of said county or proper authorities of said city or town, as the case may be, shall, within twenty days after the said presentation of such petition, order an election to be held in such county, township, city or town within forty days after the making of such order, and submit to the qualified voters therein the question of subscribing to the capital stock of said corporation the amount specified in said petition or the amount determined and submitted to the voters by the board of commissioners or other proper authority, as the case may be, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those qualified to vote who are opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the rules and regulations as are provided for the election of county, township, city or town officers, as the case may be, by the general election law of this State; and the board of county commissioners or proper authorities of any city or town may order a new registration for any such election. Such election shall be held after thirty days' notice thereof, specifying the amount and terms of the proposed subscription, shall have been posted at the courthouse door of said county and other polling places of said county, township, city or town where said election shall take place, and the returns thereof shall be made to the board of commissioners of said county or the proper authorities of said city or town, as the case may be. If a majority of said votes cast be "For Subscription,"

Election to be called.

Question to be submitted.

Ballots.

Law governing election.

New registration.

Notice of election.

Returns.

Subscription and issue of bonds.

then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription to the stock of said corporation, and shall issue coupon bonds to the amount of said subscription in order to pay same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of five hundred or one thousand dollars, and shall run for such number of years as the petition and order of election shall indicate or as the board of commissioners or other governing body of such county, township, city or town, as the case may be, shall determine, and they shall bear interest at a rate not exceeding six per cent. They shall be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of county commissioners, and if issued by a city or town they shall be signed by the mayor and countersigned by the clerk to the board of aldermen or commissioners of such city or town.

SEC. 11. The county authorities in said county voting for subscription or in which there is a township voting for subscription, or the proper authorities in any city or town voting for subscription who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and the interest thereon to be issued under the preceding section, compute and levy each year, at the time of levying other taxes, sufficient tax upon the property and polls in said county, township, city or town to pay the interest on bonds issued on account of such county, township, city or town. The taxes levied, as above provided, shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county when such subscription has been made by a county or township, and to the treasurer of the city or town when the subscription has been made by a city or town; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for which they are levied and collected, and none other.

SEC. 12. That for the purpose of this act, all townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to all liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing to the capital stock of this corporation are hereby declared to be corporate agents of the township so incorporated and situated within the limits of said counties, respectively.

SEC. 13. The said company shall have the power to connect or unite its lines of railroad with those of any other railroad or rail-

Denominations.

Maturity.

Interest.

Authentication.

Special tax.

Collection and
settlement of
taxes.Taxes kept
distinct.
Specific
appropriation.Townships
incorporated.

Corporate agents.

Powers of con-
nection with
other roads.

Power of merger. way companies or company, or consolidate and merge its stock, property and franchises with and into those of any other company or companies operating or authorized to operate railroad lines, upon such terms and under such names as may be agreed upon between the companies so uniting, connecting or consolidating; and this corporation may lease or sell any and all of its property, contracts, privileges and franchises to any other such company or companies.

Change of name. SEC. 14. The name of this company may be changed at any time by the board of directors to any other name that may be adopted by the said board of directors.

Rights under general law. SEC. 15. That this corporation shall have all the rights, powers and privileges conferred upon railroads by chapter sixty-one of the Revisal of one thousand nine hundred and five of North Carolina.

SEC. 16. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 300.

AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF WEST HICKORY.

The General Assembly of North Carolina do enact:

Incorporation to continue. SECTION 1. That the inhabitants of the town of West Hickory shall be and continue, as they have been, a body politic and corporate, with all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations.

Corporate limits. SEC. 2. That the corporate limits of the town of West Hickory shall be as follows: Beginning at a spike in the center of the Southern Railway, at a point one mile in a westerly direction from the center of the city of Hickory, North Carolina, which point is in the boundary line of said city of Hickory; runs in a southeasterly direction, curving with said boundary line, one-half mile (two thousand, six hundred and forty feet), to a stake; thence south $85\frac{1}{4}^{\circ}$ west, parallel with the Southern Railway, three-fourths of a mile (three thousand nine hundred and sixty feet), to a stake; thence curving, the same as the boundary on the east side, crossing the Southern Railway, at a distance of one-half mile, and continuing in the same curve for one-half mile north of the railroad to a stake; thence north one-fourth mile (one thousand three hundred and twenty feet) to a stake; thence north $85\frac{1}{4}^{\circ}$ east three thousand one hundred and sixty-five feet, parallel with the south line and also with the Southern Railway, crossing the Carolina and Northwestern Railroad and passing through lots Number Twenty-

one, block "L." and Number Fifteen, block "H." in plat of lots known as "Oakland Heights," to the center of Wren Street; thence with Wren Street two thousand feet, more or less, to a point in the middle of the street, on the east side of the Carolina and North-western Railroad, on the west boundary of the city of Hickory; thence with the west boundary of Hickory one thousand eight hundred and fifty feet, more or less, crossing the Carolina and North-western Railroad, to the beginning.

SEC. 3. That the officers of the said corporation shall be a mayor, Town officers, three commissioners and such other officers as may be appointed by the board of commissioners to enforce their ordinances, keep their records and otherwise aid in the conduct of the affairs of the town: that the present mayor and commissioners of West Hickory shall hold their offices until their successors are elected and qualified, as hereinafter provided. Present officers to fill out terms.

SEC. 4. That there shall be an election to the offices of mayor and commissioners of said town on Tuesday after the first Monday in May, one thousand nine hundred and nine, and annually thereafter, under the same restrictions and regulations under which State and county elections are held and as provided by law for elections in cities and towns in North Carolina. Town elections.

SEC. 5. That the said town of West Hickory shall be subject to all provisions of chapter seventy-three of the Revisal of one thousand nine hundred and five, and all the provisions of said chapter not inconsistent with the provisions of this act are hereby made a part of it. That the board of commissioners shall have power to lay out, open new streets, change, extend, widen old ones, make new sidewalks or change old ones, and improve the streets and sidewalks of the town, as they may deem best for the public good and convenience; and may make such ordinances for the control, regulation and use of the streets, sidewalks, alleys and the public property of the town as they may deem best for the public welfare. Application of general law.

That the board of commissioners shall have power, also, by proper ordinances, to require every able-bodied male person residing within the corporate limits, between eighteen years and forty-five years of age, to work on the streets of the town not exceeding six days in any one year, and, upon the payment to the town of a sum of money not exceeding three dollars for any one year, to exempt such person from street labor. Powers of commissioners as to streets and sidewalks. Persons subject to street duty. Street duty. Commutation.

SEC. 6. That when any land or right of way shall be required for the purpose of opening new streets, or for widening, extending or otherwise changing those already opened, or for any other purpose allowed by this charter or by the general law, and the same cannot be purchased from the owner or owners at a price deemed by the board of commissioners to be fair and reasonable, the same may be condemned by said board and taken at a valuation to be made by three disinterested freeholders of said town, one of whom Procedure for condemnation of land.

shall be chosen by the board of commissioners, one by the owner or owners of the property condemned; the two so chosen to select a third. On failure of the owner or owners to choose a freeholder, as aforesaid, within five days after notice directing such choice to be made shall have been posted at the mayor's office and three other public places in the town, or personally given to such owner or owners, the mayor shall appoint such freeholders for him or them. The said three freeholders, constituting a board of appraisers, shall, after five days' personal notice or ten days' notice by posting in the manner above set out, proceed to the discharge of their duties, after taking oath before some officer competent to administer such oath for the faithful performance of the same. They shall take into consideration the loss or damage which may accrue to the owner in consequence of the surrender of his property; also any benefit or advantage resulting to him from the proposed public use of the condemned property. They shall ascertain what sum, if any, shall be paid to such owner, and report the same to the board of commissioners, under their hands and seals, which report, on being received and confirmed by the board of commissioners and spread on their minutes, shall have the effect of a judgment against the town for such sum, and shall have the further effect of passing title to such property to the town upon the payment of such sum by the town: *Provided*, if any such property owner or the board of commissioners be dissatisfied with the valuation made by such board of appraisers, in such case the party so dissatisfied may appeal to the next term of Superior Court of Catawba County, giving notice of such appeal to the opposing party within ten days after the notice of such valuation; such appeal not to prevent the board of commissioners from entering upon and making immediate use of the condemned property for the purposes intended.

Proviso: right of appeal.

Notice of appeal.

Fees of mayor.

SEC. 7. That for every warrant issued by the mayor for the recovery of any penalty for the violation of any ordinance of the town, or for violation of any criminal law of the State, of which the mayor shall have final jurisdiction, the mayor shall receive a fee of fifty cents, and for every judgment thereon seventy-five cents; for every warrant issued by the mayor for violations of the criminal laws of the State, in which he has not final jurisdiction, he shall receive a fee of one dollar, but no fee for judgment in such case. The mayor shall also receive such other fees as are now or may hereafter be prescribed for justices of the peace in like cases; all the above fees to be taxed in the bill of costs.

West Hickory special-tax school district.

SEC. 8. That the territory embraced within the boundaries set out in section two of this act, together with the farm of Dr. Nicholson, on the south side of the said town, full description of which is found in the office of the Register of Deeds of Catawba County, shall constitute the West Hickory Special-tax School Dis-

trict: and a special tax for school purposes, of twenty cents on the one hundred dollars valuation of property and sixty cents on each taxable poll in said district, shall continue to be levied and collected annually, to the extent and in the manner hereinafter provided.

SEC. 9. That the special tax for schools in the district aforesaid shall be levied by the board of commissioners, collected by the tax collector of West Hickory, duly appointed by said board, and paid over to the treasurer of the trustees of said school district for the benefit of the schools therein.

SEC. 10. That the present trustees of the schools of said district shall serve until Tuesday after the first Monday in May, one thousand nine hundred and ten, and until their successors are elected and duly qualified: that on Tuesday after the first Monday in May, one thousand nine hundred and nine, there shall be elected two school trustees for the term of two years: that on Tuesday after the first Monday in May, one thousand nine hundred and ten, there shall be elected three school trustees for the term of two years, and at each annual municipal election thereafter trustees shall be elected to succeed those whose terms expire, to hold for a term of two years. Any vacancy in the board of school trustees shall be filled by the other members of such board, and the position of school trustee shall not be deemed an office or place of trust, within the meaning of article seven, section fourteen, of the Constitution of North Carolina. That the board of school trustees of said district shall be and are hereby constituted a body corporate, under the name and style of "Board of School Trustees of West Hickory," with the powers and privileges usually appertaining to such corporations, and shall have control over the funds and other property of said district, as well as the management of the schools therein, the employment of teachers, the dismissal and reinstatement of pupils, and shall make or adopt rules and regulations for the government of such schools. Said board of trustees shall appoint a treasurer, who shall enter into sufficient bond for the faithful performance of his duty as such, and who shall have the custody of the funds belonging to said district, and shall pay out the same on the order of the board of trustees, and not otherwise.

SEC. 11. That in the apportionment of the public-school funds derived from the State and from the county of Catawba, the county board of education or other proper authority, under the general school law of the State, shall determine the amount to be apportioned each year to the public schools of the West Hickory School District, aforesaid, by dividing the whole amount of such funds (after deducting the county treasurer's commission or part of salary to be paid out of same, and also the amount reserved by the county board of education for office expenses, salary of super-

Levy, collection and settlement of tax.

Term of present school trustees.

Election of successors.

Vacancies.
School trustee not officer.

Board of trustees incorporated.

Corporate name.
Corporate powers.
Powers as trustees.

Treasurer.
Bond of treasurer.

School orders.

Apportionment from general school funds.

intendent of education, per diem and mileage of members of said board of education) by the total number of children of school age in Catawba County, as shown by the last preceding school census, and multiplying the quotient so obtained by the total number of children of school age in said West Hickory District, as shown by the last preceding school census; the amount so ascertained to be paid by the county treasurer to the treasurer of said board of trustees for the use and benefit of the schools of said district.

Assessment of taxes.

Proviso: assessors and list takers.

SEC. 12. That for purposes of taxation for the benefit of schools, property and polls shall be listed, assessed and valued under the same laws as provided for municipal purposes: *Provided*, the assessors and list takers appointed by the county commissioners to list or assess property or polls in Hickory Township for county and State taxation shall ascertain and designate on the tax list the property and poll subject to taxation for school purposes in said school district, and it shall be lawful for the tax lister for said district to copy the same on the tax list for said school district.

Discount for prompt payment of tax.

Penalty for delay.

SEC. 13. That any person, firm or corporation shall be allowed a discount of two per cent for full payment of the amount of all taxes due for school and municipal purposes on or before the first day of December of the year in which such taxes were listed; no discount to be allowed on taxes paid between December first and January first following; and each person, firm or corporation failing to pay such taxes before January first next after same were listed shall pay a penalty of one per cent of the total amount of the taxes due for each month or fraction of month thereafter until said taxes are paid, said penalty to be charged in the tax receipt and collected as part of the taxes levied against such person, firm or corporation.

License tax.

Collection of license tax.

Failure to list tax misdemeanor.

Punishment.

SEC. 14. That the board of commissioners may levy and collect a license tax on any subject, business, trade, occupation or profession which may lawfully be made the subject of a special license tax; the amount of such tax, when fixed, to be collected by the tax collector; and if such tax be not paid on demand, the same may be recovered by suit or the article on which the tax is imposed may be forthwith distrained and sold to satisfy the same.

SEC. 15. That any person liable for poll tax in the town who shall willfully fail to list his poll, and any person who shall willfully fail to list property in the town which he is required by law to list, and within the time allowed by law, shall be guilty of a misdemeanor, and upon conviction before the mayor or any justice of the peace having jurisdiction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and it shall be the duty of the tax collector to prosecute offenders against the provisions of this section.

SEC. 16. That all laws and clauses of laws constituting the existing charter of West Hickory in conflict with the provisions of this

act are hereby repealed, and all laws and clauses of laws of a public and general nature in conflict therewith are repealed, in so far as they may affect the town of West Hickory.

SEC. 17. That the Secretary of State shall furnish the Mayor of West Hickory a certified copy of this act within twenty days after its ratification. Secretary of state
to send copy of
act.

SEC. 18. That this act shall be in force from and after the date of its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 301.

AN ACT TO AMEND CHAPTER 375 OF THE PRIVATE ACTS OF 1901, SO AS TO EXTEND THE CORPORATE LIMITS OF TOWN OF DOVER, IN THE COUNTY OF CRAVEN.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section two of chapter three hundred and seventy-five of the Private Laws of one thousand nine hundred and one by striking out of said section all the words following the words "the Atlantic and North Carolina Railroad," in line thirteen of said section, and inserting in lieu thereof the following words: "then south 45° west 98 poles and 16 links to Jones County line; New lines. then north 72° 15' west 46 poles to a stake; then south 40° 30' west 76 poles to a stake; then north 70° 20' west 98 poles to a stake; then north 12° east 70 poles to a stake in Jones County line; then with Jones County line to the beginning."

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 force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 302.

AN ACT EMPOWERING THE TOWN OF MARSHALL TO ESTABLISH, CONSTRUCT AND MAINTAIN A PUBLIC PARK.

The General Assembly of North Carolina do enact:

SECTION 1. The town of Marshall is hereby authorized and empowered to establish, construct and maintain a public park or pleasure ground in the island situate within the corporate limits of said town, and shall effect and accomplish the same in accordance with and by means of the following provisions of this act: Construction and
maintenance of
park authorized.
Location.

Board of park commissioners.

Term of office.

Commissioners named.

Vacancies.

Commission to serve without pay, but allowed expenses.

Nonattendance on meetings to vacate office.

Commissioners to qualify.

Organization.

Quorum.

Rules of order.

Records and accounts.
Annual reports.

Books open to inspection.

Appointment and regulation of officers and employees.

Care, management and control of park.

SEC. 2. Said park, together with all park property which may be acquired, shall be under the management, care and control of a board, under the name and style of board of park commissioners. Said board shall consist of three persons, freeholders and citizens of said town of Marshall, whose term of office shall continue for a period of four years and until their successors are appointed and qualified. That C. B. Mashburn, Guy V. Roberts and Frank Roberts be and they are hereby appointed park commissioners of said town for a term of four years and till their successors are appointed and qualified. Any vacancy which may occur, through death, resignation, failure to qualify or otherwise, may be filled for the unexpired term by a majority vote of the commission. No compensation for services on said commission shall be allowed to any member thereof. Each commissioner, however, shall be entitled to receive his actual disbursements for necessary expenses in the performance of any duty imposed upon him by the direction of the said board of commissioners. The office of any one of the said park commissioners who shall fail to attend the meetings of the board for three successive months, after having been duly notified of such meeting, without reason therefor satisfactory to said board or without leave of absence from said board, shall by said board be declared vacant, and they shall proceed to fill the vacancy for the unexpired term, as hereinbefore provided.

SEC. 3. The said board of park commissioners shall, within ten days after appointment, take oath before some person authorized to administer oaths to faithfully and impartially perform the duties of their offices to the best of their ability, and shall thereafter, annually, on the first Monday in May, choose one of their number to be president of the board, and another vice president; and the said board shall elect a secretary, who, in the discretion of the board, may be one of their number. At all meetings two shall constitute a quorum for the transaction of business. The said board of park commissioners shall have full and exclusive power to make rules and by-laws for the orderly transaction of their business. The board shall keep an accurate record of books and accounts, and shall annually transmit to the board of aldermen on the first Monday in May a full and detailed report and statement of all its acts and doings, together with a complete and itemized account of all receipts and disbursements. The books of account and records of the board shall at all times be open to the inspection of the mayor and board of aldermen of said town. Said board shall have full power to appoint or employ such superintendents, engineers, architects, guards and other officers and employees as may be necessary, and shall prescribe and define their respective duties, powers and authority, and shall fix and regulate the compensation to be paid to the several persons so employed.

SEC. 4. The board constituted as aforesaid shall have the care, management and control of said park and all structures thereon.

The board shall have power to acquire and the town of Marshall to hold property, whether within or without said island, for the purpose of establishing said park, by condemnation, purchase or lease of the same; to accept conveyances thereof; to receive gifts, donations or devises of land or other property for park purposes; to lay out and improve with walks, drives and roads; to build necessary culverts and bridges; to drain, plant and otherwise, at their discretion, to improve and adorn the park and other property thus held or acquired by said board; to erect such buildings as shall be needed for the purposes of administration or for the use, protection and refreshment of the public. The said board shall have power to make and alter from time to time all needful rules and regulations for the maintenance of order, safety and decency in said park, and to fix the penalty for disobedience thereto, which rules and regulations shall have the force of ordinances of the town of Marshall: *Provided*, that no such rule or regulation shall be of any effect unless it shall have been first approved by the board of aldermen of said town. Any member of the police force of said town or any member of the commission may arrest without warrant in such park any person who has broken any park rule or committed any other offense in said park; and the mayor's court of the town of Marshall shall have jurisdiction of all violations of the park rules or ordinances committed within the limits of said park.

Enumeration of powers and duties.

Rules for maintenance of order, safety and decency.

Proviso: rules to be approved by aldermen.

Powers of police.

Jurisdiction of officers.

SEC. 5. For the purpose of providing necessary funds for the purchase, leasing, condemnation or improvement of land for park purposes the board of aldermen of said town shall, upon the request, in writing, of said board of park commissioners, annually levy, at the time of levying other taxes, a tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said town, which said tax shall be collected by the tax collector of said town as other taxes are collected, and shall be by him paid to the treasurer of said town and held by him as a separate fund, and paid out only upon the order of said board of park commissioners, signed by the president and attested by the secretary of said board.

Rate.

SEC. 6. That said board of park commissioners, on behalf of the town of Marshall, shall have power to take, by condemnation, land for park purposes in said island, or such land without the island as may be necessary for street or bridge purposes; and if the said park commission cannot for any cause agree with the owner or owners of any land which they shall decide to take for park purposes, whether within or without said island, as to the compensation to be paid therefor, the damages which will accrue to such owner or owners by such condemnation, allowance being made for the benefit accruing to portions of such property not condemned, and the compensation to be paid for such land in view thereof shall be estimated and determined by three appraisers, one to be appointed by the board of aldermen of said town, one by the

Power to condemn land.

Procedure for assessment of damages.

- party or parties owning the property and the third by said board of park commissioners. Said appraisers shall notify all parties in interest of the time and place of hearing, and shall make return, in writing, of their appraised award to the clerk of the Superior Court of the county of Madison, who shall record the same; and the amount of such award shall be paid by said park commission within sixty days after the filing of such award or, in case of an appeal, after the final award in the premises, out of any fund at their disposal, to the person or persons entitled thereto, or deposit it to the order of such person or persons with the clerk of the Superior Court of said county; but either party may within ten days after the filing of said award appeal to the Superior Court or any judge thereof to set aside such award and order a rehearing for irregularity or improper conduct connected with such hearing and appraising. The fees of the appraisers shall be one dollar each, to be paid by the park commission from the funds aforesaid.
- Right of appeal.
- Fees of appraisers.
- Power to lease park for public entertainments.
- Admission.
- Rentals to use of park fund.
- SEC. 7. That said board of park commissioners may from time to time lease such portions of said park as they may deem advisable, and for such length of time as they may deem reasonable, for the purposes of holding county fairs thereon and for the purposes of other public entertainments; and when so leased the companies or persons leasing the same may, during the continuance of said fair or other entertainments, charge a reasonable compensation for admission into said park. At all other times said park shall be free and open to the public. Any compensation or rental received from persons or person leasing said park or any part thereof, as aforesaid, shall be paid to the treasurer of said town and held by him as a separate fund, subject to the order of said commission, to be used by them for the purposes of this act.
- SEC. 8. That this act shall be in full force and effect from and after its ratification.
- Ratified this the 6th day of March, A. D. 1909.

CHAPTER 303.

AN ACT TO AMEND CHAPTER 369 OF THE PRIVATE LAWS OF THE YEAR 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-nine of the Private Laws of North Carolina, ratified on the ninth day of March, Anno Domini one thousand nine hundred and three, the same being the amended charter of the city of Statesville, be amended as follows: Strike out all after the word "stake," in line twenty-five of section two of said act, and insert the following in lieu thereof, namely: "thence south 66° west twenty poles to a

Boundaries.

stone; thence north $67\frac{1}{2}^{\circ}$ west, running north of and nearly parallel to Connor Street, passing near the oil house of the Bradford Knitting Mills, one hundred and fourteen poles, to a stone near Bradford Knitting Mills; thence north 24° west, passing near the fork of the Taylorsville and Lewis Ferry Road, one hundred and thirty-five and one-half poles, to a stone; thence north 66° east five hundred and fifty-six poles, to the beginning."

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

SEC. 3. That this act shall be in force from and after May the thirty-first, one thousand nine hundred and nine.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 304.

AN ACT TO INCORPORATE THE MOUNT PLEASANT RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That Paul Barringer, A. W. Moose, Prof. J. H. C. Fisher, J. B. McAllister, C. F. James, W. A. Kindley, Dr. M. A. Foil, Rev. J. P. Miller, Rev. J. H. Kellar, Capt. Jonas Cook, and their associates and successors, are hereby constituted a body politic and corporate, under the name and title of the "Mount Pleasant Railway Company," and as such may sue and be sued in any courts of the State, and shall be subject to all the laws of North Carolina not inconsistent with this act. That said company shall elect such officers and prescribe such by-laws as may be necessary for the government of said company and management of its officers.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, with the power of the stockholders to increase the same to one hundred thousand dollars, when they think the same necessary, upon payment of tax required by law, and shall be divided into shares of one hundred dollars each.

SEC. 3. That in order to carry into effect the purpose of this act, the corporators herein named, or any five of them, may within twelve months from the ratification of this act call a meeting, and they may open or cause to be opened books of subscription to the capital stock of said company, and as soon as ten thousand dollars are subscribed, by individuals or otherwise, as hereinafter provided, a meeting shall be called, by giving each stockholder ten days' notice, to organize said company by electing not less than five nor more than ten directors, and the said directors shall elect one of

Term of directors. their number president for the term of one year, and the said board of directors shall hold office for the term of one year and until their successors shall be elected, as shall be provided for by the by-laws that may be adopted by the stockholders of this company.

Stock votes. SEC. 4. That in all meetings of the stockholders for the purpose of electing officers or for the transaction of any other business connected with said company each stockholder shall be entitled to one (1) vote for each share of stock owned by him, and stockholders may vote by proxy, duly authorized in writing.

Power to construct and operate railways. Route. SEC. 5. That said company shall have full power to construct and operate, from Mount Pleasant, Cabarrus County, North Carolina, to any point within or without the State, tramways, railways

Power to change route. or electric lines, using any motive power it sees fit, and may have power to change said route at any time that to them may be deemed

Power to transport freight and passengers. expedient, practicable or advantageous; and it is further provided that the said company shall be allowed to transport all freight and passenger traffic upon its tramway or railway or electric lines, for itself and for all other persons, companies or corporations, charging reasonable compensation therefor.

Power of consolidation. SEC. 6. The said company shall also have power to consolidate with any other company or companies organized under the laws of this State or any other State for the purpose of carrying out the business contemplated by this act.

Power to acquire, hold and deal with real estate. SEC. 7. That said company shall have power to take, by purchase, lease or other operation of law, any lands, tenements and hereditaments in the State of North Carolina, to such an amount as to them shall seem proper, and to hold and to convey the same in fee simple, as provided by the laws of North Carolina. They shall have power to sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with any part or all of the property of said company in such manner as said company shall see fit.

Counties, townships or municipalities may subscribe to stock. SEC. 8. That for the purpose of aiding and raising the capital stock of said company, in addition to private subscription provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad or branches may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sum in bonds as a majority of all their qualified electors may authorize the county commissioners of such county or of the county in which it is situated, such townships or the municipal authorities of such city or town, to subscribe to said capital stock, anything contained in the charter of

Bonds for subscription. such municipal corporation to the contrary notwithstanding. That the said subscription shall be made in bonds, not bearing a greater interest than five per centum annually, payable thirty years after date thereof, to be received by said company at par, and to be of the denominations of one thousand dollars, interest to be paid semi-annually.

SEC. 9. That for the purpose of determining the amount of such subscription, it shall be the duty of the county commissioners of any county in which said railroad is located, or which is interested in the construction of said railroad, or in which the township is interested, or about to subscribe, is situated, or the municipal authorities of any city or town interested in the construction of said road, upon a written application, which application shall be recorded in the office of the register of deeds, of twenty-five resident taxpayers of said county, township, city or town, specifying therein the amount to be subscribed in bonds for the construction of said railway, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the capital stock of said company; and said county commissioners or municipal authorities of such city or town shall, upon petition, naming amount and number of delegates to represent the stock at all meetings of said company, forthwith order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law, at which said election the ballots shall have written or printed thereon either the word "Subscription" or "No Subscription"; the said county commissioners or municipal authorities of said city or town having first fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of such election having been published for four weeks immediately prior thereto in a newspaper published in the county, or if there be none, then in some newspaper published in the county nearest thereto. That the said county commissioners or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of said county, township, city or town for said election.

Petition for election on subscription.

Order for election.

Ballots.

Notice of election.

New registration.

SEC. 10. That all elections under the preceding section shall be held, if for a county, according to the law and regulations provided for the election of members of the General Assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be held for a township, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted "For Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of a city or town election, shall be required to subscribe to the capital stock of said company in behalf of said county or township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription shall be made

Law governing elections.

Returns of county elections.

Returns of township elections.

Subscription to be made.

Subscription in bonds.

- Interest. in coupon bonds, bearing a rate of interest not exceeding five per centum, bonds as aforesaid, with interest payable semiannually, and all tax levied for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties or townships, cities or towns.
- Special taxes. SEC. 11. That to provide for the payment of interest on such bonds, and their redemption at or before maturity, the board of county commissioners, aforesaid, or the municipal authorities of any city or town subscribing, shall, in addition to other taxes, each year compute and levy on all property of such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and proportional part of the principal, which amount shall annually be collected as other taxes and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of the sinking fund, and by him invested in said bonds, which shall be canceled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners, aforesaid, or the proper authorities of the city or town subscribing to the capital stock of the said company.
- Investment of sinking fund.
- Townships incorporated. SEC. 12. That for the purpose of this act, all the townships along the line of the road, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the township so incorporated and situated within the limits of the said counties, respectively.
- Corporate agents.
- Representation of municipal stock. SEC. 13. That in all meetings of stockholders of said company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by the number of delegates named in the petition ordering the election, to be appointed for such purposes by the corporate authorities of such cities, towns or county commissioners of the respective counties.
- Principal place of business. SEC. 14. That the principal place of business of said company shall be at Mount Pleasant, Cabarrus County, North Carolina.
- Powers under general law. SEC. 15. That all the rights, privileges, powers and immunities given to railroad corporations by the laws of North Carolina, not inconsistent with this act, are hereby specially conferred upon said company.

SEC. 16. The stockholders of said company shall not be liable in their individual capacity for the debts of said company. Stockholders not individually liable.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 305.

AN ACT TO ALLOW TRYON GRADED SCHOOL DISTRICT TO VOTE ON BOND ISSUE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Graded-school Trustees of Tryon Graded-school District shall be and are hereby authorized and empowered to issue bonds of said graded-school district to the amount of seven thousand dollars, of such denominations as said board of trustees shall deem advisable, bearing interest from date thereof at a rate not exceeding six per cent per annum, with interest coupons attached, payable half-yearly, at such times and places as may be deemed advisable by said board of trustees; said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding twenty-five years from date thereof, and at such place or places as said board of trustees may determine: Bond issue authorized.
Provided, that said board of trustees shall issue such bonds at such time or times and in such amount or amounts as shall be required to meet the expenditure hereinafter provided for in section two of this act. Amount, Interest. Maturity. Proviso: bonds issued as needed.

SEC. 2. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said board of trustees in purchasing a suitable location and erecting thereon graded-school buildings and furnishing the same for said district. Use of proceeds.

SEC. 3. That none of said bonds shall be disposed of, by sale, exchange, hypothecation or otherwise, for less price than their par value; neither shall said bonds or their proceeds be used for any other purpose than that declared in section two of this act. Bonds not to be sold below par. Specific appropriation.

SEC. 4. Interest on said bonds shall be paid from the Tryon graded-school fund, and said interest shall have precedence over all other claims on said fund. Payment of interest.

SEC. 5. That the preceding sections of this act shall be submitted to a vote of the qualified voters of said graded-school district, at an election to be held not later than sixty days after the ratification of this act, said election to be held upon a day to be designated by the board of trustees of said graded-school district immediately after the ratification of this act; that thirty days' notice be given of the election. Election on bond issue. Time for election. Notice of election.

Law governing election.	of such election, containing a copy of the provisions of this act or synopsis of the same, shall be published in the <i>Tryon Bee</i> (a weekly paper published in the town of Tryon); and in all other respects said election shall be held and conducted according to the law governing such elections. Those qualified voters approving the issue of such bonds shall deposit a ballot containing the written or printed words, "For School Bonds," and those disapproving the same shall deposit a ballot containing the written or printed words, "Against School Bonds." If a majority of the qualified voters of said graded-school district are in favor of granting to the aforesaid board of graded-school trustees authority to issue such bonds, then said board of graded-school trustees shall have authority; but if a majority of such qualified voters shall vote "Against School Bonds," the said board of trustees shall not have such authority: <i>Provided</i> , that the result of such election, duly ascertained according to law, shall be enrolled among the public records of said graded-school district, and after thirty days from the date of such enrollment shall not be open to attack, but shall be deemed conclusive evidence of the truth of the facts therein recited: <i>Provided further</i> , that if a majority of said qualified voters shall fail to vote in favor of issuing said bonds, said board of graded-school trustees shall, upon the petition of two-fifths of the qualified voters of said graded-school district, order another election at any time within six months after the expiration of the date of the former election; and if at any such election a majority of the qualified voters shall vote "For School Bonds," it shall have the same force and effect as if no election had been previously held.
Effect of election.	
Proviso: record of election.	
Proviso: further election.	
Payment of expenses.	SEC. 6. That all necessary expenses incurred in holding said election be paid from Tryon graded-school fund upon the written order of said board of graded-school trustees.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 306.

AN ACT FOR THE ESTABLISHMENT OF A GRADED SCHOOL, TO BE KNOWN AS SALEM GRADED SCHOOL, OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Territory to
constitute Salem
graded-school
district.
Boundary.

SECTION 1. That the territory contained within the following limit, in Mount Airy Township, Surry County, shall be and constitute Salem Graded-school District: Beginning at Lovill's Creek, where the State line crosses said creek, and runs east with the said State line to Arrat River; thence down said river to the corporate

limits of Mount Airy; thence west with said corporation line to Lovill's Creek; thence up Lovill's Creek to Fancy Gap Road, near the Rachel Moore old place; thence in a northwesterly direction with the said Fancy Gap Road to where the road from Mrs. McGee's enters said Fancy Gap Road; thence north, following said road to where the road leading down the hollow from J. W. Cox's enters said McGee Road; thence following said Cox's Road to the branch; thence down the branch to Lovill's Creek, opposite where the woolen mills now stand; thence following said creek westerly to the beginning.

SEC. 2. That the board of county commissioners of the county of Surry are hereby authorized and directed to submit to the qualified voters of said Salem School District, on the first Monday in May, one thousand nine hundred and nine, under such rules and regulations as prevail in the election of county officers, the question whether an annual tax shall be levied therein for the support of a graded public free school for the white children and a graded public free school for the colored children therein, in said district. Each voter shall vote a printed ballot with the words "For Schools" or "No Schools" thereon, and the result of the election shall be declared by the same rules as govern elections of county officers.

Election on school tax.
Ballots.
Law governing election.

SEC. 3. That if a majority of the qualified voters of said district shall vote at said election in favor of a school, it shall be the duty of the Board of County Commissioners of Surry County to levy annually a special tax not exceeding sixteen and two-thirds cents on the one hundred dollars valuation of all the taxable property of said school district, and upon the poll not exceeding one dollar, and the said tax shall be collected annually by the Sheriff of Surry County.

Special tax.
Rate.
Collection.

SEC. 4. It shall be the duty of the Sheriff of Surry County to turn over such taxes as may be collected under section three of this bill to the treasurer of the board of school trustees herein provided for, who shall pay out the same for the exclusive use and benefit of said graded schools, only upon the warrant or order signed by the chairman and secretary of said board of school trustees.

Taxes paid over to school treasurer.
School orders.

SEC. 5. That all public-school funds derived from the State and county for the use and benefit of said school district shall be paid by the Treasurer of Surry County to the treasurer of said board of school trustees for the use and benefit of said graded schools, and the property of the said district shall become the property of said graded schools and shall be vested in said board of school trustees in trust.

Apportionment from general school funds.
Property vested in trustees.

SEC. 6. That for the purpose of this act, there is created a board of school trustees of said district, and this board shall consist of five members, as follows: John H. Sparger, whose term of office shall expire at the end of one year; W. L. Gwyn, whose term of office shall expire at the end of two years; C. W. Jackson, whose

Trustees and terms of office.

Election of successors.	term of office shall expire at the end of three years; G. B. Cody, whose term of office shall expire at the end of four years; J. M. Parker, whose term of office shall expire at the end of five years; each to date from the first Monday in May, one thousand nine hundred and nine. When the term of office of the above-named trustees and their successors shall expire, successors shall be elected, for a term of five years each, by the remaining members of said board; and whenever any vacancy occurs on said board of trustees, by death or resignation, the remaining trustees shall fill such vacancy for the period of time unexpired of the vacancy occurring.
Vacancies.	
Control of schools.	SEC. 7. That the board of school trustees herein appointed, and their successors, shall have entire and exclusive control of the said schools; shall employ and fix compensation of teachers, and do all other acts that may be necessary, just and lawful for the successful management of said graded schools, and said board of school trustees shall be a body corporate, under the name of the "Board of School Trustees of Salem Graded School," with power to sue and be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants or making purchases; of buying, holding and selling property, both real and personal, for school purposes; of prosecuting and defending suits for and against the corporation hereby created. Conveyances and all other instruments to the said board shall be made to them and their successors in office, and all deeds and other agreements shall be deemed sufficiently executed when signed by the chairman and secretary of said board of school trustees.
Powers of trustees.	
Trustees incorporated.	
Corporate name.	
Corporate powers.	
Conveyances.	
Execution of instruments.	
	SEC. 8. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
	SEC. 9. That this act shall be in force from and after its ratification.
	Ratified this the 6th day of March, A. D. 1909.

CHAPTER 307.

AN ACT TO AMEND CHAPTER 3, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ORE HILL, IN CHATHAM COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three of the Private Laws of North Carolina, session one thousand nine hundred and seven, be amended, making said section read as follows: "That the corporate limits of said town of Ore Hill shall be bounded and described as follows, to wit: Beginning at a point on the

Southern Railway one-half mile west of said Southern Railway Company's station, and running east to a stone on the Webster Hill, with pine, cedar and post-oak pointers; thence east to a stone on the Welch Branch, about fifty feet from O. B. Stroud's line; thence south and with said branch to the southeast corner of W. T. Dark's and Mrs. M. E. Hamner's line; thence southwest to a point on the Southern Railway one-half mile south of the said Southern Railway Company's station; thence west to the corner of J. R. Lane's and Mrs. M. E. Hamner's corner, at a cedar tree; thence west to the northeast corner of the graded-school lot; thence with said graded-school lot south to the southeast corner of the same; thence with said line of said graded-school lot to the southwest corner of same; thence with said line of the said graded-school lot to the northwest corner of same; thence to the beginning. That the said town of Ore Hill shall embrace all the territory within said boundaries."

SEC. 2. That the town marshal of the town of Ore Hill be and is hereby empowered to collect any and all special taxes imposed and levied upon the citizens embraced in the high-school district of the Ore Hill High School for the purpose of maintaining said school, whether said taxpayers live within or without the corporate limits of said town of Ore Hill, and that he pay the same into the hands of the treasurer of said high school at such time or times as the board of trustees shall prescribe; and that he shall have the same right and power to enforce the collection of said tax as the sheriff of the county now or may hereafter have for the collection of county and State taxes. That for his services as tax collector for said school district he shall be allowed a sum not to exceed two per cent on the amount collected, and that this amount shall be in full satisfaction for both collections and disbursements; that the said marshal be required to give good and sufficient bond, to be approved by the town commissioners and the board of trustees of the Ore Hill High School.

Town marshal to collect school taxes.

Powers in collecting taxes.

Commissions.

Marshal to give bond.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 308.

AN ACT TO INCORPORATE THE TOWN OF TUNIS, IN THE COUNTY OF HERTFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Tunis, in the county of Hertford, be and the same is hereby incorporated, under the name and style of the town of Tunis, and shall be subject to all the provisions contained in the seventy-third chapter of the Revisal of

Incorporation.
Corporate name.
Rights under general law.

one thousand nine hundred and five of North Carolina, and all other laws governing incorporated towns in North Carolina not inconsistent with the Constitution and laws of this State or of the United States.

Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the county (overhead) bridge across the Atlantic Coast Line Railroad track, and running east two hundred and forty yards to a gum in Spring Branch; thence down said branch its various courses to Catharine Creek; thence down said creek to its mouth, at the Chowan River; thence up said river to the Atlantic Coast Line Railroad, including its tracks, wharves, warehouse and depot; thence across said railroad, up said river a distance of thirty yards from the center of said railroad track; thence a south course and parallel with said railroad to the public road or cartway leading from the corner of J. A. Holloman's field to a stake on said road or cartway, thirty yards from the center of said railway track; thence along said road or cartway an east course to the beginning.

Town officers. SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a treasurer and a constable. The treasurer Treasurer clerk ex officio. shall be *ex officio* clerk of the board of commissioners.

First officers named. SEC. 4. That until the next regular election under the general law concerning corporate towns, Kenneth R. Israel is appointed mayor, and J. A. Holloman, W. M. Ely and J. T. Boyette are appointed commissioners, and H. R. Pender constable of said town, to serve until the time prescribed by law for the next election of officers for corporate towns or until their successors qualify.

Officers to qualify. SEC. 5. That said officers appointed by this act shall appear before some justice of the peace of said county, or some other officer qualified to administer oaths, and duly qualify within thirty days after the passage of this act.

Appointment of treasurer. SEC. 6. That at the first meeting of the board of commissioners they shall appoint some suitable person who is of the age of twenty-

Treasurer to give bond. one years as treasurer of said town, and the appointee, before entering upon the duties of his said office, shall execute a bond

Constable to give bond. of said town; and the constable herein appointed, before entering upon the duties of his office, shall execute and enter into a bond in the sum of two hundred dollars, payable to the State of North Carolina, to be approved by the board of commissioners of said town; and the constable herein appointed, before entering upon the duties of his office, shall execute and enter into a bond in the sum of two hundred dollars, payable to the State of North Carolina, to be approved by the said board of commissioners of said town.

Tax rate. SEC. 7. That the commissioners shall have power to levy a tax not to exceed sixty cents on the poll and not to exceed twenty cents on the hundred dollars valuation of property.

Expenditure of tax. SEC. 8. That it shall be the duty of said commissioners to expend the tax so levied and collected in repairing the streets and sidewalks and for such other purposes as may be for the interests

of said corporation and any expense in laying off and incorporating said town, and no person inside of said corporate limits shall be compelled to work the public roads.

SEC. 9. The commissioners of said town shall have power to condemn land for streets and lay off and open streets in any part of the aforesaid described limits, and shall have power to make all necessary by-laws, rules and regulations for the government of said town not inconsistent with the Constitution and laws of this State or of the United States: *Provided*, that when land is condemned under this act either party shall have a right of appeal to the Superior Court of the county.

Power to condemn land for streets.

Proviso: right of appeal.

SEC. 10. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

Fines to use of town.

SEC. 11. That so much of all laws and clauses of laws as are inconsistent with the provisions of this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 309.

AN ACT TO INCORPORATE RICH SQUARE SCHOOL DISTRICT, IN NORTHAMPTON COUNTY.

Whereas the territory embraced within the boundaries described herein has already been established as a special-tax district, under section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina, and a majority of the qualified voters within said territory have voted a special tax of thirty cents on the one hundred dollars valuation of property and ninety cents on each poll for the maintenance of the public schools in said district; and whereas it is desired to make fuller provision for the local management of said schools: therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That all territory embraced within the following boundaries, to-wit, beginning at a point on the Roanoke River near Pollock's Ferry, and running along the line between Rich Square and Roanoke townships to the county road leading from Rich Square to Jackson, near John J. Olliver's; thence along the county road an easterly course to the fork at White Oak School-house; thence along the Hall Avenue, northerly course, to the

Territory constituted Rich Square school district. Boundaries.

northwest corner of James Outland's land; thence along the north and west boundaries of the lands of James A. Outland, W. H. Evans, Eli B. Copeland, the Miles Bryant land and A. J. Conner to Susan and Jane Brown's land, at the Seaboard Railroad; thence along said Susan and Jane Brown's line along the railroad to A. J. Conner's line; thence along A. J. Conner's line, an easterly course, to the county road; thence along the county road and the north and west boundaries of the lands of Jerry Brown, Hiram Griffin, J. H. Futrell, to the run of Cutawhiskey Swamp; thence along said swamp and the north and eastern boundaries of the lands of James P. Lassiter to the Rich Square-Eagletown Road; thence along said road, westerly course, to L. L. Shoulars' corner; thence along the east, north and southern boundaries of the lands of L. L. Shoulars, the Lambertson farm, A. J. Conner, Ellen E. Barber, H. E. Peele (the Bryant Lassiter land), the W. T. Peele land, the Wilkins Peele land, John W. Gay, W. P. and R. C. Benthall and G. E. Ransom (the Lamson and Polenta farms) to the Roanoke River; thence up said river to the first station, now constituting a special-tax district in Rich Square Township, in Northampton County, known as the Rich Square District, shall be and the same is hereby constituted a public-school district for white and colored children, to be known as the Rich Square School District.

Trustees and
terms of office.

SEC. 2. That the following persons shall constitute the board of trustees of said Rich Square School District: Joseph W. Weaver and James S. Chappell, for a term of two years; John P. Holleman and William R. Baugham, for a term of four years, and Andrew J. Conner and W. Gurney Leake, for a term of six years; the term of office of each to begin on the first day of July, one thousand nine hundred and nine.

Beginning of term.

Election of
successors.

SEC. 3. At the general election in one thousand nine hundred and ten, and biennially thereafter, the county commissioners of Northampton County shall provide a box, to be labeled "School Trustees," in which the qualified registered voters of said Rich Square School District may deposit a ballot for two trustees, under the same rules and regulations as other elections are held, the two receiving the highest number of votes to be declared elected for a term of six years from the first day of July next following: *Provided*, no one is eligible to serve as a trustee of said school who cannot read and write and who does not reside in said district: *Provided further*, that should a vacancy occur it shall be filled by the remaining members of the board of trustees.

Proviso: persons
eligible as trustees.

Proviso:
vacancies.

Registration for
school district.

SEC. 4. The board of county commissioners shall provide for a registration of the voters of said school district in one thousand nine hundred and ten, in a book separate and apart from the general registration books, said registration to be under the general laws providing for registration to vote for county or State officers.

SEC. 5. That the said board of trustees shall organize and shall elect a chairman and secretary and a treasurer, and the treasurer shall give bond, to be approved by said board of trustees, and his bond shall be liable for all funds coming into his hands belonging to said Rich Square School District, in the same manner and to the same extent as is provided in the general laws relating to the bonds of treasurers of school funds; and the said treasurer shall be required to make to the State Superintendent of Public Instruction, the county superintendent and the county board of education such reports as are required of other public schools by the public-school law of North Carolina.

Organization of trustees.
Treasurer to give bond.

Reports.

SEC. 6. That all funds apportioned to said district by the County Board of Education of Northampton County from the State and county school fund shall be turned over by the treasurer of the county school fund to the treasurer of said Rich Square School District and placed to the credit of said Rich Square School District, and shall be apportioned and used under the direction of the said board of trustees for the support and maintenance of the schools of said district, upon order of said board of trustees, signed by the chairman and secretary thereof; and all funds derived from the special tax levied and collected under the provisions of section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina, under which said tax was voted and is levied and collected, shall be turned over to the treasurer elected by said board of trustees and placed to the credit of said Rich Square School District, and shall be paid out upon order of said board of trustees, signed by the chairman and secretary thereof.

Apportionment from general school funds.

School orders.
Moneys turned over to treasurer.

School orders.

SEC. 7. That the said board of trustees shall have the control and management of all the public schools in said district, and may establish or discontinue such number of schools as they may deem necessary, and shall have full power to make rules and regulations for the government thereof, and to employ and fix the compensation of the officers and teachers; *Provided*, that the proper officers shall be required to make to the State Superintendent of Public Instruction, the county superintendent and the county board of education such reports as are required of other public schools by the public-school law of North Carolina: *Provided further*, that the teachers in said schools shall be subject to the provisions of the public-school law as to examination and certification.

Powers of trustees.

Proviso: reports.

Proviso: teachers subject to examination.

SEC. 8. That the said board of trustees and their successors in office shall be and are hereby constituted a body corporate, by the name and style of the "Board of Trustees of the Rich Square Schools," and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, and exercise such other rights and privileges as are conferred by law upon corporate bodies; that the title of all

Trustees incorporated.
Corporate name.

Corporate powers.

Title to school property.

public-school property in the territory embraced in said school district shall vest in said board of trustees, who shall have authority to dispose of the same and apply the proceeds thereof to the use of the public schools in said district.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTTR 310.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GASTONIA, N. C.

The General Assembly of North Carolina do enact: *

Sale of liquors and bitters unlawful.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture or in any way to make, sell or otherwise dispose of, for gain, any spirituous, vinous, fermented or malted liquors or intoxicating bitters in the corporate limits of the town of Gastonia; and it is especially provided that this section shall be construed to forbid the sale of such spirituous, vinous, fermented or malt liquors or intoxicating bitters in the corporate limits of the town of Gastonia, by any person whatsoever, including medical depositories, licensed and registered pharmacists, upon prescription or otherwise; and any person violating any of the provisions of this section shall be guilty of a misdemeanor.

All sales in any manner unlawful.

Misdemeanor.

Incorporation of school committee rescinded.

SEC. 2. That section sixty-four, chapter one hundred and forty-eight, Private Laws of one thousand eight hundred and ninety-nine, be amended as follows: That after the words "provided for," in line thirty-one, the words "shall be a corporation, and shall have the power to acquire and to hold all such personal and real property as may be needed for the schools to be maintained and established under the provisions of this act; they," in lines thirty-one, thirty-two, thirty-three and thirty-four, be stricken out.

Proviso: commission for care of school property.

SEC. 3. That section sixty-seven of chapter one hundred and forty-eight, Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out the period after the word "thereon" and inserting a colon (:), and adding the words "*Provided*, that at the first regular meeting of the board of aldermen after their election the board of aldermen may elect one of their own number, and at the first regular meeting of the board of school commissioners after their election the board of school commissioners may elect one of their own number, and such persons so elected by the board of aldermen and by the board of

school commissioners, together with the mayor, shall constitute a commission, charged with the special duties of caring for all school property, both real and personal, supervising the grounds, the building and all matters of like nature pertaining to the school property. The mayor shall be *ex officio* chairman of this committee."

SEC. 4. That the board of aldermen of the town of Gastonia, in addition to the powers of taxation heretofore granted by the General Assembly of the State of North Carolina, in chapter one hundred and forty-eight, Private Acts of one thousand eight hundred and ninety-nine, entitled "An act to amend the charter of the town of Gastonia, North Carolina," and any and all other acts supplementary therunto and amendatory thereof, are hereby empowered to levy and collect annually a privilege or license tax:

On every private automobile operated in the town of Gastonia, for business or pleasure, a tax of ten dollars (\$10) per annum; on every garage or place for storing, caring for and repairing automobiles, for profit or gain, a tax of twenty-five dollars (\$25) per annum; on every place known as a penny arcade, or by any other name, where slot machines are operated by dropping coins in the slot, punching bags, weight machines and other devices operated in connection with the others, a tax of twenty-five dollars (\$25) per annum; on every steam railway operated in the town of Gastonia, a tax of five hundred dollars (\$500) per annum; on every express office maintained and operated in the town of Gastonia, a tax of two hundred dollars (\$200) per annum; on every telephone exchange or office operated in the town of Gastonia, a tax of two hundred dollars (\$200) per annum; on every telegraph office operated in the town of Gastonia, a tax of two hundred dollars (\$200) per annum; on every sewing-machine agency or dealer in sewing machines, a tax of one hundred dollars (\$100) per annum; on every dealer in oil, a tax of one hundred dollars (\$100) per annum; on every electric power company, a tax of one hundred dollars (\$100) per annum.

Additional subjects of license tax.

Automobiles.

Garages.

Penny arcades.

Steam railways.

Express offices.

Telephone exchanges or offices.

Telegraph agencies.

Sewing machine agents or dealers.

Dealers in oils.

Electric power companies.

SEC. 5. That the board of aldermen of the town of Gastonia, in addition to the powers of taxation heretofore granted in the charter of the said town of Gastonia, whether granted by this act or by the General Assembly in one thousand eight hundred and ninety-one, chapter one hundred and forty-eight, and all the acts supplementary therunto and amendatory thereof, shall be and they are hereby empowered to levy and collect an annual privilege or license tax on all trades, professions, agencies, business operations, exhibitions and manufactories in the said town, and shall have the power to graduate any of the license taxes levied on trades, professions or businesses by dividing the business into classes, according to size, patronage and income: *Provided*, said taxes must be uniform for all in a class.

Privilege taxes.

Power to graduate license taxes.

Proviso: taxes uniform as to class.

Carrying on
business without
license, misde-
meanor.

Punishment.

SEC. 6. That any person carrying on or practicing any business, profession, trade or avocation of any kind in the town of Gastonia upon which a license tax has been levied by the said board of aldermen, without having first obtained a license therefor, shall be guilty of a misdemeanor.

SEC. 7. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 311.

AN ACT TO INCORPORATE THE HORNER MILITARY SCHOOL.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Corporate rights.

Trustees.

Supervision and
control of corpo-
ration.
Enumeration of
powers.

Quorum of
trustees.
Trustees defined
as directors.

SECTION 1. That Jerome C. Horner, Junius M. Horner, Mary E. Horner and their successors in office, who may be elected from time to time, are hereby created a body politic and corporate, by the name and style of the "Horner Military School," and by that name they shall have perpetual succession and a common seal; may sue and be sued; may purchase, take, receive and hold any real or personal property whatsoever; may sell, transfer, lease, mortgage and convey any such property and do all other acts pertaining to similar corporations not inconsistent with the Constitution and laws of the State of North Carolina or of the United States. The persons herein mentioned shall be and remain the trustees of said corporation until their successors are elected, as hereinafter provided.

SEC. 2. That the board of trustees shall have the general supervision and control of the said corporation. It shall have power to make such rules, regulations and by-laws, not inconsistent with the Constitution and laws of the United States or of the State of North Carolina, as may be necessary for the good government of the said school and the management of the property and funds of the same. It may provide for and elect a chairman and such other officers of its own body, also a president, professors, teachers and such other officers for the management of the school as it may deem necessary and proper; may prescribe the tenure, duties and compensation of such officers and teachers, whether of its own board or of the school. It may, after reasonable notice and for cause stated, remove any or all of such officers as it may deem proper. It may fix and change the time and place of its meetings, adjourn from day to day, or to a day certain, in its discretion. A majority of the board shall constitute a quorum.

SEC. 3. That said trustees shall for all legal purposes be regarded as a board of directors.

SEC. 4. That the term of office of said trustees shall be for fifteen years. In case of death, disqualification or removal from office on the part of any member, such vacancy shall be filled by the other trustees.

Term of office.
Vacancies.

SEC. 5. That the lands and property situated within the corporate limits of the town of Oxford, North Carolina, belonging to said trustees, or either of them, used for the benefit of said school, shall be and the same are hereby exempted from all kinds of county, city and town public taxation.

Property exempt
from taxation.

SEC. 6. That the said trustees shall not be individually or personally liable for the debts of the said school.

Trustees not
individually
liable.

SEC. 7. That the trustees and the principal of said school elected by said trustees shall have the right to exercise police powers on the grounds and property of the institution; and on commencement occasions, public speaking and other exercises of the school the chairman or president of the board of trustees and the principal of the school, either or both, may swear in special policemen, who shall serve as such, and shall have for the time being all such rights and powers as are conferred upon constables under the Revised of one thousand nine hundred and five of North Carolina.

Police powers.

SEC. 8. That the said institution shall have the right to exercise any and all such rights and privileges as may be necessary for the successful conduct and management and maintenance of the said school, not inconsistent with the laws of the State of North Carolina.

General rights
and privileges.

SEC. 9. That this corporation shall have duration for fifteen years from and after the passage of this act.

Term of corpora-
tion.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 312.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF TARBORO TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Tarboro be and they are hereby authorized to issue bonds, to an amount not to exceed five thousand dollars, for the purpose of paying the floating debt of the said town; that the said bonds shall be negotiable coupon bonds, payable to bearer, in denominations of one thousand dollars each, and to be numbered serially, and to become due and payable, as to principal, in six, seven, eight, nine and ten years, respectively, from date of issue, and

Bond issue
authorized.
Amount.
Purpose of issue.
Denominations.
Maturity.
Interest.

the interest to be payable in semiannual installments, at the rate of five per cent per annum, and shall be in such form, and payable, as to principal and interest, at such place or places as said board of commissioners may determine, and shall be dated on such date as said board may determine.

Further issue authorized. Amount.	SEC. 2. That the board of commissioners of said town of Taboro be and they are hereby authorized to issue bonds, to an
Purpose of issue.	amount not to exceed twenty thousand dollars, for the purpose of making the necessary extensions, improvements and betterments of the light, water and sewerage systems of said town; that the
Denominations.	said bonds shall be negotiable coupon bonds, payable to bearer, in denominations of one thousand dollars each, and to become due
Maturity.	and payable thirty years after date, as to principal, and the interest to be payable in semiannual installments, at the rate of five
Interest.	per cent per annum, and shall be in such form and payable, as to principal and interest, at such place or places as said board of
Date.	commissioners may determine, and shall be dated on such date as said board may determine.

Bonds not to be sold below par.	SEC. 3. That the said bonds to be issued under this act shall not be sold, hypothecated or in any way disposed of for less than par value; and the proceeds of said bonds, including the premium received upon the sale thereof, shall be applied only to the purposes aforesaid—that is to say, the proceeds of the five thousand dollars issue to pay the floating debt of the town and the proceeds of the twenty thousand dollars issue to be used in making the necessary extensions, improvements and betterments to said light,
Specific appropriation of proceeds.	water and sewerage systems of the said town: <i>Provided, however,</i> that the purchaser or purchasers of said bonds shall not be bound to see to the application of the purchase money to said purposes.
Proviso; responsibility of purchaser.	

Authentication.	SEC. 4. That the said bonds shall be signed by the mayor of said town and attested by the clerk of said town and sealed with the seal of the said town.
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Payment of interest and bonds.	SEC. 5. That the commissioners of said town shall pay the interest and principal of said bonds authorized to be issued under this act out of the taxes authorized to be levied under the charter of said town or any act already enacted or to be hereafter enacted; and the said commissioners are empowered, and shall, if it should be necessary in order to pay off said interest and principal of said bonds, levy a special tax of not more than fifteen cents on every hundred dollars of valuation on all real and personal property and a capitation tax of not more than forty-five cents on each poll taxable under any act or acts authorizing the said commissioners to levy a tax.
Special tax. Rate.	

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 313.

AN ACT TO REVISE, AMEND AND CONSOLIDATE THE
SCHOOL LAWS OF THE CITY OF HICKORY.*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purposes and benefits of this act, all the territory within the corporate limits of the city of Hickory, Catawba County, as is now or shall hereafter be prescribed, shall be and remain and is hereby constituted a public-school district for both white and colored children, and shall hereafter be known as the "Hickory School District," and that a special tax for school purposes, to wit, twenty cents on each one hundred dollars valuation of property and sixty cents on each taxable poll, shall continue to be levied and collected annually, to the same extent and in the same manner as the said tax is now and has been heretofore levied and collected in the Hickory Graded-school District: *Provided*, that if a majority of the registered voters of said city of Hickory shall vote in favor of the tax hereinafter provided for, then the tax for the use and benefit of the schools of said district shall be levied and collected in amounts, at times and in the manner hereinafter provided.

Territory constituting Hickory school district.

Special school tax.

Proviso: school tax if ratified by voters.

SEC. 2. That the public schools in said district shall be under the control of a board of school trustees composed of six members: that G. F. Ivey, C. F. Blalock, N. E. Aull, W. F. Bruns, J. F. Abernethy and H. E. McComb, the present Board of Trustees of the Hickory Graded-school District, shall be and are hereby constituted trustees of the Hickory School District, and shall serve until their successors are elected and qualified, as herein provided. The successors of the first three named shall be elected at the election of municipal officers of the city of Hickory in the year one thousand nine hundred and nine, for a term of two years, and the successors of the last three named shall be elected at the election of municipal officers of the city of Hickory in the year one thousand nine hundred and ten, for a term of two years. At each annual municipal election thereafter three school trustees shall be elected for a term of two years to succeed the three retiring members. Any vacancy in the board of trustees shall be filled by the other members of the board, whether such vacancy shall occur by reason of death, resignation, failure to elect or otherwise: *Provided*, that whenever the city of Hickory shall be divided into wards, each ward shall be represented in the board of school trustees: *Provided*, that the position of school trustee, as hereby created, shall not constitute an office or place of trust, within the meaning of section seven, article fourteen of the Constitution of North Carolina.

Control of schools by trustees.

Trustees named.

Terms of trustees.

Election of successors.

Vacancies.

Proviso: representation of wards.

Proviso: trusteeship not office.

SEC. 3. That the board of school trustees hereby created, and its successors, shall be and is hereby constituted a body corporate,

Board of trustees incorporated.

Corporate name.	by the name and style of "Board of School Trustees of Hickory."
Corporate powers.	and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; may acquire, by gift, grant, purchase, devise or otherwise, real and personal property, and may hold, exchange, mortgage or sell the same in any manner and to any extent the said board may deem advisable; and may exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal, which it may break and change at pleasure.
Corporate seal.	
Establishment of schools.	SEC. 4. That it shall be the duty of the said board of school trustees to establish separate schools for the white and the colored children of the said school district, to grade the schools for either race, and to appropriate and use the funds from special taxes and from State and county school funds in such manner as may be deemed just to both races, due regard being had to differences in the requirements and the cost of maintaining said schools: <i>Provided</i> , donations and income for the benefit of any special school may be so applied.
Appropriation and use of funds.	
Proviso: donations.	
Enumeration of powers of trustees.	SEC. 5. That the said board of trustees shall have entire and exclusive control of the public schools and all public-school property in the said Hickory School District; shall prescribe rules and regulations for its own government, not inconsistent with the provisions of this act; shall prescribe rules and regulations for the government of the schools, conduct of pupils, teachers and officers, and for the preservation, control and use of all school property; shall employ and fix the compensation of teachers and officers of such schools; may provide for the examination of teachers and may dismiss teachers; shall determine the grades to be taught in each school; may adopt the text-books to be used in the said schools; shall cause to be taken an accurate census of the school population of said district, in accordance with the general school law of the State, and transmit a copy thereof to the county superintendent of schools or other proper person, and shall exercise any and all other powers the said board may deem necessary or advantageous for the successful control and operation of said schools and the management of school property in said district: <i>Provided</i> , that all children between the ages of six and twenty-one years whose parents or guardians reside and live within the limits of said district shall be admitted into the schools free of tuition charges. The board of trustees may admit pupils whose parents or guardians live outside the limits of said district, under such regulations and upon the payment of such tuition charges as the said board of trustees may fix and require.
Proviso: children admitted free of tuition.	
Nonresident pupils.	
Organization.	SEC. 6. That the board of trustees of said district shall organize annually by electing a chairman and a secretary. The said board shall cause to be kept an accurate record of its proceedings. The trustees shall elect annually one of their number treasurer and custodian of all the school funds belonging to said district.
Record of proceedings.	
Election of treasurer.	

The treasurer shall give bond in such sum as the board may require. The said treasurer shall receive and hold as a fund all moneys received from special taxes, gifts, grants, apportionments or other source, and shall pay out said moneys only upon the order of the board. The said treasurer shall furnish annually to the board of aldermen of the city of Hickory a statement, in writing, of the receipts and disbursements of school moneys, properly endorsed and approved by the chairman and the secretary of the board of trustees.

Treasurer to give bond.
Duties of treasurer.

School orders.
Annual reports.

SEC. 7. That in the apportionment of the public-school funds derived from the State and county of Catawba, the County Board of Education of Catawba County or others having authority under the public-school laws of the State shall determine the amount to be apportioned each year to the public schools of said Hickory School District by dividing the whole of the total amount of the county school fund, first deducting the county treasurer's commission or part of the salary to be paid out of the said funds, and also the amount reserved by the county board of education for office expenses of the county superintendent of public schools, and for per diem and mileage of the said board, by the total number of children of school age in Catawba County, as determined by the last school census preceding that apportionment, and then multiplying the quotient so obtained by the total number of children of school age within the said Hickory School District, as determined by the last census preceding that apportionment, and the amount so ascertained and determined shall be paid by the county treasurer to the treasurer of the said board, to be used for the benefit of schools in the said district, under the control and direction of the said board of trustees: *Provided*, that in the apportionment of the school funds of Catawba County the provisions of this act shall extend and apply only to the amount to be apportioned each year to the Hickory School District.

Apportionment from general school funds.

Proviso: extent of act.

SEC. 8. That the board of aldermen of the city of Hickory shall, within forty days after the ratification of this act, order an election to be held in said city within sixty days next after the date of said order, at which election shall be submitted to the qualified voters of said city the question of levying an annual tax of thirty cents on the one hundred dollars assessed valuation of property and ninety cents on each taxable poll for the support of the public schools in the said Hickory School District. Said board of aldermen shall give thirty days' notice of such election in some newspaper published in said city of Hickory. There shall be a new registration of voters for this election, and only those who register for this election shall be deemed qualified voters in said election. Said election shall be held in the same manner as is provided for in the election of mayor and aldermen for said city.

Election on school tax.

Notice of election.

New registration.

Law governing election.

SEC. 9. That in the election held under the provisions of section eight (8) of this act those who favor the levying of such tax for

Ballots.

	the support of the schools in said district shall vote a written or printed ballot with the words "For Schools" upon it, and those who oppose such tax shall vote a written or printed ballot with the words "Against Schools" upon it. If a majority of the qualified voters of said city of Hickory shall vote in favor of such tax for the support of the schools, then the same shall be levied and collected under the same regulations as are provided by law for levying and collecting all other taxes in and for the said city of Hickory: <i>Provided</i> , that if a majority of the qualified voters shall vote against said tax, then the present tax of twenty cents on the one hundred dollars assessed valuation of property and sixty cents on each taxable poll, as heretofore voted for the benefit of the Hickory Graded-school District shall continue to be levied and collected in the Hickory School District.
Tax to be levied and collected.	
Proviso: present tax to continue.	
Election for school tax on petition.	SEC. 10. That upon the written application of one hundred citizens of the city of Hickory, it shall be the duty of the board of aldermen of said city to submit to the qualified voters, within three months after the filing of such petition, the question of levying an annual tax for the support of the public schools in said
Notice of election.	city. The said board of aldermen shall give thirty days' notice of such election in some newspaper published in said city, and the said notice shall specify the amount of tax to be levied. Said election shall be held in the same manner as is provided for the election of mayor and aldermen for said city, and at such time or
Law governing election.	times as may be designated by said board of aldermen: <i>Provided</i> , that such election shall not be held oftener than once in any twelve months.
Proviso: only one election each year.	
Ballots.	SEC. 11. That in an election held under the provisions of section ten (10) of this act, those who favor the levying of such tax shall vote a written or printed ballot with the words "For Schools" upon it, and those opposed to levying such tax shall vote a written
Tax to be levied and collected.	or printed ballot with the words "Against Schools" upon it. If a majority of the qualified voters of said city shall vote for such tax, then the same shall be levied and collected annually, under the same regulations as are provided for levying and collecting all
Proviso: limit of tax.	other taxes in and for the said city of Hickory: <i>Provided</i> , that the special taxes so levied and collected shall not exceed forty cents on the one hundred dollars assessed valuation of property and one dollar and twenty cents upon each taxable poll.
Election on issue of school bonds.	SEC. 12. That upon the petition of one hundred citizens of the city of Hickory the board of aldermen of said city shall, within sixty days after such petition is presented, order an election to be held, at which election shall be submitted to the qualified voters of said city the question of issuing bonds, in the sum of not exceeding fifteen thousand dollars (\$15,000), to be known as school
Amount to be voted on.	bonds. The board of aldermen shall give thirty days' notice of
Notice of election.	such election in some newspaper published in said city. There shall be a new registration of voters for such election, and only
New registration.	

those who register for said election shall be deemed qualified voters in said election. Said election shall be held in the same manner as is provided for the election of mayor and aldermen for said city of Hickory.

Law governing election.

SEC. 13. That those who favor the issue of bonds and the levy

Ballots.

of taxes herein provided for shall vote a written or printed ballot with the words "For School Bonds" upon it, and those opposed to the issue of bonds shall vote a written or printed ballot with the words "Against School Bonds" upon it. The judges of said election shall make separate returns of said election, in duplicate,

Returns of election.

one to the board of aldermen of the city of Hickory and one to the Register of Deeds of Catawba County, certifying the number of qualified voters registered for said election, the number of votes cast for and the number cast against such bond issue, and they shall declare the result of said election. If at said election the voters fail to authorize such issue of bonds and levy of taxes, the board of aldermen shall call an election at any time or times thereafter, under the provisions of this act: *Provided*, that an election under the provisions of this act shall not be held oftener than once in any twelve months.

Declaration of result.
Further elections.

Proviso: not more than one election in any one year.

SEC. 14. That whenever a majority of the qualified voters of the city of Hickory shall vote in favor of such school bonds and taxes, the board of aldermen of said city of Hickory shall issue, from time to time, as may be requested, in writing, by the board of school trustees of Hickory, coupon bonds of the city of Hickory, not exceeding in the aggregate the sum of fifteen thousand dollars (\$15,000). Said bonds shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), and shall run for a term of thirty years, all of which shall bear interest at the rate of five (5) per cent per annum, payable semiannually, and all of said bonds and interest coupons shall be due and payable after maturity, and upon demand, at the office of the treasurer of the city of Hickory, and shall be dated at such time or times as shall be designated by said board of school trustees. Said bonds shall be signed by the mayor of said city of Hickory and attested by the city clerk, and shall have the corporate seal of said city affixed thereto. The interest coupons shall be signed by the mayor only. When any of said bonds shall have been issued by said board of aldermen they shall be turned over to said board of school trustees, and said board of trustees shall dispose of the same for the best price obtainable; however, no bonds shall be sold for less than the par value thereof. Said bonds shall be exempt from taxation for State, county and municipal purposes, and the interest coupons shall be receivable in payment of city taxes. The proceeds from the sale of said bonds shall be applied to the purchase of school sites, to the building and equipment of school buildings, and to no other purpose whatever.

Issue of bonds.

Limit of amount.
Denominations.

Maturity.
Interest.

Date.

Authentication.

Sale of bonds.

Bonds not to be sold below par.
Exemption from taxation.
Interest receivable for taxes.
Use of proceeds.

Special tax for interest and sinking fund.

SEC. 15. That the board of aldermen of the city of Hickory is empowered, whenever it shall be necessary to do so, for the satisfaction and payment of the principal or interest of said bonds, to levy annually on all persons and property subject to taxation within the limits of said city of Hickory a special tax for the purpose of creating a sinking fund for the payment of the principal and interest of said bonds. In no case shall the said special tax exceed ten cents on the one hundred dollars assessed valuation of property and thirty cents on each taxable poll.

Limit of tax rate.

Taxes paid to school treasurer.

SEC. 16. That all taxes levied and collected in said Hickory School District for the use and benefit of said schools, under the authority of the general school law or under authority of this act, shall be paid over to the treasurer of said board of trustees by the sheriff, city tax collector or other person or persons having charge of same, for the benefit of the public schools of said district.

Penalties, forfeitures and fines paid over.

SEC. 17. That the mayor of said city of Hickory, the chief of police or other person having authority is hereby empowered to pay to the treasurer of said board of trustees the clear proceeds of all penalties, forfeitures and fines collected in the said city of Hickory for the violation of the ordinances of said city, when the violation of such ordinances is not and does not constitute a breach of the penal or military laws of the State of North Carolina.

Liability of tax collector.

SEC. 18. That the city tax collector shall be subject to the same liabilities for the collection and disbursement of all special taxes for the use and benefit of the schools as he may be for other city taxes, and his bond and compensation shall be fixed by the board of aldermen of the said city of Hickory.

Bond and compensation.

Annual reports.

SEC. 19. That the said board of trustees shall make annually to the board of aldermen of said city a full and detailed report of the moneys received and the sources of such revenue, the amount expended and the objects of such expenditures, and the enrollment, attendance and general condition of the schools of said district. A copy of such report shall be made to such other person or persons as may be required by law.

Law not repealed without specific designation.

SEC. 20. That no part of this act relating to schools in said Hickory School District shall be repealed or amended by any general law, unless the said law shall designate specifically this act and the section thereof to be repealed or amended.

SEC. 21. That all laws or parts of laws in conflict with this act are hereby repealed, in so far as the same applies to the Hickory School District.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 314.

AN ACT TO REVISE, AMEND AND CONSOLIDATE THE
CHARTER OF THE TOWN OF TARBORO.*The General Assembly of North Carolina do enact:*

SECTION 1. That the citizens of the town of Tarboro shall be and continue, as heretofore, a body politic and corporate, and shall bear the name and style of the town of Tarboro, and under such name is hereby invested with all the property and rights of property which now belong to said town of Tarboro, under any name whatsoever; and by this name may acquire and hold, for the purpose of government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it; and may purchase or sell any estate belonging to the town which may be deemed for the best interests of the town, and all sales and purchases heretofore made are ratified and affirmed: *Provided, however,* that no sale of any part of the town commons lying north of Saint Joshua or Wilson streets shall be valid unless made in pursuance of special power given hereafter by the General Assembly; and *Provided further,* that no use or occupation of any portion of said town commons, by way of easement or otherwise, shall ever give any right by prescription.

Incorporation.

Corporate name.

Property and rights of property.

Enumeration of corporate rights.

Proviso: sale of town commons.

Proviso: use and occupation of commons.

CORPORATE LIMITS.

SEC. 2. Beginning at the mouth of Hendricks Creek, in Tar River; then up said creek to the southern line of the right of way of East Carolina Railway; then westerly along the said line of the right of way of said railway to the old Sparta public road, leading by J. M. Baker's farm; then along the east side of said public road to a point opposite southeast corner of D. K. Biggs' lot; then a straight line westerly across said road and along the line of said D. K. Biggs' lot, Mrs. Jennie B. Williams' lots, and across land of W. T. Deans to old Sparta public road; then along the east side of said public road to fork of the Wilson-Tarboro public road, with the aforesaid public road; then easterly along the south side of said Wilson-Tarboro public road to a point opposite the line of field and yard at Hilma, home of J. L. Bridgers; then northerly across road and along the line of said field and yard two hundred yards to a point just in rear of house of said Bridgers; then a straight line parallel to said public road to said creek; then up said creek to the ditch behind the old fair grounds, now the property of Runnymede Mills (incorporated); then westerly along the line of the Runnymede Mills (incorporated) to the line of the Mrs. S. E. Speight land; then northerly along the line of Mrs. S. E. Speight and the said Runnymede Mills (incorporated) to the right of way of the Atlantic Coast Line Railroad; then westerly along the line of said right of way to a point just

Corporate limits.

southwest of the guano factory of F. S. Royster Guano Company; then northerly a straight line perpendicular to said railroad to northern line of land of said guano company, also line of Barlow land; then easterly along the line of said guano company, and also the line of the Consumers Cotton Oil Company, to the line of C. J. Austin land; then down said line to the right of way of the said Atlantic Coast Line Railroad; then easterly along the northern line of the said right of way to the line of Mrs. W. H. McNair; then along the northern line of Mrs. W. H. McNair, and also the northern line of Pinehurst Land Company, to the public road (Tarboro-Rocky Mount road); then southerly down west side of said public road to a point opposite the northwest corner of yard enclosing residence of Mrs. T. W. Thrash; then easterly across said road and along the line of said yard to the back corner of said yard; then at right angles and southerly along the back yard of said Mrs. T. W. Thrash to the said Atlantic Coast Line Railroad; then easterly along the said railroad to the back line of the land of Mrs. J. W. Ashburn; then southerly along the back line of the lands of Mrs. J. W. Ashburn and Mrs. Lucy E. Havens to Gold Hill farm; then a straight line and southerly along the present town limits to Baker Street, extended; then easterly along Baker Street, extended, to a point just opposite the southeast corner of the Lloyd Cemetery; then a straight line southeasterly to a large elm standing near stables and just southeast of the Lloyd house, now property of Henry Johnston; then a straight line southwesterly or southerly to the southeast corner of the colored church, known as Eastern Star Baptist Church; then a straight line southerly to where ditch crosses Saint James Street, extended, in Panola farm; then down said ditch to Beaver Dam; then along Beaver Dam to the line of Panola farm; then southerly along the line of said farm to Tar River; then down Tar River to the beginning.

WARDS.

Division into wards.

SEC. 3. That said town shall be divided into eight wards, bounded as follows:

First ward.

The First Ward: Begin at the river, on the west side of Main Street; thence with Main Street to Church Street; thence down the south side of Church Street to Hendricks Creek; thence down said creek to Tar River; thence with town limits to beginning.

Second ward.

The Second Ward: Begin at the river, on east side of Main Street; thence with Main Street to Church Street; thence down south side of Church Street in easterly direction to town limits; thence with town limits to beginning.

Third ward.

The Third Ward: Begin on the north side of Church Street, at Hendricks Creek; thence with Church Street to Main Street; thence up the west side of Main Street to Baker Street; thence down the south side of Baker Street to Hendricks Creek; thence down said creek to beginning.

The Fourth Ward: Begin at the town eastern limit, on north Fourth ward. side of Church Street; thence along Church Street to Main Street; thence up the east side of Main Street to Baker Street; thence down the south side of Baker Street and Baker Street, extended, to the eastern town limits; thence along the town limits to the beginning.

The Fifth Ward: Begin at the intersection of Baker Street, ex-Fifth ward. tended, and Hendricks Creek; thence with Baker Street to Main Street; thence up Main Street and west side of Main Street, extended, to northern town limits; thence westerly along the town limits to the intersection of said town limits and Poplar Street (see map of West Tarboro Land and Improvement Company), extended; thence southerly along Poplar Street, extended, and Poplar Street to hedgerow between West Tarboro Land and Improvement Company and Arlington; thence westwardly along said hedgerow to Hendricks Creek; thence down said creek to the beginning.

The Sixth Ward: Begin at the eastern limit of the town, on Sixth ward. north side of Baker Street, extended; thence with Baker Street to Main Street; thence with Main Street and west side of Main Street, extended, to the northern town limits; thence with the town limits to the beginning.

The Seventh Ward: Begin at the mouth of Hendricks Creek, Seventh ward. in Tar River; thence up said creek to southern line of right of way of East Carolina Railway; thence westerly along the said right of way to old Sparta public road, leading by J. M. Baker's farm; thence northerly along east side of said public road to a point opposite southeast corner of D. K. Biggs' lot; thence a straight line westerly across said road and along line of D. K. Biggs' lot, Mrs. Jennie B. Williams' lots and across land of W. T. Deans to Sparta public road; thence northerly along east side of said road to fork of same with Wilson-Tarboro public road; thence easterly along south side of said road to line of yard and field of Hilma, home of J. L. Bridgers; thence northerly along the line of said yard and field two hundred yards to a point just in rear of house of said Bridgers; thence easterly in line parallel to Wilson-Tarboro public road to said creek; thence down said creek to beginning.

The Eighth Ward: Begin at the intersection of northern town Eighth ward. limits and Poplar Street, as aforesaid, extended; thence down said Poplar Street, extended, and Poplar Street to hedgerow between West Tarboro Land and Improvement Company and Arlington; thence down said hedgerow to Hendricks Creek; thence along the town limits to the beginning.

That one commissioner from each ward shall be elected, and that commissioners be elected for the Third, Fifth, Sixth and Eighth wards in odd years, and for the First, Second, Fourth and Seventh wards in even years; and to that end, R. H. Parker, com-
 One commis-
 sioner from each
 ward.
 Election of
 commissioners.
 Commissioners to
 hold over.

missioner in the First Ward; J. C. Horne, commissioner in the Second Ward; Hugh Cobb, commissioner in the Third Ward; E. L. Roberson, commissioner in the Fourth Ward; D. F. Bridgers, commissioner in the Fifth Ward, and W. R. Ricks, commissioner in the Sixth Ward, shall continue to hold their offices until the next regular election for commissioners in their respective wards; that until the next regular election provided for commissioners for the Seventh and Eighth wards, the commissioners for said two wards shall be as follows: commissioner for Seventh Ward, J. L. Bridgers; commissioner for Eighth Ward, Thomas Gaskins, who shall hold their offices until their successors are elected and qualified according to law.

Commissioners for seventh and eighth wards.

CORPORATE POWERS VESTED IN MAYOR AND BOARD OF COMMISSIONERS.

Mayor and board of commissioners.

SEC. 4. That all corporate powers and authority granted to said town shall be vested in and exercised by a mayor and board of commissioners of eight members; that no person shall be eligible to the offices of mayor or commissioner or chief of police unless he shall be a legally qualified voter and *bona fide* resident of said town. The mayor shall preside over the meetings of the commissioners and vote in case of a tie only.

Persons eligible as mayor, commissioner or chief of police.

Mayor to preside over meetings of commissioners.
Vote of mayor.

ELECTIONS.

Election of mayor and chief of police.

SEC. 5. That there shall annually be elected by the qualified voters of said town a mayor and chief of police for said town, who shall hold their offices until their successors are elected and qualified. The mayor and chief of police shall be voted for in each ward, and the persons receiving the highest number of votes shall be declared elected. That there shall also be elected one commissioner in the Third, Fifth, Sixth and Eighth wards in odd years, and one commissioner in the First, Second, Fourth and Seventh wards in even years, by the qualified voters of their respective wards, and said commissioners shall hold office for the term of two years from date of their election and until their successors are elected and qualified. That an annual election shall be held in the several wards of said town on the first Monday in May, one thousand nine hundred and nine, and on the first Monday in May annually thereafter, and that at such elections a mayor, chief of police and commissioners shall be elected, as hereinbefore provided.

Persons declared elected.

Election of commissioners.

Term of office.

Annual elections.

Supervision and control of elections.

Law governing elections.

SEC. 6. That the annual election for officers of said town, herein provided for, and all other municipal elections whatsoever, hereafter held in said town, shall be under the supervision and control of the board of commissioners, and shall be held under and in accordance with the provisions of chapter seventy-three, subchapter seven, of the Revisal of one thousand nine hundred and five, and amendments thereto, in so far as same shall not be inconsistent with this act.

SEC. 7. That in case of a vacancy in the board of commissioners, by death, removal from ward or otherwise, or in the office of mayor or chief of police, by death or otherwise, the vacancy shall be filled by the board of commissioners until the successor in said office shall be duly elected and qualified.

ELECTION AND QUALIFICATION OF TOWN OFFICERS.

SEC. 8. That at the first meeting of the board of commissioners after the annual election, which meeting shall be held on the second Monday in May thereafter, the said board shall proceed to elect from among its members a mayor *pro tempore* and a clerk to board of commissioners, who shall each hold his said office for the term of one year from the date of his said election and until his successor shall be duly elected and qualified; and the said board shall at said meeting likewise proceed to elect a chief of the fire department, a superintendent of public works and such policemen as said board may deem necessary for the maintenance of the public peace and good order of said town, and for such term or terms as said board may prescribe. The clerk to the board of commissioners shall be treasurer of said town and also tax collector of said town, and shall have the same power and authority, by sale of real and personal property, and otherwise, and under same regulations, to collect the taxes imposed by the board of commissioners of said town as the sheriffs now have or may hereafter have to collect State and county taxes, and on or before the first day of February of each year he shall pay over and account for in full the taxes of the year preceding: *Provided*, the board of commissioners may extend the time of final settlement until the first day of May succeeding. The said board of commissioners is likewise authorized and empowered to create such other offices as may be deemed necessary, to define the powers and limit the terms of the holders thereof, to prescribe their duties and qualifications, and to fill said offices from time to time, and to abolish the same when deemed no longer necessary.

Officers elected by commissioners.

Term of office.

Chief of fire department, superintendent of public works and policemen.

Clerk to be treasurer and tax collector.

Powers in collecting taxes.

Time for settlement of taxes.

Proviso: commissioners may extend time.

Creation of other offices.

POWERS OF THE BOARD OF COMMISSIONERS.

SEC. 9. That the board of commissioners shall have the general custody or supervision and control of all the property of said town, of every description whatsoever, and may make and adopt such orders, rules and regulations respecting the same as may be deemed necessary or proper. Said board is hereby authorized and empowered to prescribe, adopt and enact all such ordinances, rules and regulations as may be necessary or proper for the government of said town and for the maintenance of the public peace, quiet and good order within said town, and for a distance of one-half mile around and beyond the corporate limits thereof; and it may,

Powers of commissioners to enact and enforce ordinances.

Extent of jurisdiction.

Limit of penalty.	whenever deemed necessary or proper, repeal or modify the same; and said board shall have power to provide for the enforcement of such ordinances, rules and regulations by the imposition of penalties of not more than two hundred dollars in each instance for the violation thereof.
Enumeration of powers.	SEC. 10. That the board of commissioners, in addition to the other powers herein conferred, shall possess the following powers:
To pass on eligibility and election of commissioners.	(1) To pass upon the eligibility and right of any person claiming to have been elected commissioner to hold office as member of such board.
To impeach and try mayor.	(2) To prefer charges against the mayor, either as such or a mayor <i>pro tempore</i> or clerk, when accused of corruption or other malfeasance, misfeasance or nonfeasance in office; and after a fair and impartial trial before said board, by two-thirds vote of all the members of said board, to remove from office the person so accused.
To declare vacancies.	(3) To declare vacant, by a two-thirds vote of all the members of said board, any office aforesaid, when the holder thereof shall be laboring under any permanent disability.
To remove officers.	(4) To remove from office, at will, by a majority vote of all the members of said board, any other officer of said town.
Fill vacancies.	(5) To fill for the unexpired term, by a majority vote of said board, any vacancy in any town office occurring otherwise than by expiration of term.
To prescribe duties and fix compensation.	(6) To prescribe the duties of and to fix the compensation of all officers and employees of said town.
To require and pass on bonds of officers.	(7) To require the town clerk, the chief of police, the superintendent of public works and such other officers of said town as shall have the care and custody of public property to enter into bond, payable to the State, conditioned for the faithful discharge of the duties of his said office, in such sum and with such sufficient surety as said board shall deem proper; and said board may from time to time require any such bond to be strengthened or renewed. No officer required to enter into bond, as aforesaid, shall be permitted to enter upon the discharge of the duties of his office until such bond shall have been passed upon and approved by said board.
To preserve the peace.	(8) To preserve the public peace, quiet and good order, and to prevent and quell riots and all other disturbances, disorderly assemblages and disorderly conduct.
To prevent vice and immorality. To suppress gaming and bawdy-houses. To impose penalty for renting houses for unlawful purposes.	(9) To prevent vice and immorality, to suppress gaming and bawdyhouses, and to impose a penalty upon the owner of any building, or his agent, who shall knowingly rent or lease the same or any part thereof for use as a bawdy or gaming house, or who shall knowingly permit the same to be used as such.
	(10) To regulate and control the sale, use and storage of gunpowder, dynamite, gasoline, naphtha and all other dangerous explosive or combustible substances within the corporate limits of

said town or within one-half mile thereof; and to prohibit the discharge of firearms or the firing or setting-off of fireworks or other explosives within said corporate limits.

To regulate sale, use and storage of explosives and prohibit discharge of firearms or fireworks.
To prohibit and abate nuisances.

(11) To prohibit the establishment and maintenance within the corporate limits of said town, or within one-half mile thereof, of any slaughterhouse or slaughter pen or other place productive of noisome and offensive odors, or the exercise within said limits of any dangerous, offensive or unhealthy trade, business or employment; and said board may abate such nuisances at the expense of the person or persons causing the same, or at the expense of the owner or the tenant in charge of the lands upon which any such nuisance shall be maintained.

(12) To prohibit the keeping of swine within the corporate limits of said town.

To prohibit keeping of swine.

(13) To establish and maintain one or more town pounds; to prohibit the running at large of all horses, mules, cattle, swine, goats, chickens, geese, turkeys and other barnyard fowls and quadrupeds or brutes; to prohibit or, in the discretion of said board, to regulate the running at large of dogs, and to adopt all necessary rules and regulations as to the impounding and sale or other disposition of the quadrupeds and fowls enumerated above.

To establish pounds and prohibit running at large of animals and fowls, including dogs.

(14) To provide for the maintenance and repair of all public streets, sidewalks and alleys of said town, and to regulate and establish the width and grade of such public streets, sidewalks and alleys, and to change the same when deemed advisable; to establish new streets, public alleys and parks when deemed a public necessity, and to discontinue and close the same when deemed no longer a public necessity; to provide for the planting, care and protection of shade trees in the streets and parks of said town; to provide for paving the streets and sidewalks of said town; to prohibit the obstruction of the streets, sidewalks, public alleys and parks of said town, and to generally regulate and control the use of the same.

In relation to streets, sidewalks and alleys.

(15) To prohibit the riding or driving of horses and other animals, automobiles and motor cars within the corporate limits of said town at a speed greater than six miles an hour or in a reckless or dangerous manner; to regulate the speed of trains, engines and cars on all railroads and street railways within the corporate limits of said town, and to regulate or, in the discretion of said board, to prohibit the use of bicycles, go-carts and other like vehicles upon the sidewalks of said town.

To regulate speed of animals, vehicles, trains and cars.

(16) To regulate the blowing of whistles and the ringing of bells within the corporate limits of said town, and to prohibit the making of other needlessly disturbing noises within said corporate limits.

To regulate bells and whistles.

(17) To establish and maintain one or more public markets in said town for the sale of fresh meat, fish and oysters, chickens

To establish and maintain and to regulate markets.

and other poultry, garden vegetables, grain, meal and all other country produce used for food, and to confine the sale thereof to such market or markets to such extent as may be deemed advisable; to prohibit the sale of tainted and unwholesome meats, fish and other food stuffs; to erect and maintain public scales, and to prescribe the manner of sale of coal, wood and other fuel; and to appoint a weighmaster and one or more keepers of said market or markets, and to prescribe the duties and fix the fees of such officers. And said board shall have power to adopt such ordinances, rules and regulations as may be necessary to prevent forestalling, regrating and engrossing.

To prevent forestalling, regrating and engrossing.

To prohibit, regulate and restrain sports and shows.

To maintain and regulate fire department and fire companies.

Powers of chief of fire department in arresting fires.

(18) To prohibit, restrain and regulate all sports, theatrical exhibitions, circus exhibitions and other public performances and exhibitions for profit within the corporate limits of said town.

(19) To provide for the maintenance of a town fire department and the organization and equipment of fire companies, and to prescribe rules and regulations for the government thereof, under the supervision and control of the chief of the fire department; and said chief of the fire department or, in his absence, the acting chief of said department, in order to arrest the progress of any conflagration at the time raging within the corporate limits of said town, may, with the consent and approval of the mayor of said town and three or more commissioners, cause to be demolished any building or buildings, the destruction of which may be deemed necessary to arrest the progress of such conflagration, and neither said officers nor said town shall be answerable in damages for such action.

Fire districts.

(20) To establish a fire district or fire districts in said town, within the limits of which no building or other structure of any material other than brick, stone, metal or concrete shall be erected, and from time to time to change the boundaries thereof; and said board may prescribe rules and regulations governing the location and erection of all buildings and other structures hereafter to be erected within the corporate limits of said town.

Municipal buildings.

(21) To erect or purchase such buildings as may be deemed necessary for municipal purposes, and to alter and repair the same, or in lieu thereof to lease such building or buildings as may be deemed necessary therefor.

Light and water systems.

(22) To provide for the use of said town and its citizens and property owners an adequate electric-light and water-supply system and service; and to that end said board may establish, operate and maintain all necessary light and water plants and systems; and, in addition to supplying light, power and water for municipal purposes and use, may sell the same to its citizens and property owners and others; and said board shall prescribe rules and regulations for the government of said municipal light and water plants and systems, under the supervision and control of the superintendent of public works.

Power to furnish light and water.

Regulation of light and water plants.

(23) To provide and maintain an adequate system of sewerage for said town, and to prescribe all necessary rules and regulations for the care and use of the same, under the supervision and control of the superintendent of public works.

To provide and regulate sewer system.

(24) To appoint a town sanitary inspector, to prescribe his duties and to confer upon him such powers as may be necessary for the proper discharge of such duties, and to regulate the location and provide for the care of all surface privies.

To appoint sanitary inspector and regulate surface privies.

(25) To prohibit public drunkenness within the corporate limits of said town or within one-half mile thereof.

To prohibit public drunkenness.

(26) To prohibit vagrancy and street begging within the corporate limits of said town or within one-half mile thereof.

To prohibit vagrancy and street begging.

(27) To determine and designate the routes and grades of all railroads and street railways already laid or hereafter to be laid within the corporate limits of said town.

To regulate routes and grade of railways.

(28) To grant franchises affecting the use of the public streets, alleys and parks of said city, subject to all such restrictions and limitations as the public welfare shall demand.

To grant and restrict franchises.

(29) To prescribe and regulate charges within said town for the carriage of persons, baggage and freight by cabs, hacks, carriages, drays, wagons and other vehicles and street railways.

To prescribe and regulate transfer charges.

(30) To grant licenses authorizing the practice or carrying-on of such trades, callings, businesses and professions as said board shall by law be authorized and empowered to levy or impose a license tax upon, and to prescribe rules and regulations governing the granting and issuing of the same.

To grant and regulate licenses.

(31) To repair, clean out or culvert any ditch or drain running through any private property in said town, whenever in their judgment same should be done for sanitary reasons or the public interests require it; and to that end they are authorized and empowered to enter upon any lot or any land in said town, with servants and employees, for the purpose of repairing, cleaning

To repair and clean out private drains.

out or culverting said ditch or drain; and the said board is likewise authorized and empowered to require the owner or owners of any lot through, along or on which any ditch or drain in said town may run, or on which there should be a low place or depression, to repair or clean out or culvert such ditch or drain, or to fill in such low place or depression in such manner as said board may direct, whenever the said board may deem it necessary for the public health of said town or for sanitary reasons or for public interests of said town; and if said owner or owners shall fail to repair or clean out or culvert said ditch or drain or to fill in such low place or depression in such manner as said board may direct, after ten days' notice, then the said board is authorized and empowered to enter upon such lot or land, with servants and employees, and clean out, repair or culvert such ditch or drain or fill in such low place or depression, and the costs thereof shall be

Entry on lands.

Work required of owners.

On failure, work done by town at cost of owner.

borne by the owner or owners of such lot or land in proportion to the work done on said lot or land, and shall constitute a lien thereon to the same extent as municipal taxes assessed against the same constitute a lien thereon; and should the owner or owners of any such lot neglect or refuse to pay the amount charged against the same, as provided herein, it shall be the duty of the town clerk to proceed to collect such amount, by the advertisement and sale of such lot, as is provided by law in case of nonpayment of taxes assessed against lands for municipal purposes, or the commissioners may enforce the collection of same, as provided in section thirty-six of this charter, as provided therein for collection of assessments against property. It is likewise authorized to establish grades of any such ditch or drain; and whenever in their opinion the public interests of the citizens demand it, it may assume absolute control over same.

REVENUE AND TAXATION.

Taxing power. SEC. 11. That in order to raise funds to defray the necessary expense incident to the government of said town, and to enable it to meet its legitimate obligations, the board of commissioners may annually levy and collect the following taxes:

Tax on property. (1) On all real and personal property within the corporate limits of said town, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly, a tax not exceeding one dollar and twenty-five cents on every one hundred dollars of valuation.

Poll tax. (2) A capitation tax of not more than two dollars on every taxable poll of male persons residing within the corporate limits of said town on the first day of June of each year.

Listing for taxation. SEC. 12. That the citizens of Tarboro and others liable to be taxed under this charter shall, on the day prescribed for listing State and county taxes, render on oath to the clerk of the town or to such other person as the board of commissioners may select, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the board of commissioners, a list of their property and subjects for which they may be liable to be taxed.

Double tax for failure to list. SEC. 13. That if any person shall fail to render to the clerk the list of property and other taxables required to be rendered by this charter within the time prescribed for listing State and county taxes, then the board of commissioners is fully empowered to place the same on the tax lists and assess same, and such person or company shall pay double the tax assessed on any subject for which said person is liable to be taxed.

Tax books. SEC. 14. That from the returns and lists made, as provided by this charter, the clerk, or such other person as the board of commissioners shall elect, shall, within thirty days after the expiration of the time for taking such lists, make out in a book kept

or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the State and county taxes: and the clerk or other person shall copy in the said book the assessments on file in the register's office for Edgcombe County of all property within the town limits.

Assessment.

BOARD OF EQUALIZATION.

SEC. 15. That in the month of May, one thousand nine hundred and nine, and biennially thereafter, the board of commissioners may appoint three discreet and proper persons from among the electors of the town of Tarboro who are and have been owners of real estate and residents of the town for not less than twelve months, to be constituted and who shall constitute and be styled the board of equalization of the town of Tarboro; and the persons so appointed shall continue in office for two years and until their successors are duly appointed and qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the board of commissioners and no person holding an office or appointment under the board of commissioners shall be eligible or qualified to act as a member of the board of equalization.

Appointment of board of equalization.

Official title.

Term of office.

Commissioners and officers ineligible.

SEC. 16. That before entering on their duties the members of said board shall take and subscribe before the mayor or some justice of the peace the oath prescribed in section four of article six of the Constitution of the State, and cause the same to be filed in the office of the clerk of said town.

Commissioners to qualify.

SEC. 17. That the said board shall elect from their number a chairman, who shall have power to administer oaths and issue subpoenas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to the Superior Court. In the absence of the chairman at any meeting of the board, a temporary chairman shall be chosen, who, during such meeting, shall have and exercise the powers of the regular chairman.

Board to elect chairman. Powers of board.

Temporary chairman.

SEC. 18. That as soon as the tax list can be completed by the town clerk, or other person authorized by the board of commissioners, the same shall be by him delivered to the board of equalization, if the board of commissioners shall see fit to appoint such board, which board shall have the power and it shall be their duty to act conjointly with the Board of County Commissioners of Edgcombe County in equalizing the valuation of all property within the corporate limits of said town, and said boards, conjointly, shall have all the powers given to the board of commissioners of a county to revise a tax list.

Tax books delivered to board.

Board to act conjointly with county board.

SEC. 19. That said boards shall conjointly and carefully examine the tax lists of the town and county, said town board acting in

Duties and powers of joint board.

an advisory capacity only, and shall equalize the valuations of all property within the city limits, so that each tract or lot of land or article of personal property and all subjects of taxation shall be entered on the respective tax lists of the town and county at its true value in money, and shall cause the respective tax lists to conform as nearly as possible; and for this purpose they shall have power to increase, modify, add to and change the tax lists as made out, so that the valuation of similar property throughout the city shall be as near uniform as possible; and in doing so they shall observe the following rules and shall have the following powers:

Increase of
valuation.

(1) They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property or articles of personal property and all other subjects taxed by the charter as in their opinion have been returned below their true value to such price or sum as they may believe to be the true value thereof.

Reduction of
valuation.

(2) They shall reduce the valuation of such tracts and lots of real property or articles of personal property and other subjects taxed by the charter as in their opinion have been returned above their value, as compared with the average valuation of the real and personal property of said town. In regard to real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot and the uses thereof.

Inquiry into lists
returned.

(3) Whenever said board of equalization shall have reasonable ground to believe that any person, company or corporation has failed to give in a true and accurate list of such personal property and other subjects taxable by the charter as he, it or they are required to furnish, with the true value thereof, it shall be their duty to ascertain the same and insert the same and the true value thereof in the tax lists.

Powers in making
investigations.

(4) In performing the duties required of them, the said board of equalization shall have power to subpoena, compel the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before them and examine records, books, papers and such other things as they may deem proper to be used in evidence before them, under the same rules and penalties as provided for Superior Courts.

Board may re-
ceive tax lists.

(5) The said board of equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or its taxables at any meeting held on or before the first day of October, upon the applicant paying the clerk twenty-five cents for recording same; and in ascertaining the value of property and taxables thus listed, said board shall have the same powers to investigate and ascertain the true value thereof as is herein given them in other cases.

Fee to clerk.
Valuation of
property.

SEC. 20. The board of commissioners may, in addition to the License taxes, taxes hereinbefore authorized and directed to be levied and collected, levy and collect the following license or privilege taxes:

(1) Upon every firm or corporation who shall engage in the business of bottling, selling and distributing any kind of beer, ale, porter, coca-cola, pepsi-cola, soda water or other carbonated beverage, in bottles or other sealed packages, by the wholesale, an annual license tax of not more than two hundred dollars. Wholesale bottlers and dealers in bottled goods.

(2) Upon every billiard table, pool table, bagatelle table, merry-go-round, switchback railway, shooting gallery, slot machine or other like contrivance, game, play or device, which shall be set up and managed, run or operated for profit, either directly or indirectly, an annual license tax of not more than fifty dollars. Games and plays.

(3) Upon every room or hall used as a theater, where public exhibitions or performances are given for profit, an annual tax of one hundred dollars. Rooms or halls used as theaters.

(4) Upon every traveling theatrical troupe or company giving exhibitions or performances for profit in any room, hall or tent or other place not licensed under the preceding section, a license tax of not more than twenty-five dollars on each exhibition or performance given within the corporate limits of said town or within one-half mile thereof. Traveling theatrical companies.

(5) Upon every show, circus or menagerie or other traveling company or organization giving exhibitions or performances under canvas or within any enclosure whatsoever, for profit, and not taxed under preceding section, a license tax of not more than one hundred and fifty dollars for every day on which any exhibition shall be given within the corporate limits of said town. Shows under canvas.

(6) Upon every person, firm or corporation dealing in second-hand clothing, an annual license tax of not more than two hundred dollars. Dealers in second-hand clothing.

(7) Upon every itinerant gift enterprise and every itinerant dealer in photographs, jewelry or other articles with which prizes shall be offered, an annual license tax of not more than two hundred dollars. Gift enterprises.

(8) Upon every itinerant merchant or salesman who shall expose for sale on the public streets or alleys or in any building, enclosure or other place rented or occupied temporarily for such purpose, any goods, wares, jewelry, merchandise, medicines or other articles of value, a license tax of not more than ten dollars for each day. Itinerant merchants or salesmen.

(9) Upon every peddler of goods, wares, jewelry, merchandise or other article of value, a license tax of not more than ten dollars a month. Peddlers.

(10) Upon every pawnbroker, an annual license tax of not more than two hundred dollars. Pawnbrokers.

- Livery stables and stockyards. (11) Upon every person, firm or corporation conducting a livery, feed, sale or exchange stable or stock yard, an annual license tax of not more than fifty dollars.
- Undertakers. (12) Upon every person, firm or corporation conducting an undertaking establishment, an annual license tax of not more than twenty-five dollars.
- Plumbers. (13) Upon every person, firm or corporation conducting a plumbing business or establishment, an annual license tax of not more than twenty-five dollars.
- Hotels and boarding houses. (14) Upon every hotel or boarding house, an annual license tax of not more than five dollars for each room used for guests.
- Photograph galleries or studios. (15) Upon every photograph gallery or studio, an annual license tax of not more than twenty-five dollars.
- Laundries. (16) Upon every laundry, an annual license tax of not more than twenty-five dollars.
- Junk shops. (17) Upon every junk shop, dealer in brass or copper or other like article, an annual license tax of not more than two hundred dollars.
- Ice, coal and wood yards. (18) Upon every person, firm or corporation engaged in conducting an ice, coal or wood yard, an annual license tax of not more than twenty-five dollars.
- Merchandise brokers. (19) Upon every person, firm or corporation engaged in the merchandise brokerage business, an annual license tax of not more than twenty-five dollars.
- Vehicles used in transfer. (20) Upon every omnibus, hack, cab, carriage, dray, baggage wagon or other vehicle used to transport persons, baggage, goods, wares, merchandise or other articles for hire, an annual license tax of not more than twenty-five dollars.
- Restaurants. (21) Upon every restaurant, an annual license tax of not more than twenty-five dollars.
- Barber shops. (22) Upon every barber shop, an annual license tax of not more than five dollars on each chair.
- Hawkers. (23) Upon every person, firm or corporation who shall engage in hawking eatables about the public streets and alleys, an annual license tax of not more than ten dollars.
- Itinerant opticians and oculists. (24) Upon every itinerant optician or oculist, an annual license tax of not more than fifty dollars.
- (25) Upon every dog or bitch, an annual license tax of not more than two dollars and fifty cents.
- Surface privies. (26) Upon every surface privy, an annual license tax of not more than two dollars and fifty cents.
- Lawyers, physicians, dentists, cotton brokers, cotton buyers, bill posters, insurance companies or agencies and skating rinks. (27) Upon every lawyer, physician, dentist, cotton broker, cotton buyer, billposter, insurance company or insurance agency and every skating rink, an annual license tax of not more than twenty-five dollars.
- Other occupations, professions and businesses. (28) Upon every other occupation, profession or business not herein specially named, a license tax not exceeding five hundred dollars.

(29) Upon every druggist or drug store or other person, firm or corporation now authorized or who may hereafter be authorized to sell vinous, malt or spirituous liquors, on prescription or otherwise, a semiannual license tax of not more than five hundred dollars; and that no license for the exercise of the privilege taxable under this subsection shall be issued until the application therefor shall be first passed upon and approved by the board of commissioners.

Drug stores selling liquors.

Application to be approved before license.

SEC. 21. That all taxes levied or imposed by the board of commissioners in pursuance of the preceding section shall be payable in advance by the person, firm or corporation exercising the privilege, trade, calling, business or profession, or owning the property taxed thereunder; and all licenses taken out or granted in pursuance of the provisions of this act shall be issued by the town clerk and shall not be transferable. No reduction or abatement in the amount of such license tax paid or to be paid shall in any case be allowed otherwise than as may be prescribed by the board of commissioners prior to the payment thereof.

Licenses payable in advance.

Licenses issued by clerk.

Not transferable.

Reduction not allowed.

SEC. 22. That all annual licenses issued in pursuance of this act shall expire on the thirty-first day of May next succeeding the date of issuance, and all semiannual licenses shall expire on the thirtieth day of June or the thirty-first day of December next succeeding the date of their issuance.

Expiration of licenses.

CONDEMNATION AND ASSESSMENT.

SEC. 23. That the board of commissioners shall have the right to acquire for said town, by condemnation, such lands within or without the corporate limits of said town as may be necessary for the following purposes:

Power of condemnation of land.

(1) For the establishment, construction and maintenance of public streets, sidewalks, alleys, crossings, water ways and parks, and for the widening, extension or other modification or improvement thereof.

Purposes.

For streets, sidewalks, alleys, crossings, water ways and parks.

(2) For the establishment, construction and maintenance of municipal systems of electric lighting, sewerage and water supply, including power houses and plants, reservoirs, standpipes, lines of metal and terra-cotta piping, conduits, mains and other like appurtenances, and for the enlargement, extension or other modification or improvement thereof.

For lighting, sewerage and water supply.

(3) For the erection of all necessary municipal buildings or for any other necessary or proper municipal purposes whatsoever.

For municipal buildings and other purposes.

SEC. 24. That the board of commissioners shall not undertake to exercise the right of condemnation conferred in the preceding section without having first sought to secure such lands as may be required for any public use therein set out by private agreement with the owner or owners thereof; but when such effort shall have been made, without success, said board may proceed to

Agreement with owner to be sought.

Resolution for condemnation.

condemn such lands by first adopting a resolution declaring that the same are required for the public use therein stated: which resolution shall describe such lands with sufficient particularity for the identification thereof, and shall state the name or names of the owner or owners thereof, if known, and if not known, shall so state.

Copy of resolution and notice to appear served on owners.

SEC. 25. That upon the adoption of such resolution the town clerk shall cause the owner or owners of such lands to be served with a copy thereof, together with notice, issued by said town clerk, requiring such owner or owners to appear before the board of commissioners at the court room in the municipal building in said town, at a time therein stated, not less than ten days after the service thereof, to show cause why such lands should not be condemned and taken for the public use set out in such resolution.

Service of notice.

which resolution and notice shall be served, as other notices are served, by the chief of police or any other policeman of said town, or by the sheriff or any other lawful officer of any county in this State. If the person upon whom such service is to be made is unknown, or if he resides without the State, or cannot with the exercise of due diligence be found within the State, and such fact be shown to the satisfaction of the town clerk, by affidavit, then such service may be made, under the direction of such town clerk, by publishing such resolution, together with the notice requiring such persons to appear before the board of commissioners, at the time and place therein named, to show cause why such lands should not be condemned and taken for the public use set out in such resolution, which resolution and notice shall be published at least once a week for four consecutive weeks in some newspaper published in said town.

Service of notice when owners under disability.

SEC. 26. That whenever any infant, idiot, lunatic or person *non compos mentis* shall be the owner of any lands sought to be condemned, or the owner of any interest therein, service of such resolution and notice shall likewise be made upon the general or testamentary guardian of such infant, idiot, lunatic or person *non compos mentis*, if there be such within the State; and if such infant, idiot, lunatic or person *non compos mentis* be without a general or testamentary guardian within this State, the Clerk of the Superior Court of Edgecombe County shall, upon the application of the town clerk setting forth such fact, together with such resolution, appoint some discreet and competent person as guardian *ad litem* to defend in behalf of such infant, idiot, lunatic or person *non compos mentis* in such condemnation proceedings, and service of such resolution and notice shall likewise be made upon such guardian *ad litem*.

Guardian ad litem.

Order of condemnation.

SEC. 27. That, due service of such resolution and notice having been made upon the owner or owners of the lands sought to be condemned, should such owner or owners fail to appear before the board of commissioners at the time and place named in such notice,

or, having appeared, should fail to show cause why such lands should not be condemned, said board, having first found that such lands are necessary for the public use set out in such resolution, shall thereupon order that such lands be and that they are hereby condemned to be taken for such public use; and said board shall, in such order of condemnation, appoint five discreet and competent freeholders, residents of said town or, if such lands be situate without the corporate limits of said town, residents of the county in which such lands are situate, as commissioners to appraise the damage suffered by the owner or owners of such lands by reason of such condemnation. Said board shall likewise appoint a time and place for the first meeting of such commissioners; and the town clerk shall forthwith notify each freeholder named of his appointment and of the time and place appointed for the first meeting of such commissioners.

Procedure for
assessment of
damages.

SEC. 28. That such commissioners shall meet at the time and place appointed by the board of commissioners, and, having first been duly sworn by the mayor or some other person authorized to administer oaths, shall proceed to view the lands condemned and to hear such evidence bearing upon the value of such lands and the value of the special benefits and advantages accruing to the owner or owners thereof by reason of such condemnation, after which they shall appraise the value of such lands and the value of such special benefits and advantages, and any excess of the former over the latter shall represent the full amount of damages to be assessed against said town. Each of such items shall be separately stated in the written report of such commissioners, to be filed with the town clerk not later than sixty days after the date of their appointment, and such report must be signed by not less than three of such commissioners. Such proceedings may be adjourned from time to time, and such one of said commissioners as shall be chosen chairman shall have power to subpoena witnesses and to administer oaths thereto.

Commissioners to
meet and qualify.

Proceedings.

Report.

SEC. 29. That either said town or the owner or owners of such lands, if dissatisfied with the award of such commissioners, as set out in their report, and for no other cause, may appeal to the Superior Court of Edgecombe County, under the rules governing appeals from the courts of justices of the peace. Notice of appeal in such case shall be given by filing written notice thereof with the town clerk not later than ten days after such commissioners shall have filed their report. Said town clerk shall send up to the Superior Court as the record of such case on appeal the resolution adopted by the board of commissioners in the first instance, the notice or notices to the owner or owners of such lands, the order of condemnation and appointment of commissioners, the report of such commissioners, the notice of appeal and, in case an infant, idiot, lunatic or person *non compos mentis* is the owner of

Right of appeal.

Notice of appeal.

Record on appeal.

such lands or any interest therein, the application for and order appointing the guardian *ad litem*: and said town clerk shall, over his hand and the corporate seal of said town, certify that such record is correct.

Order of condemnation not reviewable.

Entry on lands.

Proviso: payment.

Certificate to superior court.

Record in superior court.

Rights of town on reversion of land.

Work on streets and sidewalks to be done by land-owners.

SEC. 30. That the finding of the board of commissioners that such lands are necessary for a specified public use, and the order condemning the same to be taken for such public use, shall not be reviewable by any court, but shall conclude all parties; and said town is hereby authorized and empowered to enter upon such lands and to forthwith devote them to such public use, upon the payment or tender of payment, to the person or persons entitled to receive the same, of any amount awarded against said city by such commissioners in their report filed with the town clerk; and said town may so enter without any formality whatsoever when such commissioners in their report shall make no award of damages against said town: *Provided*, that the filing of a notice of appeal from the award of such commissioners by the owner or owners of such lands, or any one of them, or said town's payment into the office of the town clerk of the amount so awarded against it, to the use of the person or persons entitled to receive the same, shall dispense with the necessity for any other payment or tender of payment.

SEC. 31. That in any case where an infant, idiot, lunatic or person *non compos mentis* shall have been seized or possessed of any lands condemned as hereinbefore provided, or of any interest therein, and no appeal shall have been taken from the award of the commissioners, it shall be the duty of the town clerk to certify up to the Clerk of the Superior Court of Edgecombe County the complete record of such condemnation proceedings, as in cases of appeal; and such clerk of the Superior Court, in every such case, and in every such case certified upon appeal, in which a final judgment shall have been rendered, shall record such complete record, including any final judgment rendered in the Superior Court, in the book of special proceedings, and such record shall bar and conclude every such infant, idiot, lunatic or person *non compos mentis* and all persons claiming under him.

SEC. 32. That whenever any lands condemned, as hereinbefore provided, shall no longer be devoted to a public use, and by reason of nonuse shall revert to the original owner or owners or his or their heirs, said town shall have the right to remove therefrom all buildings and other structures and improvements which said town may have erected thereon.

SEC. 33. That the owner or owners of any lot abutting upon any street of said town shall, when so ordered by the board of commissioners, improve, curb, pave or repair the sidewalk of such street for the distance that it extends along such lot; and shall likewise, if so ordered, macadamize, pave or otherwise improve not more than one-fourth of the street adjoining such sidewalk, and

such improvement shall be made in such manner and with such material as said board may specify, and such work shall be done under the supervision and control of the street committee, which may be named by said board, or under the supervision and control of such officer as may be charged with the supervision and control of the improvement and repair of the streets of said town.

SEC. 34. That the town clerk shall cause a certified copy of any order of the board of commissioners requiring that such improvement be made to be served upon the owner or any one of two or more owners of every lot embraced therein, if residing in Edgecombe County, or, if not residing therein, upon any known agent of such owner or owners residing therein, which certified copy of such order may be served by the chief of police or any other policeman of said town, or by the sheriff or any other lawful officer of Edgecombe County, and shall be served as other legal notices are served. If, with the exercise of due diligence, service of such order cannot be made as hereinbefore provided, such service may be made by publishing the same for four successive weeks in some newspaper published in said town.

Notice to owner.
Service of notice.
Service by publication.

SEC. 35. That should the owner or owners of any lot embraced in such order neglect or refuse to comply with the same for thirty days after due notice shall have been made in accordance with the provisions of the preceding section, such street committee or such officer as may be charged with the supervision and control of the improvement and repair of the streets of said town shall cause the improvement which the owner or owners of such lot were by such orders required to make to be made without further delay, and the cost thereof shall be borne by the owner or owners of such lot, and shall constitute a lien thereon to the same extent as the municipal taxes assessed against the same constitute a lien thereon.

Work done by town on failure of owner.
Cost a lien on lot.

SEC. 36. That should the owner or owners of any such lot neglect or refuse to pay the amount charged against the same, as provided in the preceding section, it shall be the duty of the said board of commissioners to enforce the collection of same against the property on which a lien is authorized, at the instance of the town of Tarboro, by suit instituted in the Superior Court of Edgecombe County, and in his answer to the action so instituted the owner shall have the right to deny the whole or any part of the amount claimed to be due by the town and to plead any irregularity in reference to the assessment, and the issue raised shall be tried and the cause in other respects disposed of according to law and the practice of the court.

Enforcement of payment.
Answer of owner.

MISCELLANEOUS.

SEC. 37. That the criminal jurisdiction of the mayor of said town be and the same is hereby extended beyond the corporate limits of said town into, over and so as to include all the territory

Extension of jurisdiction of mayor.

- adjacent to said town incorporated under the name of the town of Princeville, Edgecombe County, North Carolina, and that said jurisdiction extended be concurrent with that of the mayor of the town of Princeville, as aforesaid, in all offenses occurring within the corporate limits of said town of Princeville: *Provided*, that no offender shall be apprehended and brought to trial at the instance of and before both mayors of said towns, as aforesaid, for one and the same violation of ordinance or ordinances.
- Proviso: only one trial.
- Mayor pro tempore.
- SEC. 38. That the mayor *pro tempore* shall enter upon and discharge the duties of the office of mayor whenever the mayor shall be absent from the city and from any other cause unable to discharge the duties of his said office, and said mayor *pro tempore* shall for the time be clothed with every power conferred by law upon the mayor.
- Construction of act.
- SEC. 39. That nothing herein contained shall be construed to repeal any act or acts of the General Assembly of the State of North Carolina authorizing the said town of Tarboro to issue any bonds for any public improvements, nor to relieve the said town of Tarboro from any obligation incurred by the said town by reason of the issuing of said bonds.
- Assessment of land.
- SEC. 40. That the board of commissioners, or the board of equalization herein provided for, shall have the power and authority to assess all parts of lots or parts of tracts of land taken into the corporate limits in the extension of said limits. This authority is given until the said parts of lots or parts of tracts of land may be hereafter assessed according to law.
- Power of police in serving process.
- SEC. 41. That the chief of police and other policemen of said town shall have the power to execute, anywhere within the limits of Edgecombe County, any writ, precept or process, either civil or criminal, which shall be directed to them, generally, or to any one of them in his own proper name or in the name of his office, by any court of record, or not of record, organized and existing under the laws of this State.
- Grants of franchise.
- SEC. 42. That the board of commissioners shall not grant any franchise for any public utility affecting the use of the streets, alleys or any property whatsoever of the town, until the text of the same shall have been published for thirty days in some newspaper published in said town.
- General law.
- SEC. 43. That chapter seventy-three of the Revisal of one thousand nine hundred and five, and all powers and authority therein, so far as not inconsistent with this charter, be and the same is hereby incorporated and made a part of this charter.
- SEC. 44. That all laws inconsistent with this charter are hereby repealed.
- SEC. 45. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 315.

AN ACT TO PROVIDE FOR NOMINATING THE MUNICIPAL OFFICERS FOR THE TOWN OF MOORESVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the chairman of the Democratic executive committee of the town of Mooresville shall call a primary election for the nomination of municipal officers for the said town on the second Friday before the municipal election.

Primary election
to be called.
Date.

SEC. 2. The said primary election shall be held as follows: The Democratic executive committee shall appoint three judges, who shall prepare a box for the municipal officers and another box for the trustees of the graded school. The polls shall be opened from four o'clock P. M. until eight o'clock P. M., and the said judges shall keep a list of all persons voting. All ballots shall be either written or printed, on white paper, and any person who is eligible or who may become eligible to vote in the municipal election, and who promises to support the ticket nominated, shall be eligible to vote in the primary election. Any person offering to vote may be challenged, and any person so challenged may have his eligibility to vote in said primary election determined finally by the judges of said primary election.

Appointment
of judges.
Ballot boxes.

Hours for
election.
Poll lists.
Ballots.

Challenges.

SEC. 3. In event there is no nomination for any office or offices at the first primary election, a second primary shall be held on the following Tuesday, under the same rules and regulations as above prescribed, but no person who failed to receive one-third of the total number of votes cast in the first primary shall be voted for in the second primary.

Second primary.
Date.

Persons not
voted for in
second primary.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 316.

AN ACT TO ALLOW THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO ACCEPT AND PAY FOR PAVEMENT AND CURBING ON SIDEWALKS HERETOFORE MADE BY OWNERS OF PROPERTY ABUTTING.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where owners of property abutting upon such streets of the city of New Bern, upon which the board of aldermen have laid granolithic sidewalks and have adopted the sidewalks and curbing heretofore laid, it shall be lawful for the

Acceptance of
and payment for
sidewalks
authorized.

board of aldermen to accept such curb and pavement and to pay the abutting owner who placed the same a fair compensation therefor, not exceeding the same rate of cost that would have been charged against the city under its recent contract for making the pavement and purchasing the curbing used on the same streets by the city.

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

• Ratified this the 6th day of March, A. D. 1909.

CHAPTER 317.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BURGAW.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-four of Public Laws of North Carolina, session one thousand eight hundred and eighty-seven, be and the same is hereby amended as follows: At the end of section seventeen add the following: "That the board of commissioners of the said town of Burgaw shall have authority and are hereby empowered to open, extend or widen any street or alley of said town, and to lay out and open new streets and alleys whenever and wherever in their judgment the same may be necessary, and to condemn land to be used for such purpose; and any land so condemned shall be taken at a valuation to be made by three resident freeholders of the town, to be appointed by the clerk of the Superior Court upon application of the board of town commissioners, after ten days' notice to the owner of the land. Said freeholders, after being duly sworn by the mayor or a justice of the peace of the county or the clerk of the Superior Court, shall proceed to estimate the value of the land to be condemned, taking into consideration any loss or damage sustained by the owner thereof in consequence of the land or right of way being surrendered, and any benefit accruing to him from the opening of such streets, and shall state the value and amount of each, and report their proceedings to the board of commissioners not later than thirty days after the notification of their appointment, and the excess of loss or damage over and above the advantages shall constitute the measure of valuation of said land or right of way: *Provided*, that if any person on whose land the said street or alley may pass, or the commissioners of the town, be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court of Pender County to be held thereafter. The said freeholders shall make a return of

Power to open streets.

Condemnation of land.
Valuation of land.

Proviso: right of appeal.

Return of proceedings.

their proceedings, with the valuation of the land, to the mayor of the town, who shall cause them to be recorded with the records of the town, and shall, if either party appeals, send up the papers, with a statement of all the proceedings, to the Superior Court. The land so valued by the freeholders shall vest in the town as soon as the valuation may be paid to the owner, or placed in the hands of the clerk of the Superior Court in case of its refusal by the owner of said land: *Provided, however,* that such appeal shall not hinder or delay the commissioners in opening or widening such streets or alleys."

Return to be recorded.
Record on appeal.

Land to vest in town.

Proviso: appeal not to delay work.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 318.

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO ISSUE BONDS FOR ADDITIONAL BUILDINGS AND EQUIPMENTS FOR THE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building and erecting additional buildings on the site of the present graded schools of the city of Kinston, and for the further purpose of better equipping the said graded schools and making necessary repairs in same, the board of aldermen of the city of Kinston is hereby authorized, empowered and directed to issue bonds of the said city, to an amount not to exceed twenty-five thousand dollars (\$25,000), payable at such time and place as the board of aldermen may prescribe: *Provided,* that the time and payment of such bonds shall not be less than thirty nor more than fifty years from the date of issue.

Purpose of bond issue.

Bond issue authorized. Amount.

Maturity.

SEC. 2. That the said bonds shall bear interest at a rate not exceeding five per cent per annum, and the interest shall be made payable annually or semiannually, as the board of aldermen may prescribe, and the said bonds shall not be sold, exchanged, hypothecated or otherwise disposed of for less than par value.

Interest.

Bonds not to be sold below par.

SEC. 3. That the said bonds shall be signed by the mayor of the city of Kinston and attested by the clerk of the board of aldermen of the said city and have the corporate seal of the said city affixed thereto, and the coupons thereto attached shall be signed by the mayor of said city and countersigned by the said clerk, and a record shall be kept of the said bonds, showing the numbers and denominations thereof and to whom sold, date of issuing thereof and when the same shall mature, and the amount received

Authentication.

Record of bonds.

from the sale of the same, and the date of paying the proceeds into the treasury of the said city, and such other data in relation to the same as the board of aldermen may direct to be kept.

Denomination. SEC. 4. That the said bonds shall be in such denominations and in such classes and mature at such times as may be deemed proper, in the discretion of the board of aldermen.

Special tax to be levied. SEC. 5. That in order to pay interest on said bonds as they become due, or the coupons on said bonds as they may become due, the board of aldermen is required and directed to levy and collect, in addition to all other taxes in said city, a tax sufficient to pay said interest or coupons; and, also, on or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay for same or to provide for the payment thereof. That the tax so levied upon the property shall be an *ad valorem* tax, and the tax upon the polls and the property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and collected at the same time and in the same manner as other tax upon property and polls of the city, and turned over to the treasurer of the said city:

Proviso: tax kept separate. Specific appropriation. *Provided*, that the tax collected under this act for the purpose aforesaid shall be kept separate and apart from the other taxes and shall be used for no other purpose. It shall be the duty of the treasurer of the city of Kinston, as said coupons are paid off and taken up, to cancel the same and report to the board of aldermen the number and amounts of the coupons so canceled.

Sale of bonds. SEC. 6. That the said bonds shall be sold at public or private sale, with or without notice, as the board of aldermen of said city may determine, and the proceeds from the sale of said bonds shall be turned over to the treasurer of the city of Kinston, who shall give such bond for the safe-keeping and proper disbursement of said fund as shall be required of him by the board of aldermen; and his compensation, both for receiving and paying out said fund, shall be such as shall be determined by the said board of aldermen.

Purpose of bond issue. Use of proceeds. SEC. 7. That the aforesaid bonds shall be issued for the purpose set forth in this act, and the proceeds arising from the sale of said bonds shall be used for the erection and construction of such additional buildings for the Kinston Graded Schools and for such additional equipment, repairs and furnishing of said schools as may be deemed proper, and the said funds shall be expended under the supervision and direction of the trustees of Kinston Graded Schools and upon the vouchers of the said trustees (the said trustees being a corporate body, created by and existing under chapter ninety-six of the Laws of one thousand eight hundred and ninety-nine), and the said trustees shall expend said funds as they may deem proper, observing the provisions of this act: *Provided*,

however, that the purchaser of said bonds shall not be required to see to the application of the purchase money.

Proviso: responsibility of purchaser.

Expenditure of funds.

Proceeds paid into city treasury. Bond of treasurer.

Collection and settlement of tax.

Constitutional equation.

SEC. 8. That the board of aldermen shall not issue the aforesaid bonds, nor any of them, nor levy nor collect the aforesaid tax, until it shall have been authorized and empowered to do so by a majority of the qualified voters of the said city of Kinston, at an election to be held at such time and place as the said board of aldermen may appoint, of which election a notice shall be given by public advertisement for thirty days prior to the day of election in some newspaper published in the city of Kinston and also at the courthouse door in the said city. At such election those electors favoring the issuing of said bonds and the levy and collection of said tax for the payment of the interest or coupons on said bonds and for the payment of the principal of said bonds shall vote a ballot with the following words written or printed thereon, "For School Bonds," and those electors opposing the issuing of said bonds and the levy and collection of said taxes as herein set out shall vote a ballot with the following words written or printed thereon, "Against School Bonds." Said election shall be held, as nearly as is practical, in the manner prescribed for the election of mayor and aldermen of the city of Kinston, as provided by the charter and acts of the General Assembly relative to said city.

Election on bond issue.

Notice of election.

Ballots.

Law governing elections.

SEC. 9. The original returns of said election shall be made by the election officers, or one of their number appointed by them for that purpose, to the board of aldermen of said city; and the said board of aldermen shall, within three days after said election, canvass the returns and declare the result of the election, and the result of said election shall be inscribed upon the records of said city. If at the election aforesaid a majority of the qualified voters of said city shall vote "For School Bonds," then the bonds provided for shall be issued and sold according to the provisions herein contained: *Provided*, that if any other bond election shall be held in the city of Kinston on the same day, that the same election officers holding said election may be appointed to hold and may hold and conduct this election as provided by this act.

Returns of election.

Canvass of returns.

Declaration and record of result.

Proviso: other bond election on same day.

SEC. 10. That if at the election aforesaid a majority of the qualified voters of said city shall vote "Against School Bonds," then the board of aldermen of said city may, at any time and as often thereafter as it may deem best, not oftener, however, than once in any one year, order another election on said question herein provided for, to be held in the same manner as is herein set out, after advertisement as is herein set out, and at each of the said elections the ballots shall be as hereinbefore directed; and if at any such election a majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds and levy of said tax, as is herein set out, then the said bonds shall be

Successive elections.

issued, as is provided for under the terms of this act, and the proceeds from the sale of said bonds shall be applied to the purpose and upon the terms and conditions hereinbefore stated in this act.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 319.

AN ACT TO AMEND CHAPTER 117, PRIVATE LAWS 1907, RELATIVE TO BUILDING A MARKET HOUSE, CITY HALL, ETC., IN THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Proviso: issue of additional bonds.

SECTION 1. That section two (2), chapter one hundred and seventeen, Private Laws one thousand nine hundred and seven, be amended by adding at the end thereof the following: "*Provided*, that should the said amount of forty thousand dollars be insufficient to carry out the purposes of this act, the board of aldermen of the corporation of Elizabeth City shall be authorized and empowered to issue such an additional amount of bonds as will be sufficient therefor, said additional amount not to exceed ten thousand dollars and to be of the same denominations and form as provided in said section, maturing one-half in twenty-one years after date, and the balance in twenty-two years after date: *Provided further*, that the question of issuing said additional amount of bonds shall have first been approved by a vote of the majority of the qualified voters of Elizabeth City, at an election to be held at such time as the board of aldermen may order, under the regulations provided in the municipal election law for Elizabeth City, at which election the question to be voted upon shall be 'Increased Bonds' or 'No Increased Bonds.'"

Limit of amount.

Maturity.

Proviso: issue approved by voters.

Proviso: purchase of additional property.

SEC. 2. That the following be added at the end of section three of said chapter: "*Provided*, that the corporation of Elizabeth City, by its board of aldermen, is hereby authorized and empowered to purchase any additional property adjacent to, and adjoining the lot referred to in section three of said act that the board of aldermen, together with the board of permanent improvements, may deem necessary for the purposes of carrying out the provisions of said act: *Provided further*, that if said additional property cannot be purchased at a fair, just and reasonable price, the same may be condemned by the board of aldermen, under the same rules and regulations as set out and provided in the charter of said town for condemning land for streets."

Proviso: power to condemn land.

Proviso: if income insufficient special tax to be levied.

SEC. 3. That the following be added at the end of section six of said act: "*Provided*, that should the income from the sources

mentioned in said section of said act not be sufficient to pay all the principal and interest of said bonds as they fall due, the said corporation shall levy a tax sufficient to meet same, not to exceed Limit of rate. ten cents on the hundred dollars valuation of all property in said corporation and thirty cents on each taxable poll."

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 320.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MURFREESBORO, IN HERTFORD COUNTY, NORTH CAR- OLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-six of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: That after the word "said" and before the word "five," in line three of section three, insert the words "mayor Election of mayor. and"; and after the word "said" and before the word "commissioners," in line eight of said section three, insert the words "mayor and."

SEC. 2. Strike out all after the word "election," in line six, down to the word "five," in line fourteen, in section five, and insert in lieu thereof "two ballots, on one of which shall be the name of such mayor and on the other the names of such commissioners (not exceeding five) for whom he intends to vote. Said ballot shall also contain the superscriptions 'For Mayor' and 'For Commissioners.' The mayor and the," and between the words "the" and "commissioners," in line twenty-four, the words "mayor-elect Ballots. and." Officers-elect to qualify.

SEC. 3. Strike out all after the word "time," in line three of section seven, down to the word "and," in line seven, and all after the word "said," in line eleven, down to section eight. Provisions for voting by wards.

SEC. 4. Strike out the word "mayor," in line seven, in section twenty, and add at end of said section the following: "In case the office of mayor shall become vacant during his said term, the board of commissioners shall call an election to fill such vacancy, which election shall be held under similar conditions as other elections herein provided for." Election to fill vacancy in office of mayor.

SEC. 5. That section thirty-two be and it is hereby repealed. Power to create wards.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 321.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE
NORTH CAROLINA TALC AND MINING COMPANY.

The General Assembly of North Carolina do enact:

Increase.

SECTION 1. That section four, at page five hundred and eighty-eight, of chapter two hundred and twelve, Private Laws of one thousand nine hundred and one, be and the same is hereby amended as follows: By striking out all of said section four, in line two, after the word "be" and before the word "dollars," and insert in lieu thereof the following: "fifty thousand dollars (\$50,000)."

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 force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 322.

AN ACT TO INCORPORATE THE RIVER BEND PICNIC
ASSOCIATION.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Corporate powers.

SECTION 1. That R. L. Abernethy, A. U. Stroup and R. L. Underwood and their successors be and they are constituted and declared to be a body politic and corporate, to be known and distinguished by the name and style of "River Bend Picnic Association," of Gaston County, North Carolina, and they shall have and are hereby given and granted succession and the right to have a common seal, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this State, and may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which may be given it, by will or otherwise, for purposes of amusement, instruction, exhibition and use at any and all picnics, agricultural or mechanical exhibitions, fairs, educational conventions, public speakings or other entertainments or exhibitions of like character that may hereafter, with the consent of said Abernethy, be given, held, conducted or carried on, on Col. Robert L. Abernethy's Open View Farm, in River Bend Township, Gaston County, North Carolina: the net profits, if any, derived from any of said entertainments or exhibitions to belong to and be applied to the use and benefit of the "Ladies' Aid Society of River Bend Church."

Application of profits.

Election of officers and executive board.

SEC. 2. That said incorporators and their successors shall have power to elect officers and an executive board, in their discretion

necessary, and may make and establish such rules and regulations, Rules, by-laws and ordinances, by-laws and ordinances for the government of said exhibition grounds and for the maintenance of order and decorum thereon during the times of holding any such exhibitions or entertainments as they may deem proper, not inconsistent with the Constitution and laws of the State of North Carolina.

SEC. 3. That in case of the death, resignation, refusal to act or removal from the said Gaston County or State of North Carolina of any member or members of said governing board of said corporation, the remaining members shall have power to fill any such vacancies, and there shall be not less than three nor more than ten members of said governing board. Vacancies in governing board. Number of governing board.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 323.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CLYDE, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-seven of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding thereto the following sections:

"Sec. 20. That the board of aldermen of the said town shall have full power and authority to construct, repair, pave with brick or other material, and otherwise improve the sidewalks on the streets of said town, as they may designate by an ordinance passed by said board; and the said streets and the lots abutting thereon, when so designated by said ordinance, shall become a taxing district, and the word 'lot,' when it occurs in this act, shall be taken to mean the whole of the frontage abutting the sidewalk, and shall extend back from the street to such a distance as may be prescribed by an ordinance of the said town. Power of aldermen to construct, repair and pave sidewalks. Taxing districts. Definition of lot.

"Sec. 21. That in order to more effectually carry out the authority delegated and the duty imposed by the preceding section, the board of aldermen of said town shall have authority to assess and apportion the cost of the sidewalk constructed, repaired or improved between the town and the lot or lots abutting thereon, and they may assess two-thirds thereof on the lots abutting and one-third upon the town; that to equalize the assessments on real estate for the purposes described in the preceding section, the board of aldermen of said town shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and then shall prorate the cost thereof on the real Apportionment of cost. Equalization of assessments.

	estate abutting in proportion to the frontage on the street or portion of the street so improved, and to charge to and assess on the real estate abutting said street two-thirds of the cost of such improvement made under the provisions of the preceding section.
Lien on lots.	The amount against the abutting lots so improved shall be a lien on such lots and shall be entered upon the minutes of said board; and if the same is not paid within such time and under such conditions as the board of aldermen may by an ordinance prescribe, the clerk of the board of aldermen shall issue execution against said lot or lots, directed to the marshal of the said town, who shall advertise for sale the said lot or lots, under such rules and regulations as are now and may hereafter be provided by the ordinances of the said town for the sale of real estate for taxes, and shall sell the same and convey as other lands sold for taxes.
Enforcement of payment.	
Appeals to mayor.	"Sec. 22. That any person whose land has been so assessed, as provided above, who is dissatisfied with said assessment or who desires to test the matter or right of assessment, shall file his petition before the mayor of said town within thirty days after the notice to him of the said assessment, setting forth his grounds of objection, and the mayor shall hear the same and render his judgment thereon, from which either the petitioner or the board of aldermen may appeal to the Superior Court of Haywood County in the same way and manner of appeal as is allowed from justices of the peace, and the trial in the Superior Court shall be <i>de novo</i> .
Appeals to superior court.	
Construction and maintenance of waterworks and sewerage system.	"Sec. 23. That the board of aldermen of the said town are hereby authorized and empowered to construct, maintain and use a system of waterworks and a sewerage system in the said town, and to allow and contract with the citizens or any citizen living within said town for the right and privilege of said citizens or citizen to connect with said waterworks so established and constructed, and convey the same to his dwelling house, residence or place of business from the said water mains or waterworks so established, and to allow and to contract with the citizens or any citizen living in said town for the right and privilege to connect his dwelling house, residence or place of business with the said sewerage system, upon such terms and conditions as may be mutually agreed between the said board of aldermen and the citizens or any citizen of the said town.
Contracts for use of water and sewerage system.	
Power to condemn land.	"Sec. 24. That for the purpose of establishing said waterworks and sewerage system the said board of aldermen shall have the right and power to condemn rights of way for water mains, pipe lines and conduits and lands, springs, water courses and streams as may be necessary or convenient in establishing said waterworks and sewerage system in said town, and said condemnation proceedings shall be conducted and enforced as provided in section nineteen, chapter one hundred and seventy-seven. Private Laws one thousand nine hundred and five, relating to the condemnation of land for the uses of the said town.
Procedure for condemnation.	

"Sec. 25. That the board of aldermen shall have the right to own, operate and maintain an electric-light and power plant to furnish lights for the streets and public buildings of the town, and to supply the citizens with lights and power, and to charge therefor such rates as may be fixed by the board of aldermen; or the said board of aldermen shall have the right to contract with any party, company or corporation to furnish such electric lights for the said town and the citizens thereof, upon such terms as shall be mutually agreed between the said board of aldermen and the said party, company or corporation.

Power to own, maintain and operate electric light and power plant.
Right to supply light and power.
Power to contract for lights.

"Sec. 26. The board of aldermen may annually levy and cause to be collected for municipal purposes a tax not exceeding one dollar on the hundred dollars and three dollars on each poll on all property and persons within the corporation which may be liable to taxation for State and county purposes."

Taxing power.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1909.

CHAPTER 324.

AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR THE GRADED PUBLIC SCHOOLS IN THE CITY OF NEW BERN, AND TO AMEND THE ACT ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE CITY OF NEW BERN," RATIFIED MARCH 6, 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the city of New Bern are hereby authorized and required to submit to the qualified voters of said city, at the next regular election of aldermen, the question whether an additional annual tax shall be levied therein for the support of the graded schools in said city which were authorized or established under the act entitled "An act to establish graded schools in the city of New Bern." ratified the sixth day of March, one thousand eight hundred and ninety-nine, being chapter five hundred and forty-seven of the Public Laws of North Carolina of one thousand eight hundred and ninety-nine.

Election for additional school tax.
Time for election.

SEC. 2. That the question of such additional annual tax levy shall be submitted and the election thereon held and conducted under the same rules, regulations and penalties and with the same form of ballot as is provided in the above-recited act of March sixth, one thousand eight hundred and ninety-nine.

Law governing election.

Levy and collection of tax.

SEC. 3. That in case a majority of the qualified voters at such election shall vote for schools, or the ballot containing the words "For Schools," a tax shall be levied and collected and the proceeds paid over, applied, used and disbursed according to the provisions and requirements of the above-recited act of March sixth, one thousand eight hundred and ninety-nine, for the levy, collection, application, payment, use and disbursement of the special tax in the said act authorized.

Limit of rate.

SEC. 4. That the special tax hereby authorized shall not exceed the sum of seven and one-half ($7\frac{1}{2}$) cents on property of the value of one hundred dollars and twenty-two and one-half ($22\frac{1}{2}$) cents on the poll, so that the whole special tax authorized under this act and the before-recited act of one thousand eight hundred and ninety-nine shall not exceed twenty (20) cents on the property valued at one hundred dollars, and sixty cents on the poll.

New registration.

SEC. 5. A new registration of the voters shall be had at such next regular election in said city.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 325.

AN ACT TO CHANGE AND FIX THE BOUNDARY LINES OF SPECIAL-TAX SCHOOL DISTRICT No. 5, IN ROBESON COUNTY, BY TAKING A PORTION OF SPECIAL-TAX SCHOOL DISTRICT No. 8, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Change of lines.

SECTION 1. That the lines of Special-tax School District Number Five, in Robeson County, North Carolina, be changed by taking in a portion of Special-tax School District Number Eight, of Robeson County, and making the description of said Special-tax School District Number Five as follows: Beginning at D. W. McGoogan's and runs up the little marsh, northwest, to a point directly opposite D. McInniss' place; thence to the corner of Special-tax School District Number Five; thence the lines of said School District Number Five, as now established, to the beginning.

Boundary as changed.

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 force from and after its ratification.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 326.

AN ACT FOR THE RELIEF OF JAMES ELDRIDGE, A PUBLIC-SCHOOL TEACHER OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Sampson County, upon order of the county board of education of said county, approved by the county superintendent of public instruction, he and he is hereby authorized and directed to pay to James Eldridge the sum of thirty dollars and twenty-nine cents (\$30.29) out of the school fund now in his hands or which may come into his hands to the credit of District Number One, for the white race, in Mingo Township, Sampson County, said sum being balance due for teaching in said district in the year one thousand nine hundred and eight. Payment directed.
Amount.

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

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 327.

AN ACT TO AMEND THE CHARTER OF BRIDGETON,
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate power and authority heretofore granted to the town of Bridgeton shall be vested in and exercised by a mayor and four aldermen; that no person shall be eligible as an alderman unless he shall be eligible to be a member of the General Assembly of this State and shall have resided in the city and ward from which he shall be chosen ninety days next preceding the day of election. Power and
authority vested
in mayor and
aldermen.
Persons eligible as
aldermen.

SEC. 2. That for the purpose of better ordering the sanitary condition of said town, said aldermen may require the citizens living in Bridgeton to connect their drains, premises or other pipes with such sewerage, drains or ditches as the said board of aldermen may establish; and in all cases, when required to do so by said board of aldermen, in which the citizens living along the line of said sewers, drains or ditches, or owning property along said lines or in the vicinity thereof, shall neglect or refuse to connect their said premises, drains or other pipes with said sewerage or drains, then and in that event it shall be lawful for said aldermen, after notice to said owners or their agents (which notice, in case of nonresidence, may be given in a newspaper published in New Bern, North Carolina, for five days), to cause said premises to be prop- Aldermen may
require sewerage
connections.

On neglect of
owners aldermen
to have connec-
tions made.

Expenses a lien
on property.
Enforcement of
payment.

erly arranged for health purposes and properly connected with the town sewerage pipes, drains or ditches; and the expenses of said sanitary arrangements shall be paid by the owner of the property so arranged and connected, and said expenses shall be a lien upon said property, premises and lots; and if not paid on demand, such lot and premises, or so much thereof as is necessary, may be sold by the tax collector of Bridgeton to pay said expenses and costs, under the same rules and restrictions as are required by law for the sale of said lands for unpaid taxes.

Powers of alder-
men as to streets.

SEC. 3. The board of aldermen shall have full power and authority to straighten or widen streets or lay off and establish new streets when in their opinion the same shall be required for the best interests of the city, and shall have the power to compel every occupant of a lot on any street to keep the footway clean and the gutter open and free from obstructions. Whenever it shall be necessary to straighten, widen or establish new streets, and the owner of the land which may be required for such purposes shall claim damages, the owner of the land shall file his claim with the mayor or city clerk; and it shall be the duty of the board of aldermen forthwith to appoint three freeholders, resident in said city, connected with said claimant neither by consanguinity or affinity, who shall forthwith go upon the premises and view the same and assess the damages which will accrue to such property, and report the same to the board of aldermen, who shall pay the said damages assessed, if any, and proceed to establish said street. Either party may appeal from the finding of the commissioners to the next term of the Superior Court.

Procedure for
assessment of
damages.

Right of appeal.

Bond issue
authorized.

SEC. 4. That if the board of aldermen shall decide that it will be to the best interest of the town to construct a system of sewerage and improve the streets of the town, it is hereby authorized and empowered to issue for said purpose city bonds, of the denomination of not less than ten dollars (\$10) each, payable in not less than ten and not more than thirty years, bearing interest at not more than five per cent. payable semiannually, which said bonds may be issued directly in payment for such, or sold at not less than par, and the proceeds so applied: *Provided*, that before any bonds are issued, as herein provided, the question shall be submitted to a vote of the qualified voters of the town and a majority of the votes cast shall be in favor of the bonds.

Denominations.

Maturity.

Interest.

Use of bonds.

Proviso: bond
issue to be voted
on.

General powers
of aldermen.

SEC. 5. The board of aldermen of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary, to promote the interests and insure the good order and government of said town, for the improvement of the streets and the preservation of the health in the same, and to make such other police regulations as the interests, comfort and convenience of the citizens of said town may require.

SEC. 6. The board of aldermen shall have power to levy and Taxing power, cause to be collected taxes for necessary town purposes and improvements on all real property, moneys, credits, investments in bonds, stocks, etc., and all other personal property and on the taxable polls within the limits of said town.

SEC. 7. The board of aldermen shall have power to levy and col- License taxes, lect the following license taxes on the privilege of carrying on the trade, profession or business or doing the acts named, and nothing Subjects of in this schedule shall be construed to exempt or relieve any person license taxes, from the payment of the *ad valorem* tax on property; on all persons following any trade, profession, occupation or calling, and on all banks, bankers, express, telegraph and insurance companies; and they shall have power to impose an annual tax on each dog Dog tax, running at large or kept within the town limits.

Ratified this the 6th day of March, A. D. 1909.

CHAPTER 328.

AN ACT RELATING TO INGOLD SPECIAL-TAX DISTRICT, IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Sampson County is hereby authorized to transfer the farms and plantations of A. J. Matthis, B. T. Matthis and T. J. H. Peterson, of Ingold Special-tax District, Sampson County, to the Red Hill District, in said county, and that hereafter the above-mentioned territory shall belong to the Red Hill District. Change of territory authorized.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 329.

AN ACT TO ESTABLISH A NEW SCHOOL DISTRICT IN RUTHERFORD AND POLK COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That a new public-school district is hereby established in the county of Rutherford. Sulphur Springs Township, for the white race, to be taken from what is known as Strickland District (No.), of Sulphur Springs Township, Rutherford County, and New Hope School District (Number Fifteen), Green's Creek Township, Polk County, and said new district shall be bounded as New school district established. Boundary.

follows: Beginning upon the State line between North Carolina and South Carolina, upon Harrison Cooper's corner; thence with his line or lines, and including his land, to Maria Westbrook's line; thence with her line or lines, and including her land, to Berry Smith's line; thence with his line or lines, and including his land, to the Shade Henderson lines; thence with the Henderson line or lines, and including the Henderson land, to the William G. Tanner line; thence with his line or lines, and including his land, to the Waters' line; thence with his line or lines, and including his land, to the Lizzie Walkings line; thence with her line or lines, and including her land, to the Bennie Blantan line; thence with the Blantan line or lines, and including the Blantan land, to Broad River; thence with said river to Poor's Ford; thence with the Polk and Rutherford county line to Thomas Arledge's line, upon said county line; thence with the said Arledge line or lines, and including his land, to Charley Bostic's line; thence with his line or lines to Sarah Smith's line; thence with the said Sarah Smith's line or lines, and including her land, to Thomas Cudd's and Mary Cudd's line; thence with the Cudd line or lines, and including the Cudd land, to William McGinnis' line; thence with his line or lines to James McGinnis' line; thence with his line or lines, and including his land, to the Covington original line; thence with the Covington original line or lines to the Marion Turner line; thence with the said Turner line or lines, and including the T. P. Covington and Marion Turner land, to W. R. Prince's line; thence with the W. R. Prince line or lines to the State line; thence with the State line to the beginning.

Commissioners to select site.

Report of proceedings.

Proviso: location.

District numbered and set apart.

School committee.

School census and reports.

SEC. 2. That M. B. Waters, Robert Clement and F. T. Thompson are hereby appointed as commissioners, whose duty it shall be to select a suitable site for a schoolhouse, taking into consideration the fitness of said site and the convenience of all concerned, and shall report their proceedings to the County Board of Education of Rutherford County at its regular meeting in May, Anno Domini one thousand nine hundred and nine, or as soon thereafter as is possible: *Provided*, that in no event is said schoolhouse site to be more than one-fourth of one mile from Robert Clement's present residence. And if the said board of education shall endorse the work of said commission, said new district shall be numbered and set apart by them as a public-school district of Rutherford County.

SEC. 3. That the board of commissioners, to wit, M. B. Waters, Robert Clement and F. T. Thompson, shall constitute the school committee for the said new district until their successors are appointed by the county board of education.

SEC. 4. That it shall be the duty of said school committee to take a census of all the children of school age in Rutherford County residing in said new district, and report the same to the Board of Education of Rutherford County, and likewise the children of

school age in Polk County residing in the said school district to the Board of Education of Polk County; also to procure teachers Teachers, who hold certificates of proficiency from the superintendent of Rutherford County.

SEC. 5. The said district hereby established shall receive its equitable share of the public-school funds from each of the said counties of Rutherford and Polk, according to the number of children of school age entitled to the same residing within the bounds of the said new district, and in making the apportionment due regard shall be had to the grade of work done and course of studies taught. The portion of said funds collected in Polk County shall be paid over by the treasurer of said county to the Treasurer of Rutherford County, and the entire amount paid over, as above, shall be paid out by the Treasurer of Rutherford County upon order of the committee for said new district.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 330.

AN ACT TO REFUND THE FLOATING DEBT OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the floating debt of Elizabeth City, Pasquotank County, North Carolina, the board of aldermen are hereby authorized and empowered to issue bonds for an amount not to exceed thirty thousand dollars (\$30,000), in denominations of five hundred dollars (\$500) each, and bearing interest not to exceed six per cent per annum on the principal of each bond, said interest to be due and payable semiannually from the date of issue of said bond.

SEC. 2. Said bonds shall be signed by the mayor and the city clerk and countersigned by the chairman of the board of aldermen of the city. The city clerk shall keep a record and account of each bond issued, to whom issued, and the number of each bond.

SEC. 3. Said bonds shall be numbered one, two, three, and so on, in consecutive numbers, as they are issued. Said bonds shall be due and payable, and the interest thereon, beginning one year from date, and not more than one thousand dollars or two bonds and interest shall be payable in any one year; two bonds falling due and payable each and every year until all the same are paid.

SEC. 4. That said bonds shall not be sold for less than their par value.

Payment of bonds and interest. SEC. 5. The city treasurer is hereby authorized to pay said bonds as above set out, and the interest on all bonds issued semiannually.

Special tax. SEC. 6. That the Board of Aldermen of Elizabeth City are hereby authorized to enforce the levy of a special tax, not exceeding ten (10) cents on each one hundred dollars (\$100) of valuation, on all real and personal property subject to taxation within the corporate limits of said city, and thirty (30) cents on each taxable poll, each and every year until all said bonds and interest on the same are paid.

Specific appropriation of taxes. Separate accounts. SEC. 7. Said taxes, as levied, shall be used only for the purpose of paying said bonds and interest, and the city treasurer is to keep a separate account in his books of all moneys received from all sources on account of the same, and said moneys so paid shall be designated as funding-bond fund in the city treasurer's hands.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 331.

AN ACT TO AUTHORIZE THE TOWN OF SOUTHERN PINES TO ADVERTISE.

The General Assembly of North Carolina do enact:

Expenditure for advertising authorized. Amount.

SECTION 1. That the mayor and board of commissioners of the town of Southern Pines shall have full power and authority to expend annually such sum, not exceeding five hundred dollars, out of the general tax fund of said town, for the purpose of advertising the said town as shall from time to time seem to them expedient.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 332.

AN ACT TO AMEND THE CHARTER OF THE STATESVILLE LOAN AND TRUST COMPANY (CHAPTER 76. PRIVATE LAWS 1901).

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter seventy-six of the Private Laws of one thousand nine hundred and one be and the same is hereby stricken out and the following inserted in lieu thereof:

Capital stock.

"Sec. 2. That the capital stock of said corporation shall be sixteen thousand dollars (\$16,000), divided into shares of the par

value of one hundred dollars (\$100) each, with the privilege to ^{Power to increase} said corporation of increasing the same to an amount not exceed- ^{or decrease} capital.
ing one hundred and fifty thousand dollars (\$150,000), and with the privilege of decreasing the capital stock to an amount not less than five thousand dollars (\$5,000)."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 333.

AN ACT FOR THE RELIEF OF THOMAS M. SEAWELL.

The General Assembly of North Carolina do enact:

SECTION 1. That the Superintendent of Public Instruction and ^{Issue of voucher.} the chairman of the Board of Education of Moore County are hereby authorized and empowered to draw a voucher on the treasurer of the county school fund of said county in favor of Thomas M. Seawell, a public-school teacher, for the sum of one hundred and sixty-one and five one-hundredths dollars, the balance due him for teaching Public School Number Three, for the white race, Cape Fear Township, in the school year one thousand nine hundred and four and one thousand nine hundred and five, provided they are satisfied the claim is just; and the said treasurer is hereby ^{Payment of} authorized and empowered to pay such voucher out of any unap- ^{voucher.} portioned school funds that are now or that may hereafter come into his hands.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 334.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A HIGH SCHOOL AT COWEE, MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Macon County is ^{Establishment of} hereby authorized and empowered to establish a State high school ^{school authorized.} in Cowee School District, and for that purpose they shall be al- ^{Allowance from} lowed from the State high-school fund the sum of two hundred and ^{state.} fifty dollars per year, when they have secured, either from special tax in said district or otherwise collected a like sum for said ^{Proviso: condition} purpose: ^{of allowance from} *Provided*, the State Board of Education shall not pay state.

over to said county the said two hundred and fifty dollars unless the said sum shall be left over and not called for by some other county entitled under the present law to said sum.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 335.

AN ACT TO INCORPORATE THE TOWN OF WEAVERVILLE, IN THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

- Incorporation. SECTION 1. That the town of Weaverville, in the county of Buncombe, in the State of North Carolina, be and the same is hereby
- Corporate name. incorporated, under the name and style of the town of Weaverville,
- Subject to general law. and shall be subject to all the provisions of law now existing in reference to incorporated towns, under chapter seventy-three of the Revisal of North Carolina of one thousand nine hundred and five.
- Corporate limits. SEC. 2. That the corporate limits and said boundaries of said town shall be as follows: Beginning at a point in the road leading around Hamburg Mountain and at the head of a hollow, and runs south 14° east sixty-six poles down said hollow to a branch; thence down and with said branch south 40° west twenty-eight poles to a stake on east margin of said branch; thence south 12° west sixteen poles to a stake; thence south 56° west eight poles to a stake; thence south 14° west thirty-four poles to a stake; thence south 20° west fifty poles to a stake; thence south 15° west fifty-two poles to a stake in Reems' Creek Road, at the point where the said branch crosses at said road; thence with the north margin of said road south 40° west twenty-two poles to a stake; thence south 76° west thirty-two poles to a stake; thence south 35° west eighteen poles to a stake; thence west fifteen poles to a stake; thence south 42° west forty-one poles to a stake, at the point where the said Reems' Creek Road intersects the Batandsville Road; thence west one hundred and ten poles to a stake on the north margin of the Mill Road; thence north 68° west nineteen poles to a stake in the electric railway; thence north 52° west twenty-two poles to a stake on the north margin of the said Mill Road; thence north 15° west eight poles to a stake on said road; thence north seven poles to the Rock Hill Branch; thence north 10° east twenty poles to a stake on the Pickens Branch; thence north 26° west with said branch twenty-four poles to a stake at the forks of the said Pickens Branch and the Lyda Branch; thence north 34° east thirty-two poles to a stake on the said Lyda Branch and

at the junction of another small branch; thence north two hundred and sixty poles to a stake in the Gill Branch; thence north 70° east eighteen poles to a stake in said branch; thence south 75° eighteen poles to a stake in said branch; thence south 75° east twenty-eight poles to a stake in said branch; thence north 60° east eighty-four poles to a stake in said branch; thence north 45° east forty poles to a stake on said branch; thence east sixty poles, crossing the Burnsville Road, to a stake; thence south 30° east one hundred and forty poles to the beginning.

SEC. 3. That the officers of said town shall consist of a mayor, Town officers.
 five commissioners, or aldermen, and a marshal, the latter to be
 appointed by said mayor and commissioners; and C. H. Shope is Marshal named.
 hereby appointed as such marshal until the election and qualifica-
 tion of a mayor and board of commissioners, as provided by law.

SEC. 4. There shall be an election held for officers mentioned in Town elections.
 this act on the first Monday in May, one thousand nine hundred
 and nine, and each succeeding two years thereafter, under the same
 provisions and regulations that town elections (under the Revisal
 of one thousand nine hundred and five) are held, and all citizens Voters.
 within said corporation who shall have resided twelve months
 within the State and ninety days within the corporation of said
 town previous to the day of election shall be entitled to vote at said
 election. For the purpose of holding the first election for such of-
 ficers the chairman of the county board of elections shall appoint
 a registrar for said town and two judges of election, and the regis-
 tration of voters and said election shall otherwise be conducted as
 provided in chapter seventy-three of the Revisal of North Carolina
 of one thousand nine hundred and five.

SEC. 5. That said commissioners shall have power to make all Powers of com-
missioners to
make regulations.
 necessary regulations for the good government of the town not in-
 consistent with the laws of the State and United States, and levy Taxing power.
 and collect a tax on all subjects of State taxation not to exceed
 seventy-five cents on each hundred dollars, and to impose fines
 for the violation of town ordinances and collect the same.

SEC. 6. That the mayor and commissioners shall have the power Assessments for
street improve-
ments.
 from time to time to levy uniform assessments, either in proportion
 to frontage or value, on all lots located in said town and bounded
 by any main or important street, on the owners of said lots or
 tracts of land, for the purpose of paving and making good side-
 walks or macadamizing streets, etc. The mayor and commissioners
 may, in lieu of such assessments, allow the owner of said lots or
 tracts of land to build pavements or macadamize streets adjacent
 to their respective lots under the supervision of the officers of the
 town, or in lieu of the foregoing the board of commissioners shall
 have the power to require the owner or owners of said lots or tracts
 of land bordering on said streets to construct and keep in repair
 the sidewalks in front as may be prescribed by said commissioners;

Owner allowed to
do work.

Work done by town on failure of owner.
Expense a lien on lot.
Proviso: work done with earth.
Pavement to be paid for by owner and town.

and in case of failure of said lot owners so to do, after thirty days' notice, in writing, then the said commissioners shall have the authority to do it at the expense of said lot owner, which shall be a lien or charge on said lot: *Provided*, the said commissioners shall require the same to be done with ground or earth; but in case the commissioners shall require the sidewalks to be paved with brick or stone or costly material, then the town shall defray not exceeding one-half of the expense of such work, and the balance by said lot owners, which shall also be a lien and charge on said lots, and such liens may be enforced by the ordinances.

Proportion of lot owner a lien on lot.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 336.

AN ACT TO AMEND THE COMPULSORY EDUCATION LAW OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Provision for occasional absence rescinded.

SECTION 1. That section two of chapter six hundred and forty-nine of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by striking out everything in said section after the word "aforesaid," in line six, and by inserting between the word "service," in line four, and the word "shall," in line five of said section, the following: "or who cannot read at sight and write legibly simple sentences in the English language."

Children not able to read and write.

SEC. 2. That section six of said chapter six hundred and forty-nine of the Public Laws of one thousand nine hundred and five be and the same is hereby amended by inserting between the word "school" and the word "*Provided*," in line twenty, the following: "or any such child may be sent to the Stonewall Jackson Manual Training and Industrial School at Concord, North Carolina, by the police court of the city of Asheville or the Superior Court of Buncombe County, upon the recommendation of the school committee of the city of Asheville, who shall give three days' notice, to the parent, guardian or other person having charge or control of said child, of the intention of the said committee to make application to said courts to have said child sent to said school."

Committal to Stonewall Jackson Manual Training and Industrial School.

SEC. 3. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 337.

AN ACT TO ALLOW THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO ACCEPT AND PAY FOR PAVEMENT AND CURBING ON SIDEWALKS HERETOFORE MADE BY OWNERS OF PROPERTY ABUTTING.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where owners of property abutting upon such streets of the city of New Bern upon which the board of aldermen have laid granolithic sidewalks and have adopted the sidewalks and curbing heretofore laid, it shall be lawful for the board of aldermen to accept such curb and pavement and to pay the abutting owner who placed the same a fair compensation therefor, not exceeding the same rate of cost that would have been charged against the city under its recent contract for making the pavement and purchasing the curbing used on the same streets by the city.

Acceptance and
payment au-
thorized.

Rate of payment.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 338.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE AND TO REVISE THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-two of the Private Laws of one thousand nine hundred and seven, being an act entitled "An act to amend, revise and consolidate the statutes that constitute the charter of the city of Charlotte, and to extend the corporate limits of said city," ratified the sixth day of March, Anno Domini one thousand nine hundred and seven, be and the same is hereby amended as follows, to wit: Add at the end of said chapter the following: "That the said city of Charlotte shall have the power, to be exercised by and through the executive board, to be elected as hereinafter provided, to regulate and supervise all public-utility corporations or quasi public-utility corporations which operate or do business in the city of Charlotte, as to all matters exclusively in the city of Charlotte, to the end that all the citizens of Charlotte shall receive from the said public or quasi public-utility corporations equal treatment, and also to the end that said citizens shall have good service and just and reasonable rates from any and all said public or quasi public-utility corporations. The said executive board of the city of Charlotte shall have

Power to regulate
public-utility
corporations.

Rules and regu-
lations.

Penalty for violation of rule or regulation.	power to make and establish just and reasonable rules and regulations governing the public-utility or <i>quasi</i> public-utility corporations which operate or do business in the city of Charlotte for the purpose of providing and enforcing such equal treatment and good service. Any violation of such rules or regulations as may be prescribed under this section shall subject the person or corporation so offending to the penalty of fifty dollars. For the purposes mentioned in this section, the term 'public-utility or <i>quasi</i> public-utility corporation' shall be construed to embrace all corporations usually known as public-service or <i>quasi</i> public-service corporations. This section shall not apply to any steam railroad company doing business in the city of Charlotte. Any public-utility or <i>quasi</i> public-utility corporation or other interested person shall at any time have and be entitled to an appeal to the Corporation Commission of the State from any action, judgment or other decision of the said executive board of the city of Charlotte. On such appeal the Corporation Commission shall hear the matter on the same evidence as that heard by the said executive board, which evidence shall be certified to the Corporation Commission under the hand of the mayor and seal of the city, attested by the city clerk or other proper officer; and said evidence, together with the other papers in the case, shall constitute the record before the Corporation Commission. In all other respects the said cause shall be governed by all the laws and rules regulating matters heard by the Corporation Commission. The said executive board of the city of Charlotte, upon complaint of any person, firm or corporation residing or doing business in said city that any public-service corporation is charging an unjust or unreasonable rate, or of its own motion, after due notice and hearing, shall have the power to declare what shall be just and reasonable rates in the matter under investigation, and shall make an order accordingly, such order not to become effective for thirty days after the same is made and notice given. If, within said thirty days, exception is filed to such order by any corporation or other person affected thereby, then the whole matter under investigation shall be heard <i>de novo</i> by the Corporation Commission of North Carolina, and said Corporation Commission, after hearing the same, shall have power to fix just and reasonable rates and such rules as they shall deem necessary to carry such rates and rules into effect. In case no exception is filed to the order or rule of the said executive board within thirty days, as above provided, then, upon application of said executive board, the board of aldermen are authorized and it shall be their duty to make such ordinances as may be necessary to carry the same into effect. In addition to the power herein conferred, the corporation commission shall have full power and authority to fix and establish any and all rates which any public-service or <i>quasi</i> public-service corporation, other than railroads using steam as a motive power, shall charge or exact from any person, firm or corporation in the city of Charlotte for the service rendered or commodity furnished. Upon
Definition.	
Exception.	
Appeals to corporation commission.	
Record on appeal.	
Power to declare just and reasonable rates.	
Order to become effective in thirty days.	
Exception to order.	
Matter heard <i>de novo</i> by corporation commission.	
Powers of corporation commission.	
Aldermen to pass ordinances making order effective.	
Further powers of corporation commission.	
Corporation commission to determine rates on application.	

application being made, the Corporation Commission shall proceed to hear, pass on and determine, in the manner prescribed by law, a just and reasonable rate or charge for the service or other commodity rendered or furnished. Said hearing before the Corporation Commission shall be governed by the general law as to said commission, relating to the fixing of rates and rules and orders of the commission as to the enforcement thereof by said commission. The Corporation Commission shall have the same power and authority in hearing and passing on any matter or case under this act, enforcing or fixing of rates, supervising and regulating said corporations, or otherwise, under this act, as they now have under the act establishing said Corporation Commission, in addition to such power and authority as they now have under the general law. The failure or refusal to conform to or obey any decision, rule, regulation or order made in such cases by the Corporation Commission shall subject said public-utility corporation or *quasi* public-utility corporation refusing or failing to comply herewith to the penalty provided for railroad companies in chapter twenty (20), sections one thousand and eighty-seven, one thousand and eighty-eight, one thousand and eighty-nine, one thousand and ninety, one thousand and ninety-one, one thousand and ninety-two and one thousand and ninety-three of the Revisal of North Carolina of one thousand nine hundred and five. Nothing contained in this section shall be construed to deprive the Corporation Commission of the authority and power which it now has under the laws of North Carolina to supervise and regulate and fix the rates for public-utility or *quasi* public-utility corporations operating or doing business in the city of Charlotte."

Hearing before corporation commission.

Power and authority of corporation commission.

Penalty for failure to conform to or obey order of corporation commission.

Powers of corporation commission not abridged.

CITY TAX COMMISSIONER.

SEC. 2. The mayor, by and with the consent of the board of aldermen, at their regular meeting in May, one thousand nine hundred and nine, or as soon thereafter as practicable, shall appoint a city tax commissioner, who shall devote his entire time and attention to investigating inequalities and undervaluations in the assessment of real and personal property within the corporate limits of said city, and all delinquents who have failed to properly list their taxables he shall report to the county list takers and assessors for Charlotte Township all inequalities or undervaluations in the assessment of real and personal property and all delinquent taxables he may have discovered within said city. He shall urge upon said list takers and assessors the proper assessment and return of all property, real and personal, in said city, and shall report to the Board of County Commissioners of Mecklenburg County, on or before the expiration of the time fixed by the law for revising and equalizing the assessment on real and personal property, all such inequalities and undervaluations as he

Appointment of city tax commissioner.

Investigation of inequalities and undervaluations and delinquencies.

Report.

Proper assessment and return of property.

Reports to county commissioners.

Examination and report on books of tax collector.	shall have discovered, and shall likewise report to said board, on or before the expiration of the time fixed by law for placing delinquents upon the tax books, all delinquent taxables in said city, and shall urge upon the board the proper assessment and valuation and listing of all real and personal property therein. He shall also examine the books of the tax collector of said city, and report to the board of aldermen all errors and inaccuracies and discrepancies that may appear therein, and all uncollected and unlisted taxes for such year not included in the insolvent list allowed
Other and kindred duties.	said tax collector by the board of aldermen. He shall discharge such other and kindred duties as may be required of him by the
Compensation.	mayor and board of aldermen of the city. Said commissioner shall receive such compensation for his services as the board of aldermen of the city of Charlotte and the Board of Commissioners of Mecklenburg County shall fix, one-half to be paid by the said city and one-half to be paid by the said county.
	SEC. 3. Said chapter three hundred and forty-two of the Laws of one thousand nine hundred and seven, ratified March sixth, one thousand nine hundred and seven, be and the same is hereby amended by striking out the following sections thereof, from fifty-two to sixty-one, both inclusive, except fifty-six, which is not stricken out, and substituting in lieu thereof the following sections, to wit:
Recorder's court established.	"Sec. <i>a</i> . A special court for the trial of misdemeanors, to be designated as the recorder's court of the city of Charlotte, is hereby created and established.
Court of record. Recorder.	"Sec. <i>b</i> . Said court shall be a court of record, and the presiding officer thereof shall be known as the recorder, who shall be duly qualified and competent to perform the duties of the office, and who shall be an elector of the city of Charlotte. The recorder shall be elected by the board of aldermen, and he shall be elected at the first meeting of the said board of aldermen in the year one thousand nine hundred and nine after the mayor shall have been elected. He shall hold office for two years and until his successor shall be elected and qualified. At the expiration of his biennial term of office the board of aldermen shall elect his successor. His salary shall be fixed by the board of aldermen, not exceeding the sum of one thousand five hundred dollars (\$1,500) per year, payable in monthly installments, and shall not be diminished during his term of office.
Election of recorder.	
Term of office. Election of successor. Salary.	
Sessions of court.	"Sec. <i>c</i> . The recorder shall hold daily sessions of the court, at the city hall in the city of Charlotte, beginning at nine o'clock A. M. (Sundays excepted) and continuing until the business of the court is disposed of.
Jurisdiction.	"Sec. <i>d</i> . Said court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the city of Charlotte which are now or may hereafter be given to jus-

tices of the peace, and shall also have original jurisdiction to hear and determine all offenses and misdemeanors consisting of the violation of any of the ordinances of the said city.

"Sec. *e*. In addition to the jurisdiction conferred by the preceding section, the said court shall have original jurisdiction to hear and determine all criminal offenses committed within the corporate limits of the said city below the grade of felony, as now defined by law, and all such offenses committed within the said city limits are hereby declared to be petty misdemeanors.

"Sec. *f*. Warrants may be issued by the recorder for any person or persons charged with the commission of any offense, as defined in the two preceding sections, of which the said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Mecklenburg County, and upon such appeal the trial in the Superior Court shall be *de novo*.

"Sec. *g*. In all cases heard by justices of the peace and other committing magistrates against any person or persons for any offense included in this act, in which said justices of the peace or other committing magistrates have not final jurisdiction, and in which probable cause of guilt is found, such person or persons shall be bound over in a reasonable recognizance, with sufficient surety, to appear at the next succeeding session of the recorder's court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of Mecklenburg County, awaiting trial. Any justice of the peace of the city of Charlotte may issue his warrants for any of the offenses enumerated in this act, and may make the same returnable to the said recorder's court. All trials in the said court shall be upon warrants issued by the said court or by any justice of the peace, as aforesaid. Any person convicted in said court of any of the offenses embraced in this act shall be fined or imprisoned, or both, according to law. Whenever any person is convicted in said court and the punishment imposed is imprisonment and costs, the recorder shall have power to sentence the defendant to the county jail of Mecklenburg County, to be worked upon the county roads until such sentence has been complied with.

"Sec. *h*. The recorder shall preside over the said court, and hear, try and determine all criminal actions of which said court has jurisdiction, except criminal charges against the mayor or board of aldermen or any police officer of the city of Charlotte, or in cases where the said recorder is legally incompetent to try the same, such incompetency to be construed to mean the same as would disqualify a judge of the Superior Court to try a case pending in that court. Criminal charges against the mayor or any member of the board of aldermen or any policeman of the city shall be triable in that court which would have jurisdiction thereof in case the said recorder's court did not exist.

Further jurisdiction.

Warrants issued by recorder.

Right of appeal.

Persons bound over to recorder's court.

Warrants by justices returnable to recorder's court.

Trials on warrants.

Punishments.

Convicts sentenced to work on roads.

Recorder to preside and hear and try actions. Exceptions.

Charges against mayor and aldermen.

Practice and proceedings.

"Sec. *i*. The practice and proceedings in the said recorder's court shall be the same as are now or may hereafter be prescribed by law in courts of justices of the peace (except that sections one thousand four hundred and twenty-eight to one thousand four hundred and forty-three, inclusive, and section one thousand four hundred and fifty-five of the Revisal of one thousand nine hundred and five shall not apply to the said recorder's court), and in all cases there shall be a right of appeal on the part of the defendant adjudged guilty to the next term of the Superior Court. In all cases of appeal the defendant shall be required to give bond, with sufficient surety, to insure his appearance at the next succeeding term of said Superior Court, and in default thereof shall be committed to the common jail of Mecklenburg County until he shall be discharged according to law.

Right of appeal.

Bond on appeal.

Actions for recovery of penalties.

"Sec. *j*. Said court shall also have jurisdiction to try all actions for the recovery of any penalty for the violation of any ordinance of the said city, such penalty to be sued for and recovered in the name of the city of Charlotte, and if incurred by a minor shall be recovered from and in an action against his parents or guardian, or, if he be an apprentice, against his master, with the right of appeal to the Superior Court on the part of the person against whom judgment may be rendered for such penalty.

Penalties incurred by minor.

Precepts of recorder.

"Sec. *k*. The recorder may issue his precepts to the chief of police or any policeman of the city of Charlotte, to the Sheriff of Mecklenburg County or any constable of said county, or any officer to whom a justice of the peace may direct his precepts. The said recorder shall cause to be kept a faithful minute of all warrants or precepts issued by him and of all his judicial proceedings. Warrants, precepts or other processes issued by the recorder shall be executed by any officer above named.

Minutes kept by recorder.

Execution of process.

Vacancies.

"Sec. *l*. In case of a vacancy occurring in the office of the recorder, for any cause, said vacancy shall be filled by the board of aldermen for the remainder of the term. The recorder may be removed from office by the board of aldermen, by unanimous vote, for malfeasance in office.

Removal for malfeasance.

Substitute recorder.

"Sec. *m*. Immediately upon the qualification of the recorder, or as soon thereafter as may be practicable, the board of aldermen shall elect a duly qualified elector of the said city, possessing the qualifications of the recorder, as substitute recorder, who shall perform the duties and have all of the powers of the recorder, in case of his temporary absence from the city or disability to perform the duties of his office. The term of office of the substitute recorder shall be concurrent with that of the recorder, and he shall receive as compensation for his service the sum of five dollars (\$5) per day for such time as he may be actually engaged in the performance of his duties, to be deducted from the salary of the recorder.

Term of office.
Compensation.

Clerk of recorder's court.

"Sec. *n*. The board of aldermen are authorized to appoint and

employ a clerk for the said recorder's court, and fix his salary. In the event this power is not exercised by the board, the recorder shall perform the duties of clerk of said court.

"Sec. 6. The costs in the said recorder's court shall be as follows: Affidavit of complaint, fifty cents; warrant of arrest, one dollar; commitment, one dollar; entering judgment, one dollar; taking bond, fifty cents; issuing subpoena, fifteen cents for each witness; preparing bill of costs, twenty-five cents; continuance, fifty cents. The fees for serving processes and precepts of the recorder's court to the policemen or other officers herein mentioned shall be the same as is now prescribed by law for sheriffs or constables. All fees or costs of the recorder, chief of police or policemen of the city shall be the property of the city and shall be paid over to the city treasurer."

Costs in recorder's court.

Fees for serving process.

Fees and costs to use of city.

SEC. 4. The board of public service, the board of public safety and the board of health, which are created by and provided for in chapter three hundred and forty-two of the Private Laws of one thousand nine hundred and seven, being an act entitled "An act to amend, revise and consolidate the statutes that constitute the charter of the city of Charlotte, and to extend the corporate limits of said city," ratified the sixth day of March, one thousand nine hundred and seven, are and shall be, on and after the first Tuesday in May, one thousand nine hundred and nine, abolished; and all the powers and authority which by the said act are conferred upon or vested in the said boards of public service, or public safety, or health, or either of them, or any of their several members, except the mayor, shall be and is hereby vested in and conferred upon an executive board, to consist of five members, to be elected by the board of aldermen of the city of Charlotte, by ballot, at the time hereinafter provided for. The said executive board shall be vested with and exercise all of the power and authority now vested in or conferred upon said board of public service, public safety, or health, under said act. The term of office of the members of the said executive board shall be for two years and until their successors are elected and qualified, as hereinafter provided. The members of the executive board shall receive such salary as may be fixed by the board of aldermen, not exceeding two hundred dollars per annum and not less than one hundred dollars per annum, said salary to be payable in monthly installments. The mayor shall be the chairman of said executive board and shall preside at all of its meetings, unless he be absent, when the board shall elect a chairman *pro tem*. The board of aldermen of the city of Charlotte shall, at its first regular meeting after the municipal election held in May, one thousand nine hundred and nine, and at its first regular meeting after each biennial election of aldermen thereafter held in said city, elect three citizens, residents of said city, as members of said executive board, whose term of office shall be for two years and until their successors are elected and qualified. The board of

Boards of public service, public safety and health abolished.

Powers and authority vested in executive board.

Composition of board.

Power and authority of board.

Term of office.

Salary.

Mayor to be chairman of board.

Election of board.

aldermen of the city of Charlotte, at its first regular meeting after the municipal election held in said city in May, one thousand nine hundred and nine, shall elect two citizens and residents of said city as members of said executive board, who shall serve for one year only and until their successors are elected and qualified. At the regular meeting of the board of aldermen held in said city in May, one thousand nine hundred and ten, and biennially thereafter, the board of aldermen shall elect two citizens and residents of the city of Charlotte as members of the executive board, and their term of office shall be for two years and until their successors are elected and qualified, thus making three members of said executive board to be elected in May of each odd year and two members of said executive board to be elected in May of each even year.

SEC. 5. All laws or parts of laws in conflict with this act are hereby repealed.

When act
effective.

SEC. 6. This act shall take effect and be in force on and after the first Tuesday in May, one thousand nine hundred and nine, unless there shall be a new charter adopted for the city of Charlotte at a popular election to be held in the city of Charlotte in the month of April, one thousand nine hundred and nine, as provided for by law enacted or to be enacted at this session of the General Assembly. If the voters of the city of Charlotte, at such election held in April, one thousand nine hundred and nine, ratify and adopt the charter which said law provides shall be submitted to them for ratification and adoption, then and in that event this act shall be superseded by the charter so adopted; but if the voters of the city of Charlotte fail by popular majority to ratify and adopt the said charter to be submitted to them, as provided by an act of the General Assembly passed at this session or to be passed at this session, or if for any reason such election should fail to be held, then this act shall be in force from and after the first Tuesday in May, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 339.

AN ACT TO INCORPORATE THE SONS AND DAUGHTERS OF JACOB.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That D. L. Green, Mary L. Green, George Roberson, James Ballard, Andrew Williams, William Grady and Sarah E. Davis and their associates and successors be and they are hereby created a body corporate and body politic, under the name of the

"United Sons and Daughters of Jacob," and as such corporation shall have power to sue and be sued, to plead and be impleaded, and shall have all the powers and privileges allowed by the State to charitable and benevolent associations, and shall have the necessary powers to carry out the purposes of this organization.

SEC. 2. That the objects and purposes of this corporation shall be to aid and give relief to the widow and the orphan, the poor, the sick, those injured by accident, and to give a suitable Christian burial to the dead, and to this end shall provide a basis for membership; and may issue, under the constitution and by-laws, to the members, under such uniform regulations and restrictions as may be provided for in the constitution and by-laws, certificates of membership entitling the holder to certain stipulated benefits, and the amount or amounts so stipulated shall be uniform rules, and shall be proportionate to the amounts paid by the member in assessments per month, or per week, or per annum, as the constitution may provide.

SEC. 3. That this corporation shall adopt a constitution and by-laws for its government, fixing the duties of the several officers, the dues and rates, schedule of benefits and privileges, and other machinery for its proper government to carry out the purposes of the corporation.

SEC. 4. That the principal lodge shall be at Phoenix, North Carolina, which shall be the grand lodge, and all property owned by this grand lodge shall be exempt from taxation when used exclusively for lodge purposes. No individual shall be personally liable for the debts or obligations of the corporation. This grand lodge shall elect three trustees annually, who shall be the custodians of all property, who shall hold the same in their names in trust for their lodge. Any officer may be removed by majority vote of members, after due notice to him and to every member, for improper conduct in office.

SEC. 5. That this corporation shall have the power to receive donations, acquire property, by purchase, gift or devise, for the purpose of carrying out the objects of the corporation, and no other, and shall have power to acquire title to lands and effects for the purpose of establishing and building a home or homes for the infirm and the aged. Property once acquired by this grand lodge shall not be disposed of by the trustees of the lodge for any purpose, except upon a majority vote of the members, and to no purpose other than for lodge use, except upon a three-fourths vote of the active members, after notice.

SEC. 6. That all officers who shall collect or hold moneys belonging to the lodge shall, before entering upon the discharge of the duties of their office, execute a bond, to be approved by the trustees, to the trustees of the lodge, in a sum that is at least double

Corporate name.

Corporate rights.

Objects and purposes.

Certificates of membership.

Stipulated benefits. Amount proportionate to assessments.

Constitution and by-laws.

Principal lodge.

Exemption from taxation.

No individual responsibility. Election of trustees.

Removal of officers.

Power to acquire and hold property.

Disposal of property.

Officers to give bonds.

the estimated amount that will come into their hands, conditioned upon the faithful performance of duties and the rendering of accurate accounts of all moneys to the lodge.

Term of corporation.

SEC. 7. That the life of this corporation shall be fifty years.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 340.

AN ACT TO AMEND CHAPTER 18, SECTION 4, OF THE PRIVATE LAWS OF 1889, RELATIVE TO THE TRUSTEES OF KITTRELL COLLEGE.

The General Assembly of North Carolina do enact:

Number of members.

SECTION 1. That the Private Laws of one thousand eight hundred and eighty-nine, chapter eighteen, section four, be amended as follows: That the word "nineteen," in line three, section four, chapter eighteen of the Private Laws of one thousand eight hundred and eighty-nine, on page five hundred and sixty, be struck out and the words "one hundred" be inserted in lieu thereof.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 341.

AN ACT TO EXTEND THE TIME FOR THE COMMENCEMENT OF THE WORK ON THE SOUTHPORT, NORTHERN AND WESTERN RAILROAD COMPANY, FOR TWO YEARS FROM AND AFTER MARCH 6, 1909.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter three hundred and eighty-two of the Private Laws of one thousand nine hundred and seven, ratified March seventh, one thousand nine hundred and seven, be and the same is hereby repealed.

SEC. 2. That section twenty-four of chapter four hundred and three of the Private Laws of one thousand nine hundred and five be and the same is hereby repealed and the following inserted in lieu thereof:

"Sec. 24. That unless the work shall be commenced under this charter within two years from and after the sixth day of March, one thousand nine hundred and nine, then this charter shall become null and void."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 342.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF NEBO, IN McDOWELL COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That the words "ninety days," in line nine of section four of an act entitled "An act to incorporate the town of Nebo, in McDowell County," ratified the twenty-fifth day of February, one thousand nine hundred and nine, be stricken out and the words "four months" inserted in lieu thereof.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 343.

AN ACT TO CREATE AND ESTABLISH A FREE-SCHOOL DISTRICT AT ROUND PEAK, SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Surry County is hereby authorized and empowered to establish a free-school district at Round Peak, in Surry County, under the name of Round Peak School District. Said school district shall be governed by the same laws, rules and regulations as other free-school districts in the State: *Provided*, that all sums of money apportioned to said school district shall be and the same is and shall be collected and disbursed by the Board of Education of Surry County as all other school funds are disbursed under the present school laws now provided for the State under the general school law. The limits of the said school district shall be as follows: In the western part of Surry County, beginning in the old Mount Airy and Low Gap Road, at a point near the Widow Norman's, running westwardly,

Time for beginning of work.
Residence of voters.

Establishment of district authorized.

Law governing district.

Proviso: collection and disbursement of school funds.

Limits of district.

crossing Round Creek Mountain, to the Stewart Creek and Franklin Township line, on Buck Mountain; southward, the township line, crossing Fletcher Mountain, to Fisher's River and Mount Airy Road; thence eastwardly, crossing Skull Camp Mountain, to Low Gap and Dobson Road, near John Hiatt; thence northwardly to the beginning.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 344.

AN ACT TO AMEND SECTION 55, CHAPTER 120, PRIVATE LAWS OF 1885.

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-five (55) of chapter one hundred and twenty (120) of the Private Laws of one thousand eight hundred and eighty-five be amended by adding to said section: "But it shall be lawful, with the consent of the Board of Commissioners of Morganton, to substitute weatherboarding for the pebble-dash on the north wing of the hotel standing at and near the intersection of Green and Union streets."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 345.

AN ACT FOR A NEW CHARTER FOR THE CITY OF SOUTH-PORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants of the city of Southport shall be and continue, as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the city of Southport, and under such name and style is hereby vested with all the property and rights of property which now belong to the present corporation of the city of Southport or any other corporate name or names heretofore used, and by the corporate name of the city of Southport may purchase and hold, for the purposes of its government, welfare and improvement, all such

Corporate name.

Property and rights under former charter.

Corporate rights.

estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and may, from time to time, sell, dispose of and reinvest the same, as shall be deemed advisable by the authorities of the corporation.

SEC. 2. That the corporate limits of said city of Southport shall hereafter be defined and located as follows, to wit: On the north and west from the harbor line on the Cape Fear River, at a point above the city, near what is known as Deep-water Point, to a point at the harbor line on the said river, below the city, near the mouth of Judah Creek, shall be the arc of a one degree circle having a radius of five thousand seven hundred and twenty-nine and sixty-five one-hundredths feet, the center of which shall be the point of angle in the southern line of Moore Street, opposite the present courthouse. From each end of this arc from the harbor line on the river the corporate limits shall extend in a direction perpendicular to the channel of said river to the channel of the same; thence along the said river channel, connecting the said lines perpendicular thereto.

SEC. 3. The administration and government of said city shall be vested in one principal officer, to be styled the mayor, and a board of six aldermen, and such other officers as are hereinafter provided for.

SEC. 4. That said city shall be divided into three (3) wards, as follows, to wit:

Ward Number One shall be that portion of the city lying to the west of the center line of Lord Street, from the point where this line, projected, intersects the channel of the Cape Fear River to its intersection with the northern limits of the city.

Ward Number Two shall be that portion of the city lying between the center line of Lord Street, as above defined, and a line beginning at the intersection of the channel of the Cape Fear River and the center line of Fort Johnson place, projected, and extending along said center line of Fort Johnson place to its intersection of the center line of Moore Street; thence along the center line of Moore Street to the center line of Dry Street; thence along the center line of Dry Street to the center line of Howe Street; thence along the center line of Howe Street to the northern limits of the city.

Ward Number Three shall be all that portion of the city lying to the eastward of the last above-defined line.

And each of the said wards shall elect two aldermen, who shall hold their offices for two years and until their successors are qualified. Such aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward.

SEC. 5. The mayor shall be elected by the qualified voters of the city of Southport for the term of two years and until his successor is elected and qualified. The board of aldermen may allow said

Salary. Limit of salary.	mayor an annual salary, not to exceed three hundred dollars, and in no case shall the salary so allowed exceed the amount of five per cent of the total revenue derived the preceding year from taxes levied on real estate for municipal purposes, to be paid out of the city treasury. In case of a vacancy in the office of mayor, the board of aldermen shall elect, by ballot, a qualified person from their number to fill the vacancy for the unexpired term, or full term, as the case may be. In case two or more persons shall receive an equal number of votes for the office of mayor, the Clerk of the Superior Court of Brunswick County shall determine the tie by his vote. In case of vacancy in the board of aldermen, the remaining aldermen shall elect, by ballot, some suitable qualified person to fill said vacancy, who must be a resident of the ward for which he is elected.
Vacancy.	
Determination of ties.	
Vacancies in board of aldermen.	
Law governing city elections.	SEC. 6. The elections for mayor and board of aldermen and all special elections in said city shall be held and conducted under the laws, rules and regulations prescribed in chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina, entitled "Towns," and the first election under this charter shall be held on the first Tuesday after the first Monday in May, one thousand nine hundred and nine, and biennially thereafter.
Time of election.	
Aldermen to meet and qualify.	SEC. 7. That on the second day following their election the mayor and aldermen shall meet at the mayor's office, or some other place by them appointed, at twelve o'clock M., and shall then and there take an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina, and to discharge the duties imposed upon them by virtue of their respective offices with fidelity and integrity, to the best of their ability, which oath shall be administered by a judge, justice of the peace or clerk of the Superior Court, and such oath shall be subscribed and filed with the clerk of the board of aldermen.
Forfeit for refusal to qualify as mayor or alderman.	SEC. 8. That any person elected mayor or alderman who shall refuse to qualify, without good cause, as such, shall forfeit and pay to the use of the city twenty-five dollars, and it is hereby made the duty of the mayor to enforce this section.
Mayor an official court. Jurisdiction.	SEC. 9. The mayor of the said city of Southport, while acting in such capacity, is hereby constituted an official court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said city which are now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of violations of ordinances of the said city. The proceedings in said court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases where the defendant shall be adjudged guilty there shall be the right of appeal, and in all cases where a defendant may be adjudged to be imprisoned by the said
Proceedings.	
Right of appeal. Sentence to work on streets.	

mayor it shall be competent for him to adjudge also that the said defendant work during the period of his confinement in the public streets or other public works of said city.

SEC. 10. The mayor may issue his precepts to the chief of police or city marshal, or to other officers to whom a justice of the peace may direct his precepts.

Precepts of mayor.

SEC. 11. That the mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by justices of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.

Minutes kept by mayor.
Judgments.

SEC. 12. The mayor, when present, shall preside at all meetings of the board of aldermen; and where there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number, *pro tempore*, to exercise his duties. The mayor shall keep his office in some convenient part of the city designated by the aldermen; he shall keep the seal of the corporation, and shall perform such duties as shall from time to time be prescribed, and he shall receive such fees as may be allowed by this act and the ordinances of the corporation. The mayor shall at every regular meeting of the board make a report concerning the government, the health, the sanitary condition, the peace, the condition of the streets and the street lights of the city, and such other matters as he shall deem necessary, and make recommendations as to these and any other matters as to him shall seem right and proper. The chairman of any committee, or any alderman, shall, whenever called upon by the mayor, furnish him with any information in his possession concerning any of the above-mentioned matters.

Mayor to preside at meetings of aldermen.

Vote.
Mayor pro tem.
Mayor's office.

Seal of corporation.
Duties.
Fees.

Reports and recommendations.

Chairmen of committees to furnish information.

SEC. 13. The aldermen shall constitute one board, and a majority shall be competent to perform all the duties prescribed for the aldermen. They shall meet at least once in each month, and at their first meeting shall fix the time of their regular monthly meetings. Special meetings of the aldermen may be held on the call of the mayor or of a majority of the aldermen; and for every such meeting, when called by the mayor or when called by a majority of the aldermen, those who may not have joined in the call shall be notified in writing.

Aldermen to constitute one board.
Quorum.
Regular meetings.
Special meetings.
Notice of special meetings.

SEC. 14. That if any aldermen shall fail to attend any regular meeting of the board of aldermen, or any special meeting of which he shall have had notice, as prescribed in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay to the use of the city the sum of four dollars, and it shall be the duty of the mayor to enforce such forfeiture.

Forfeit for failure to attend meetings.

Mayor to enforce forfeiture.

Legislative powers.

SEC. 15. That the aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the government of the city as they may deem necessary, but no new ordinance shall be put into effect until at least two weeks' publication shall be had at four or more public places in the town, but an ordinance may stand repealed from the date of such repeal. That the powers hereby conferred on the board of aldermen are the following:

Powers conferred.

To regulate bicycles and automobiles.

1. To regulate the manner in which bicycles and automobiles may be ridden or driven in said city.

To provide a supply of pure water.

2. To provide a supply of pure water for the city.

To provide water-works and sewer system.
To provide for lights.

3. To provide a sufficient and adequate water system and water-works and sewer system for the city.

4. To provide for electric lights or other lights for lighting the streets, public buildings and houses of private individuals in said city.

To employ an attorney, a street overseer and other employees and to fix their compensation.
To provide for curbing, paving and cleaning streets and sidewalks.

5. To employ an attorney, a street overseer and such other employees as in their discretion may be required to enforce the ordinances for said city, and fix their compensation.

6. To provide for curbing and paving of the streets and sidewalks of said city, and the cleaning of the same, to the extent that such board may deem best.

To establish and regulate markets and market houses and sale of edibles.

7. To establish and regulate a market or markets in said city, and to erect or lease and use a suitable market house or houses therefor, and regulate the sale of meats, fish, shellfish, game, poultry, fruits, vegetables and all other kinds of edible things or products.

To provide fire apparatus and establishment of fire companies.

8. To provide proper and effectual methods, apparatus, means and regulations to prevent and extinguish fires in said city, and to provide for the establishment, organization, equipment and government of fire companies.

To provide and regulate police.
To make and enforce rules for observance of Sunday.

9. To provide and regulate police watches in policing the town.

10. To make suitable regulations for the observance of Sunday in said city, and to provide for the enforcement of the same.

To prevent and abate nuisances.
To regulate keeping of dogs.

11. To prevent, suppress and remove nuisances in said city.

12. To regulate the manner in which dogs may be kept in said city.

To regulate speed on streets.

13. To regulate the speed at which horses, mules and other animals may be ridden or driven in, through, upon or over any street or streets of said city.

To pass ordinances for prevention of fires, and building regulations.

14. To make suitable ordinances, rules and regulations for the prevention of fires, the erection of buildings, and the manner in which flues, chimneys and stovepipes may be placed therein for the better protection of the city against fire.

To regulate keeping of live stock.

15. To regulate the manner in which hogs, goats, cattle and all other animals may be kept in the city, and to prevent same from running at large.

16. To cause all alleys, cellars, lots, privies, stables, styes and other places of similar character to be examined, cleaned, removed or abated, as may be prescribed by the board of aldermen; to appoint one or more scavengers for the city, to regulate fees for scavengers and to provide for the payment and collection of the same. To make sanitary regulations.
To appoint scavengers and regulate fees.
17. To prohibit all trades, businesses, assemblages, practices or occupations which are nuisances from being carried on in the city. To prohibit occupations which are nuisances.
18. To establish one or more public cemeteries, as they may deem necessary, within or without the corporate limits of said city, and to provide for the care and maintenance of the same, and the proper regulation, control and protection thereof. To establish cemeteries and provide for maintenance and regulation.
19. To adopt a seal for said corporation. To adopt a seal.
20. To regulate the entrances and exits to all public buildings. To regulate entrance and exits to public buildings.
21. To require all officers appointed or elected by the mayor or board of aldermen of said city to give good and sufficient bonds for the faithful performance of their duties, as the same is prescribed by law for officers of trust or for profit, in such sum or sums as the board of aldermen or mayor may deem proper. To require bonds of officers.
22. To make provision and take all proper measures to preserve the peace, quiet and good order of the city, and to execute all laws and ordinances thereof. To preserve peace, quiet and good order.
23. To enact and pass such laws and ordinances and regulations as said board may deem necessary to preserve and protect the health of said city, and provide for the enforcement of the same. To pass and enforce health ordinances.
24. To make provision for licensing auctioneers and regulating auctions. To license auctioneers and regulate auctions.
25. To provide licensing, regulating or restraining theatrical and other public amusements in said city, and all billposters and advertisements thereof, and to enforce all such provisions. To license, regulate and restrain theaters and billposters and advertising.
26. To establish all necessary inspections to enforce ordinances for the health of the people in said city, and to appoint inspectors for this purpose. To establish inspections and appoint inspectors.
27. To lay and provide for the collection of all taxes authorized by law to be laid, levied or collected by said city, and enforce the collection of the same. To levy and collect taxes.
28. To impose and collect fines, forfeitures and penalties for the breach of the ordinances and regulations of said city. To impose and collect fines and forfeitures.
29. To appoint and provide for the pay of all such officers, and prescribe their duties, as may by said board of aldermen be deemed necessary to enforce the ordinances of the city. To appoint officers, provide for pay and prescribe duties.
30. To prescribe and regulate the charges for the carriage of persons, baggage, freight by omnibuses, wagons, drays, carriages, carts and other vehicles in said city, and to issue licenses for omnibuses, hacks, carriages, drays, wagons, carts and other vehicles used therein for the transportation, for hire, of persons or things. To prescribe and regulate charges for transfer.
To license vehicles.

To protect from contagious and infectious diseases and to declare and enforce quarantine.

To regulate management of electric-light plants, sewerage and waterworks.

To appoint a chief of police or marshal and other police officers.

Mayor to appoint special policemen.

To regulate erection and maintenance of wires.
To prevent obstruction of streets and sidewalks.

To regulate railroads and street railways in the use of streets.

31. To make proper provision and take all necessary measures to preserve said city from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein.

32. To make and pass all such rules, regulations and ordinances as may be necessary for the government, control, management or operating of all electric-light plants or other lighting system, water-works or sewerage system, as the board of aldermen may deem necessary.

33. To appoint a chief of police or marshal for said city, and all other police officers as may be deemed necessary to execute such precepts as the mayor may lawfully issue to them, and to preserve the peace and good order of said city; and whenever in the opinion of the mayor of said city the peace and good order, the enforcement of the sanitary, police, quarantine or other regulations or ordinances of said city requires an additional or special force to assist the regular force in the execution of the same or any part thereof, or upon the assembling of any large or unusual meeting in said city, deemed dangerous to the peace or good order thereof, the mayor may, in his wise discretion, appoint specials, or policemen, who shall be citizens of said city or the county of Brunswick, which specially appointed officers or policemen shall be vested with all the authority under the law as the regular chief of police, marshals or policemen of said city are vested with, and clothed with all the authority to make arrests for infractions of the law, and to perform other duties as though they were regular marshals or policemen of said city.

34. To make ordinances regulating the erecting and maintenance of overhead electric or other wires; to prevent obstructions to streets and sidewalks, in order to prevent accidents or injuries to the citizens.

34½. To regulate the speed of all railroad trains, street cars and locomotives within the city, and their stops at street crossings; to require said companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the street over or across which their trains or cars are operated, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvement in the same manner as against abutting property owners. To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary; to regulate and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair; to regulate and control the location of cable and street railroad tracks and all steam railroad tracks, and to require

railway companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings and other things as the board of aldermen may deem necessary.

35. To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act: *Provided* they are not incompatible with the Constitution of the United States and the Constitution of this State and the laws of the same.

To pass laws, ordinances and regulations.
Provido: not incompatible with constitutions and laws.

SEC. 16. That at the first meeting of the board of aldermen, or as soon thereafter as may be practicable, they shall elect from the membership of the board or, if the board shall deem it advisable, from the qualified electors of the city a city clerk and a treasurer and a tax collector, who shall respectively hold their offices during the term of the board electing them, and until their successors are elected and qualified, subject, however, to be removed at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of said officers shall take and subscribe an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen, and each shall execute a bond, in such an amount as the board may require, with security, to be approved by the board. The bonds required of the clerk and treasurer and tax collector shall be renewed every year.

Officers to be elected by aldermen.
 Officers-elect to qualify and give bond.
 Renewal of bonds.

SEC. 17. That the officers provided for in the foregoing section shall have a reasonable salary or compensation, to be determined by the board of aldermen: *Provided*, that in no case shall the salary or compensation allowed to the tax collector exceed the amount of five per cent on collections made by the tax collector for municipal purposes, nor shall that to the treasurer exceed one per cent on receipts and two per cent on disbursements of funds made by him for municipal purposes: and it shall be the duty of the clerk to keep a regular and fair minute of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver the same to his successor, and regularly to perform such other duties as may be prescribed by the aldermen.

Salary of officers.
Provido: limit of salaries of treasurer and tax collector.
 Duty of clerk.

SEC. 18. That it shall be the duty of the treasurer of said city to receive and safely keep all moneys which shall be paid into his hands as such treasurer for the use of said city; to disburse the funds of said city according to such orders as shall be drawn on him by the proper authorities; to demand of all persons such moneys or securities as they or any of them may have in their hands belonging to said city which ought to be paid or delivered to the treasurer thereof, and to perform all such other duties as may from time to time be required of him by law or said board of aldermen. He shall keep in a book provided for that purpose a fair and correct account of moneys received and disbursed by him, and of all securities and other property entrusted to him for safe-keeping or otherwise; and at the expiration of his term of office,

Enumeration of duties of treasurer.
 Accounts to be kept.

Compensation.	or the sooner determination thereof, shall deliver to his successor all such moneys, securities or other property belonging to said city then in his hands. He shall receive such compensation as said
City orders.	board of aldermen shall from time to time prescribe. All orders drawn on him shall be signed by the mayor, attested by the clerk and under the seal of the city, and shall state the purpose for which the money therein called for is applied, and the treasurer
	* shall in his account specify such purpose. He shall also state in his account the sources, respectively, from which all moneys received by him are derived, and shall, when required to do so, submit to the mayor or board of aldermen his vouchers for any and all disbursements made by him, and his said accounts in full.
Annual statements.	Said treasurer shall make out annually a fair transcript of the receipts and disbursements on account of the city for the general
Publication of statement.	inspection of the citizens, and cause the same to be posted at the door of the courthouse in Brunswick County and, if the board shall deem necessary, printed in some newspaper published in the
Books and vouchers open for inspection.	city of Southport. The books and vouchers of said treasurer shall be open to the inspection of the public at all reasonable hours.
Power and authority of tax collector.	SEC. 19. The tax collector shall be vested with the same power and authority in the collection of taxes that sheriffs have, and
Liabilities.	subject to the same fines and penalties for failure or neglect of
Amounts charged.	duty. He shall be charged with the sums appearing by the tax
Credits.	lists as due for city taxes. He shall be credited in settlement, as sheriffs are accredited, with amounts in suit by appeal, all poll tax and taxes on personal property deemed by the board of aldermen to be insolvent and uncollectible. He shall at no time retain
Not to retain money.	in his hands more than two hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to the city upon all sums so unlawfully retained. The board of aldermen, at a meeting before the last regular meeting in each year, shall appoint one or more of their number to be present and assist
Penalty.	at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of tax collector
Committee of audit.	and city treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute book of said board, and shall be <i>prima facie</i> evidence of their correctness and impeachable only for fraud or
Report of audit.	specified error. It shall be the duty of said board to remove any
Record of audit.	tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to said office again.
Removal of tax collector.	
Duties of police.	SEC. 20. It shall be the duty of the chief of police or marshal or any other police officer to see that the laws, ordinances and orders of the board of aldermen and orders of the mayor are enforced, and report all breaches thereof to the mayor; to preserve the peace and good order of the city by suppressing disturbances and

apprehending offenders, and for that purpose they shall have all powers and authority vested in sheriffs or constables. They shall execute all lawful precepts directed to them by the mayor or others, and in execution thereof they shall have the same power anywhere in the county of Brunswick that sheriffs or constables have; and they shall have the same fees on all processes and precepts executed and returned by them which may be allowed to the sheriff of the county on like processes and precepts, and also such other compensation as the aldermen may allow.

Powers and
authority.

Fees.
Other com-
pensation.

SEC. 21. The fiscal year of said city shall begin with the first day of May in every year. The poll taxes and the *ad valorem* taxes shall become due on the first day of September in every year.

Fiscal year.

Taxes due.

SEC. 22. In order to raise a fund incident to the proper government of the city or for the improvement thereof, or for any necessary buildings, offices or prisons, or for any debt that may be now or hereafter incurred, and to provide for a sinking fund to meet the principal of any such debt when the same shall become due, the board of aldermen may, at their regular meeting in June in each and every year, levy and collect the following taxes, to wit:

Taxing power.

1. On real estate and personal property, a tax not exceeding sixty cents on every one hundred dollars valuation, and the valuation adopted shall be that accepted by the Board of County Commissioners of Brunswick County, as shown on the county tax books for the years in which the tax is assessed.

Property tax.

Valuation as
shown on county
tax books.

2. On all taxable polls, a tax not exceeding one dollar and eighty cents.

Poll tax.

SEC. 23. That in addition to subjects listed for taxation the aldermen may levy a privilege or license tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector, annually, when not otherwise specified; and if the same be not paid on demand, he shall proceed in such manner as the board of aldermen shall direct, by ordinance or otherwise, as hereinafter provided:

Privilege or
license taxes.

1. On every four-horse omnibus, a tax not exceeding fifty dollars; on every two-horse omnibus, a tax not exceeding forty dollars.

Omnibuses.

2. On every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars; if drawn by more than two horses, a tax not exceeding fifty dollars.

Drays or express
wagons.

3. On every carriage, buggy, sulky and other vehicle used in the city for the carriage of persons or for pleasure, a tax not exceeding fifteen dollars.

Vehicles.

4. On every dog, a tax not exceeding ten dollars: *Provided*, that a discrimination may be made within this limit on the different species and sexes of dogs.

Dogs.

5. On every saddle horse kept for hire, not exceeding five dollars.

Saddle horses
kept for hire.

- Peddlers. 6. On every itinerant merchant or peddler offering to vend in the city, a license tax not exceeding fifty dollars. This clause is to include all itinerant vendors of patent medicines.
- Games or plays. 7. On every shooting gallery, billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or any other game or play, with or without a name, kept for hire or kept in a house where liquor is sold or a house used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars.
- Hotels, restaurants and eating houses. 8. On every hotel, restaurant or eating house, a license tax not exceeding twenty dollars.
- Liquor licenses. 9. On every license to retail spirituous or malt liquors, a tax not exceeding one thousand dollars.
- Circus riders. 10. On every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile outside of the corporate limits thereof, a license tax not exceeding two hundred dollars for each performance and separate exhibition; and upon every side show connected therewith, a license tax not exceeding twenty dollars for each performance. The tax herein specified shall be paid before exhibition; otherwise to be doubled.
- Side shows. 11. On every person or company exhibiting within the city, or within one mile outside the corporate limits thereof, any stage or theatrical performance or play, sleight-of-hand performance, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding seventy-five dollars for every twelve hours allowed for exhibition; the tax to be paid before exhibition; otherwise to be doubled.
- Tax to be paid before exhibition, otherwise doubled.
- Exhibition of curiosities. 12. On every exhibition, for reward, of artificial curiosities exhibited within the city or within one mile of the corporate limits thereof, a tax not exceeding twenty-five dollars, to be paid before exhibition or the same to be doubled.
- To be paid before exhibition or doubled.
- Other shows. 13. On each show or exhibition of any other kind, and on each concert for reward, on each strolling musician, a tax not exceeding ten dollars, to be paid before exhibition or performance, or the same to be doubled.
- To be paid before exhibition or doubled.
- On trades and occupations. 14. On auctioneers, not exceeding fifty dollars; on jewelers or silversmiths, itinerants offering for sale, not exceeding fifty dollars; on drug stores operating under State prohibition laws or otherwise selling spirituous or malt liquors, a tax not exceeding one thousand dollars; on all huckster stands, a tax not exceeding twenty dollars; on itinerant dealers in lightning rods, a tax not exceeding twenty-five dollars; on banks or banking agents, a tax not exceeding one hundred dollars; on note-shaver or broker, a tax not exceeding fifty dollars; on retail dealers in fresh meat, a tax not exceeding thirty dollars; on each ice-cream saloon or parlor, a tax not exceeding twenty-five dollars; on peddlers of ice cream, a tax not exceeding twenty-five dollars; on all soft-drink and ice-cream stands, or either, or both, a tax not exceeding twenty-five dollars; on dealers or agents for fertilizers, a tax not exceeding

one hundred dollars; on dealers in lumber and all building materials, a tax not exceeding thirty dollars on each yard or place of business; on dealers in kerosene, gasoline, naphtha, or either of said articles, a tax not exceeding thirty dollars; on dealers in wood and coal, a tax not exceeding twenty-five dollars; and on dealers in wood or coal, a tax not exceeding fifteen dollars; on photographers, a tax not exceeding twenty-five dollars; on livery stables, a tax not exceeding fifty dollars; on dealers in horses or mules, or both, a tax not exceeding fifty dollars; on dealers in carriages, buggies, wagons, sewing machines, gins, tobacco, cotton, machinery of any kind, engines, boilers, pumps, windmills, tinware, a tax not exceeding twenty-five dollars; on dealers in pistols, guns, dirks, bowie knives, sling shots, brass or metal knuckles or other like deadly weapons, in addition to all other taxes, a license tax not exceeding fifty dollars; on dealers in firecrackers, Roman candles, skyrockets, toy pistols or fireworks of any kind, a tax not exceeding fifty dollars.

15. Upon every mercantile business where goods, wares and merchandise are sold or offered for sale, a tax of not exceeding one hundred dollars.

Mercantile business.

SEC. 24. In addition to the *ad valorem* tax, poll tax, privilege and license taxes heretofore enumerated, the board of aldermen may lay and collect such other privilege and license taxes as may to them seem fair and equitable on all persons, professions, corporations, businesses or trades which are now or which may hereafter be taxed under the general revenue act for State purposes and not specifically herein taxed, excepting in such instances where municipalities are forbidden to lay and collect such tax.

Other trades, professions and occupations not specified.

SEC. 25. The board of aldermen may in their discretion provide that the privilege and license taxes provided for herein may be paid for fractional parts of a year, not less than three months; and the said board shall have the power to graduate any of the license taxes or privilege taxes levied by dividing the business or calling into classes according to size, patronage or income: *Provided*, the tax shall be uniform for all in a class.

License tax may be quarterly.

Power to graduate tax.

Proviso: tax uniform as to class.

SEC. 26. Said board of aldermen may require and provide for the payment, in advance, of any license or privilege tax in this act authorized; and any person who in such case shall engage in any such business, trade, occupation, calling or profession, upon or for which in any manner any such tax is allowed to be imposed, without having paid such tax, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned for not more than thirty days.

Power to require payment of license tax in advance. Doing business without payment of tax misdemeanor.

Punishment.

SEC. 27. That the city clerk or some other competent person appointed as tax lister by the board of aldermen shall, on the third Monday in May in each and every year, make advertisement, in some newspaper published in Southport or by posted notices, notifying all persons residing in the city of Southport who own or have

Advertisement for listing taxes.

- control of taxable property in the city on the first of June to return to him on or before the last day of June a list of their taxable property in said city. Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the lists so returned to the clerk or tax lister shall be sworn to before him, and he is hereby authorized to administer the following oath:
- Tax lists.** "I,, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the lots owned by me in said city, a full and accurate list of all personal property, and a full and accurate list of all stocks, bonds, incomes, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: so help me, God."
- Lists to be sworn.**
- Form of oath.**
- Tax book.** And from the returns so made, the clerk, list taker or some other competent person as may be appointed by the board of aldermen shall, within thirty days after the expiration of the time for taking said lists, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes; and the said clerk, tax lister or other person appointed by the board of aldermen shall copy in said book the assessments made by the board of township assessors of all property within the city limits: *Provided*, that such list taker for the city shall be present at the time and place of the appointment of the township list taker at all his appointments in the city for the purpose of taking said city lists.
- Assessments.**
- Proviso: list taker for city to be present at township listing.**
- Lists of delinquents.** SEC. 28. The clerk, tax lister or some competent person appointed by the board shall, within thirty days from the return of the tax lists, make out, to the best of his knowledge and belief, by comparing his books with the returns made to the board of township assessors or list takers, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city who shall have failed to return a list in the manner and time aforesaid, and said persons so failing to list shall be liable for double the amount of their tax, which shall be charged against them on the tax book of the city; and on good cause being shown, the board of aldermen may remit the double tax.
- Double tax for failure to list.**
- Aldermen may remit penalty.**
- Tax book revised, corrected and accepted.** SEC. 29. That immediately upon the completion of the tax book, as provided for above, it shall be revised, corrected and accepted by the board of aldermen, and when so accepted by said board shall constitute the regular tax list for that year, subject to any and all amendments, corrections, modifications, additions and subtractions which said board of aldermen shall from time to time make therein. The city clerk shall endorse, upon order of the board of aldermen, in said tax book an order to the city tax collector to collect the taxes therein mentioned, and such order shall have the force and
- Order for collection of tax.**

effect of a judgment and execution against the real and personal property of the persons charged in said book, and said tax book shall be delivered to the city tax collector on or before the first day of September for the collection of taxes, who shall proceed forthwith in the collection of said taxes, and shall complete the same on or before the first of January next ensuing: *Provided*, that the aldermen may extend the time for the completion of such collection as they may think best, but not later than the first day of March following. The tax collector shall receive as his fees for the collection of said taxes not more than five per cent on the amount collected for municipal purposes, at the discretion of the aldermen.

Delivery of tax book.

Completion of collection.
Proviso: extension of time.

Fees of tax collector.

SEC. 30. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the tax collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in said city or by posting notices at the courthouse door and three other public places in said city if the property to be sold be personalty, and of thirty days if the property be realty.

Collection by distress.

SEC. 31. That when the tax due on any lot or other land (which is hereby declared to be a lien on same) shall remain unpaid on the first day of January or on such days as may be fixed by the board of aldermen under the powers herein granted, not later than the first of March, and there is no other visible estate except such lot or land of the person in whose name it is listed, liable to distress and sale, known to the tax collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the courthouse door by the tax collector, after advertising for thirty days in some newspaper in the city or by posting notices at the courthouse door and three other public places in said city, which the collector shall do; and the collector shall divide the said lands into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city; and if not redeemed, as hereinafter provided, shall belong to said city in fee.

Sale of real estate for taxes.

SEC. 32. That the tax collector shall return an account of his proceedings to the board of aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of the proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling the same, it shall be paid into the city treasury, subject to the demand of the owner.

Return of proceedings.

Surplus.

Time for redemption.

SEC. 33. The owner of any land sold under the provisions of this charter, or any person acting for him, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund, without interest, the proceeds, less double the amount of taxes.

Conveyance of land not redeemed.

SEC. 34. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns; and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Additional powers vested in tax collector.

SEC. 35. That in addition to the powers herein conferred on the tax collector of the city of Southport, he shall be vested with all the powers that are now or may hereafter be given to sheriffs or tax collectors under the laws of North Carolina in the collection of taxes, the sale of real and personal property for taxes; and shall have the same rights, duties and powers of garnishment for poll taxes that are now or may hereafter be prescribed by the general law of the State for sheriffs and tax collectors. The tax collector shall be entitled to and receive the same fees for levying, notice, advertisement, sale and garnisheeing and certificates that are now or may hereafter be allowed sheriffs or tax collectors under the general law of the State.

Powers of aldermen in relation to streets.

SEC. 36. That the board of aldermen shall have power to grade, macadamize and pave the streets and sidewalks and to lay out and open new streets or widen those already open, and make such improvements thereon as the public convenience may require; that when any land or right of way shall be required for the purpose of opening new streets or for widening those already opened, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from

Right to condemn land.

the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city, to be chosen by the aldermen; and in making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such streets or other improvement, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen, and shall pass the title to the board of aldermen in their corporate capacity

Valuation of land.

in the land so taken: *Provided*, that if any person over whose land the said street may pass, or improvement be erected, or the aldermen, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court.

SEC. 37. That the board of aldermen shall have further right to cause sidewalks to be curbed, paved and repaired and new sidewalks to be established and laid, when deemed necessary, and to recover from the owner or occupier of lots in which curbing, paving or new walks shall be established the expense of said work, when done by the city, which expense shall be a lien on the lot: *Provided always*, that the owner before whose lot such curbing, paving or establishing new sidewalks shall have been ordered shall have thirty days' notice, in writing, of such order of the said board: and if such expenses are not paid upon demand, such lot, or so much thereof as may be necessary, shall be sold by the tax collector to pay said expenses and costs of sale, under the same rules and regulations, restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes: *Provided*, that the owner shall have the right and privilege to curb, pave and establish such sidewalks along his lot within the time limit prescribed by the board, according to the requirements and regulations of said board as to materials, construction and dimensions: *Provided further*, that any person aggrieved shall have the right of appeal to the Superior Court from any order, act, rule or regulation made by the board in respect to private property under this section.

SEC. 38. That no mayor or alderman or other officer of said city shall, directly or indirectly, become a contractor for work to be done for the city, and any person herein offending shall be guilty of a misdemeanor.

SEC. 39. That in making arrests the police or marshals shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State statutes. When arrests have been made, the prisoners shall be immediately carried before the mayor for trial, except in the following cases: First, when the arrest is made between sunset on Saturday and nine o'clock Monday morning following; second, when the arrest is made in the nighttime; third, when the person arrested is found to be in a state of inebriation; fourth, when, for the safe-keeping of the party arrested, imprisonment is necessary; in all of which cases the prisoner may be committed, without *mittimus*, to the city or county jail, and in such cases the sheriff or jailer of the county of Brunswick and the keeper of the city jail are hereby required to receive prisoners without *mittimus*.

SEC. 40. That for the violation of any ordinance or by-law made by said board of aldermen they may prescribe penalties not ex-

Proviso: right of appeal.

Improvements on sidewalks.

Expense a lien on lots.

Proviso: notice to owner.

Enforcement of payment.

Proviso: right of owner to do work.

Proviso: right of appeal.

Interest by officer in contract with city misdemeanor.

Duties and powers of police in making arrests.

Prisoner taken for immediate trial.

Exceptions.

Arrests between sunset on Saturday and Monday morning.

Arrests in nighttime.

Arrested person drunk.

Imprisonment necessary for safe-keeping.

Committal without *mittimus*.

Penalties for violations of ordinances or by-laws.

Commitment to jail for nonpayment.

ceeding fifty dollars for each offense, to be recovered before the mayor without stay of process, mesne or final; and when judgment shall be given for any such penalties the party convicted may, unless the penalty and costs be paid, be immediately committed to jail for the space of not exceeding thirty days or until payment thereof shall be made.

Fees allowed mayor.

SEC. 41. That the mayor shall be entitled to the following fees in cases herein enumerated, whereof he may have jurisdiction as mayor: For every warrant of arrest issued by him, or for the recovery of a penalty, or for other cause of action, fifty cents. For every judgment rendered thereon, one dollar, to be taxed among the costs. For every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of the offender by such as may carry him away; if the offender is charged with violation of a city ordinance, the fees shall be paid by him, if guilty; if not, by the city. For the use of the city seal for other than city purposes, fifty cents. For certificate for other than city purposes, twenty-five cents. And the mayor shall keep a book record of the nature and amount of every fee received by him from the city and from individuals, which record shall be kept in his office and shall be the property of the city, and it shall be the duty of the mayor to enter all said fees promptly therein upon the receipt of the same.

Book record of fees.

Power to borrow money.

SEC. 42. The said board of aldermen are hereby authorized and empowered to borrow in any fiscal year a sum or sums of money that may be required for necessary expenses: *Provided* the same does not exceed the double of the total of the taxes assessed in the last tax book, at a rate of interest not exceeding six per centum, and to execute therefor a note or notes of said city, sealed with the seal of said city, and to be in such form and tenor as the board of aldermen may from time to time prescribe.

Proviso: limit of amount.

Interest.

Parks.

SEC. 43. The board of aldermen may establish and maintain a park or parks for the benefit of the citizens.

Power of mayor to suspend officers.

SEC. 44. The mayor may at any time, upon finding the chief of police, chief marshal, police or marshals guilty of misconduct, or upon failure to perform the duties of said offices, have power to suspend such officers from duty until the board of aldermen shall convene and take action in the matter, and upon hearing proofs in the case the board may discharge or restore such officer, and the pay of such officer so suspended shall cease from the time of his suspension to the time of his restoration to service.

Firearms and fireworks, Spring guns and sling shots.

SEC. 45. The board of aldermen shall have power to prohibit or control the firing of firearms, firecrackers, torpedoes, the shooting of air or spring guns and sling shots, or otherwise shooting or throwing shots or missiles of any character, also fireworks of any kind or nature, and to regulate or prohibit the manner in which powder and other explosive and inflammable substances may be kept and sold.

Explosive and inflammable substances.

SEC. 46. That all laws heretofore constituting the charter of the city of Southport and affecting the government thereof, in the grants heretofore made of its franchises and powers, so far as they may be inconsistent or come in conflict with the provisions of this act, and all laws of a public or general nature inconsistent with this act, are hereby repealed, so far only as they may affect the city of Southport: *Provided, however,* that such repeal shall not annul any ordinance, by-law or rule or regulation of the corporation unless the same be inconsistent with this act, nor shall such repeal affect any act done or any right accruing or accrued, or established, or any suit had or commenced before the time when such repeal shall take effect; neither shall any right, estate, duty or obligation possessed by or due the corporation by its present name from any corporation or person whatever be lost or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the city of Southport; nor shall any right, duty, obligation or liability whatever, accrued or owing to the State or to any corporation or person, by such repeal be lost, affected or impaired, but the same shall remain in full force and may be possessed, enforced and enjoyed by the State and such corporation or person against the corporation by this act styled the city of Southport.

Repealing clause.
 Proviso: effect of repeal.

SEC. 47. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 346.

AN ACT TO AMEND SECTION 116 OF CHAPTER 342 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1907, RELATIVE TO THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and sixteen of chapter three hundred and forty-two of the Private Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended by adding at the end of said section the following, to be known as section 116a: "The board of aldermen are hereby required to pass ordinances providing for a system of civil service, applicable to persons exercising the powers of policemen or firemen in the city (not including, however, the head or chief of police and fire departments or officers exercising such powers), whereby the said persons shall be chosen and retained in office or promoted according to merit and faithful and diligent discharge of duty."

Ordinances for regulation of appointment and promotion of policemen and firemen.

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 force and effect from and after the first Tuesday after the first Monday in May, one thousand nine hundred and nine.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 347.

AN ACT TO MAKE APPLICABLE TO AND OBLIGATORY UPON THE TOWN OF RED SPRINGS, NORTH CAROLINA, SUBCHAPTER 11 OF CHAPTER 73 OF THE REVISAL OF 1905.

Whereas the town of Red Springs, North Carolina, is now a town of over one thousand inhabitants: now, therefore,

The General Assembly of North Carolina do enact:

Building
regulations.

SECTION 1. That sections two thousand nine hundred and eighty-one to three thousand and eleven, inclusive, of subchapter eleven of chapter seventy-three of the Revisal of one thousand nine hundred and five, and acts amendatory thereto, be and the same is hereby made applicable to and obligatory upon the town of Red Springs, North Carolina.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 348.

AN ACT TO AMEND CHAPTER 14, PRIVATE LAWS 1907, RELATIVE TO THE CHARTER OF THE TOWN OF LEXINGTON.

The General Assembly of North Carolina do enact:

One polling place.
Election of town
and school com-
missioners.

SECTION 1. Amend section four by changing the word "elected," in line five, to "nominated"; and provide further in said fourth section: "That there shall be only one polling place, and each town commissioner and school commissioner shall be voted for by the voters of all the wards."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 349.

AN ACT TO ESTABLISH HARNETT CHAPEL PUBLIC-SCHOOL DISTRICT, IN THE COUNTIES OF HARNETT AND WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. That a public-school district is hereby created and established, to be known as the Harnett Chapel School District, ^{Harnett chapel school district established.} lying partly in Harnett County and partly in Wake County. The metes and bounds are as follows: Beginning in Harnett County, ^{Boundaries.} at the intersection of Neill's Creek and Kennie's Creek, and runs thence up Kennie's Creek to the mouth of White Oak Branch; thence up White Oak Branch to the line of Harnett and Wake counties; thence directly north to the Durham and Southern Railway; thence as the eastern line of said Durham and Southern Railway to a point three hundred yards north of the residence of John Allen Dudley, with the line of the Cardenas Local-tax School District, just north of the residence of C. T. Stewart; thence about west along the run of said branch to Neill's Creek; thence down Neill's Creek to the mill of J. H. Stewart, at the county line; thence from J. H. Stewart's mill with the run of Neill's Creek to the beginning point in Harnett County.

SEC. 2. That the said public-school district shall be under the ^{Control and support of district.} general control and support of the county boards of education of Harnett and Wake counties; the appropriation from the said counties to be in proportion to the number of children of school age ^{Apportionment of funds.} living in said counties.

SEC. 3. The schoolhouse and fixtures of School District Number Three (3), situate near the line of Harnett and Wake counties ^{Schoolhouse and fixtures.} and known as the Harnett Chapel School, shall be used and occupied by the Harnett Chapel School District. The expenses for the repairs of said schoolhouse and fixtures shall be paid for by ^{Expense of repairs.} the counties of Harnett and Wake in proportion to the number of children resident within the portions of the district lying in Harnett and Wake counties, respectively. If the school is ever discontinued, then this property is to be the property of Harnett County. ^{Property to revert to Harnett county.}

SEC. 4. This school shall be governed by a committee consisting ^{School committee.} of one from Wake County and two from Harnett County. The committeeman from Wake County shall be Henry Revels, and the committeemen from Harnett County shall be B. F. Dupree and H. S. Holloway. These committeemen shall hold office until their successors shall have been appointed in the usual manner by the Harnett and Wake boards of education, respectively. ^{Committeemen named.}

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed. ^{Terms of office.}

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 350.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF THE WILMINGTON, BRUNSWICK AND SOUTHERN RAILROAD.

Preamble.

Whereas, by virtue of the provisions in chapter ninety-nine, as amended by chapter one hundred and ninety-nine of the Public Laws of one thousand nine hundred and seven, an election was held in the county of Brunswick in the year one thousand nine hundred and seven, in which was submitted to the qualified voters of said county the question of subscription to the capital stock of the Wilmington, Brunswick and Southern Railroad Company in the sum of eighty thousand dollars, in which said election a majority of the qualified voters in said county voted in favor of the said bond subscription; and whereas, prior to the call of the said election by the county commissioners of said county, an agreement and contract of waiver was duly tendered, accepted and effected between the said railroad company on the one part and the county commissioners of said county on the other, under date of March the thirtieth, one thousand nine hundred and seven, and likewise a supplemental agreement, under date of April the sixth, one thousand nine hundred and seven, which contract and supplemental contract are duly recorded in the office of the Register of Deeds of Brunswick County, in book three, at page seventy-five, etc., by virtue of which contracts the said railroad company waived the right to receive or demand the bond subscription, if voted, at the time and in the form and manner as set forth in the said chapter ninety-nine of the Laws of one thousand nine hundred and seven, but to receive the said subscription, as is set forth in sections one and two of the said contract of waiver, in the following words, to wit: "First, that the said railroad company shall be equipped with the usual conveniences of common carriers; the road shall be laid with fifty-pound steel rail and cross-ties such as are commonly used in the construction of railroads, with good and sufficient trestles and bridges and brick and mortar culverts, when the same are necessary; said road to be constructed from Navassa, in said county, *via* El Paso and Town Creek, to Southport Junction; thence to Southport from Southport Junction *via* Lockwood Folly to Shallotte, and to South Carolina line, at or near Little River, South Carolina. Second, that in case the proposed election should be carried for bonds, it is agreed that the Board of Commissioners of Brunswick County shall forthwith execute the bonds and deliver them to the Bank of Southport, to be held in escrow and to be sold or delivered to the said railroad company in purchase of stock, as follows: Thirty thousand dollars of said bonds, or the proceeds thereof, to be delivered to the said railroad company when it shall have constructed and put in operation its road,

Preamble.

as above specified, to the town of Southport; thirty thousand dollars in addition thereto when it shall have constructed said railroad, as above specified, to Shallotte, and the remaining twenty thousand dollars when it shall have constructed and put in operation its road, as above specified, to the South Carolina line, at or near Little River; and by which said supplemental agreement the said railroad company agrees to commence the work of constructing the said railroad in good faith within sixty days after the result of said election should be declared, and to complete the same as speedily as possible and within the space of three years from such commencement." And whereas it was upon such special contracts of waiver that the said question was submitted and carried in said election; and whereas said railroad company did, according to said contract had, begin the construction of the said railroad at Navassa by grading, laying cross-ties and steel rails, and has expended considerable money towards the construction of the said road; and whereas the said railroad company has been unable to continue the construction of the said road the past year, for reasons that the said company could not avoid; and whereas it is the declared intention of the officers of the said company to endeavor to construct to completion the said railroad if the aforesaid bond subscription by the said county can be made available, but they fear that the time within which they by their said contracts have limited their company for the construction of the aforesaid road and its completion is too short for the said bond subscription to avail as an aid in the construction of the same: now, therefore,

Preamble.

Preamble.

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the limited time within which the Wilmington, Brunswick and Southern Railroad shall be completed in the said county of Brunswick, as appears in the supplemental contract, dated April sixth, one thousand nine hundred and seven, by said company with the board of county commissioners of said county shall be and the same is hereby extended for the completion of the said road to Southport, North Carolina, according to the specifications set forth in the contract of waiver of March the thirtieth, one thousand nine hundred and seven, for one year from and after the time at which the said road was to be completed under the terms of said contract: *Provided*, said railroad company shall in good faith first complete the construction of at least fifteen miles of the said railroad from Navassa towards Southport, standard gauge, with not lighter than fifty-pound steel rails, proper grading, proper cross-ties, suitable bridges and culverts, on or before the time at which the said railroad was to be completed under the said contract; and the time for the completion of said road *via* Lockwood's Folly and Shallotte to the county line shall in like manner be extended two years from and after the time at which the said road was to be completed under the said

Extension of time.

Proviso: work to be done within time limited.

Extension of time for completion to county line.

Proviso: line to Southport to be completed.

Subscription authorized.

Failure to construct fifteen miles from Navassa towards Southport to rescind further extension and to forfeit subscription.

Bonds to bear interest from time of issue.

contract: *Provided*, that the said railroad company shall first, in good faith and within the time herein specified, complete the construction of the said road from Navassa to Southport and have the said road in operation as a common carrier. And if the said railroad company shall comply with the provisions of this act as to the time and manner of construction of the said road, and shall perform the other requirements of the said acts and contracts above referred to, then and in that event the Board of County Commissioners of Brunswick County be and they are hereby authorized and empowered and directed to make subscription to the capital stock of said railroad company and to issue and deliver bonds in accordance with the schedule set forth in the said contract of waiver as the points are reached in the construction of the said road.

SEC. 2. That if the said railroad company shall fail to construct as much as fifteen miles of said railroad from Navassa towards Southport, as set forth in section one of this act, on or before the time at which the construction of the said road was to be completed under the terms of the contract of waiver and the supplemental contract above referred to, then and in that event there shall not be any extension of time within which the said railroad company may complete the said road and receive the benefit of the said bond subscription, and the time for the subscription by the said county to the capital stock of the said railroad company and for the issue of bonds shall in that event be fully terminated and expire under the election held as aforesaid.

SEC. 3. That the interest on any bonds subscribed by the said county in aid of the said railroad construction shall begin to accrue only from the date of the issue of such bonds.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 351.

AN ACT TO INCORPORATE THE DURHAM SCHOOL OF MUSIC.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Objects of incorporation.

SECTION 1. That C. A. Adams, J. B. Mason, P. W. Vaughan, D. L. Robbins and A. R. Wynn, their associates and successors, be and they are hereby constituted a body politic and corporate, by the name of the Durham School of Music, for the musical training and instruction of students in all departments of the science of

music, with all the rights, powers and privileges conferred on corporations by chapter twenty-one, volume one of the Revisal of one thousand nine hundred and five.

SEC. 2. That power is hereby granted and conferred upon said Durham School of Music to confer degrees, grant diplomas and issue such other certificates of merit as they may deem advisable.

SEC. 3. That the existence of this corporation shall be limited to sixty years.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 352.

AN ACT FOR THE RELIEF OF R. L. PLINNER, SCHOOL-TEACHER IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Ashe County be and is hereby authorized to pay R. L. Plinner the sum of forty-eight dollars for services rendered as school-teacher in Public-school District Number One, Walnut Hill Township, in Ashe County, North Carolina, for the year one thousand nine hundred and two.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 353.

AN ACT TO ABOLISH THE SPECIAL SCHOOL DISTRICT AT CUMNOCK, NORTH CAROLINA.

Whereas, prior to the establishment of Lee County, a special tax was voted by the citizens in and around Cumnock, then in Chatham County; and whereas, by the establishment of said county of Lee, the said district was divided; and whereas it appears that since that time the patronage of said school has been greatly reduced, to an amount that does not justify the continuance of said tax:

The General Assembly of North Carolina do enact:

SECTION 1. That said special school district at Cumnock, in Lee County, North Carolina, be and the same is hereby abolished.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 354.

AN ACT FOR THE RELIEF OF JAMES ELDRIDGE, A PUBLIC-SCHOOL TEACHER OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Payment
authorized.
Ascertainment of
amount.

SECTION 1. That the Treasurer of Sampson County, upon the approval of the board of education of said county, be and he is hereby authorized and directed to pay to James Eldridge any sum which shall be ascertained by said board of education to be due him on account of unpaid salary for teaching public school in District Number Eight (8), for the white race, in Mingo Township, during the year one thousand nine hundred and eight, the same to be paid out of any funds now in the hands of said treasurer or which may come into his hands to the credit of said district.

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

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 355.

AN ACT TO MAKE AND CREATE A SCHOOL DISTRICT, TO BE KNOWN AS BAYBORO WHITE SCHOOL DISTRICT, IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Districts divided.

Two school districts established.
School district number one.

Bayboro school district.
Boundary.

SECTION 1. That District Number One, in Number Two Township, known as District Number One, white race, including Stonewall and Bayboro, be divided and two school districts be made therefrom, to wit: That all of said school districts as now constituted lying south and east of Bay River be and the same shall be known as the White Race School District Number One, in Number Two Township.

SEC. 2. That all of the said school district, as now constituted, lying north and west of the said Bay River, to wit, beginning at the fork of the northwest and southwest prongs of Bay River, in Bayboro, and running up the southwest prong of Bay River to Neal's Creek; thence up Neal's Creek to its head; thence a direct line to the southeast corner of the Hough or Ireland farm, on Neal's Creek; thence a direct line to the southeast corner of the Balangia farm; thence with the eastward line of Balangia farm to the Balangia Bridge across Bay River; thence down Bay River to the Lupton Bridge and Hough Road; thence with the Hough Road northwardly to the Bay River (or New Bern) Road; thence

a direct line to the west line of the Stelley farm; thence with the west line of the Stelley farm and continuously on to the Pamlico and Beaufort county dividing line; thence with said counties' dividing line eastwardly to a point where a line continued with the east line of the Daw land (now C. H. Fowler land) would intersect the said county dividing line; thence with said line along the east side of the said Daw or Fowler line to Raccoon Creek; thence down and with said creek to its mouth and junction with Bay River; thence up Bay River to the fork of said river, the beginning point, be known and designated as Bayboro School District Number, in Number Three Township, for the white race.

SEC. 3. That the county board of education shall number said district and have the same powers and jurisdiction as created by law and as they have over other school districts in the county.

District to be numbered and controlled by board of education. School committee named.

SEC. 4. That J. L. Riggs, Daniel Sawyer and J. S. Ireland are hereby appointed a school committee for said district, to hold said position until the next regular election of school committeemen by the said county board of education or until their successors are duly elected and qualified, and they shall have all the powers conferred by law upon school committeemen.

SEC. 5. That E. C. Ross, Morris Daniels and S. W. Ferebee be appointed school committee for the above district, Number One, in Number Two Township, Pamlico County.

School committeemen for district number one.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 356.

AN ACT TO PROVIDE FOR CONDEMNATION OF A SITE FOR A UNION DEPOT IN NEW BERN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Atlantic and North Carolina Railroad Company, the Atlantic Coast Line Railroad Company, the Norfolk and Southern Railway Company, or any other railroad entering the city of New Bern, singly or jointly, are hereby authorized and empowered to condemn for use as a union passenger station in the city of New Bern, for a site of same and approaches thereto, any lands, however occupied and used, within the following boundaries: Beginning at Neuse River, at the intersection of Queen Street, running westward with Queen Street to Hancock Street; thence southward with Hancock Street to the Pepsi-cola building; thence westward to Queen Street; thence with Queen Street to Bragg's

Railroad companies authorized to condemn land.

Use of land.

Boundaries.

Alley; thence northward with Bragg's Alley to Primrose Street; thence eastward with the line of Primrose Street and Atmore Street to Neuse River; thence to the beginning.

Procedure for
condemnation.

SEC. 2. That the condemnation herein provided for shall be governed and controlled by the same methods of procedure and law as is provided for other condemnations in chapter sixty-one of the Revisal of one thousand nine hundred and five.

SEC. 3. That all laws or clauses of laws in conflict herewith are repealed, in so far as they affect this act.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 357.

AN ACT TO REVISE THE CHARTER OF THE TRUSTEES OF NORTH CAROLINA COLLEGE, MOUNT PLEASANT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Trustees incorpo-
rators.

SECTION 1. That H. C. McAllister, Jonas Cook, G. L. Barrier, C. D. Barringer and W. H. Fisher, of Mount Pleasant, North Carolina; J. E. Shenk, J. A. Cline, George E. Ritchie, V. Y. Boozer and M. B. Stickley, of Concord, North Carolina; C. M. Pool, H. A. Trexler and C. P. Fisher, of Salisbury, North Carolina; W. A. Dutton, of Richfield, North Carolina; G. W. Dry, of Gold Hill, North Carolina; J. S. Efird and H. A. McCullough, of Albemarle, North Carolina, and H. M. Brown, of Efird's Mills, North Carolina, and their successors, be and they are hereby created a corporation for the promotion of religion, morality and learning, under the name of the Trustees of North Carolina College, and in such name shall contract and be contracted with, sue and be sued, plead and be impleaded, and the persons so mentioned shall constitute the board of trustees of said corporation until their successors shall be elected and qualified.

Corporate name.

Election of
trustees.

SEC. 2. That it shall be the duty of the Evangelical Lutheran Synod and Ministerium of North Carolina to elect eighteen trustees of said corporation, who shall hold office for a period of three years from the date of election, in the following manner: One-third of the said board of trustees shall be elected at the regular meeting of said synod in May, one thousand nine hundred and nine, to take the places of J. E. Shenk, H. M. Brown, J. A. Cline, G. L. Barrier, C. M. Pool and C. D. Barringer, and one-third shall be elected at the regular meeting of said synod in one thousand nine hundred and ten, to take the places of W. H. Fisher, George

E. Gitchie, H. A. McCullough, G. W. Dry, M. B. Stickley and V. Y. Boozer, and the remaining one-third shall be elected at the regular meeting of said synod in one thousand nine hundred and eleven, to take the places of H. C. McAllister, Jonas Cook, H. A. Trexler, J. S. Efrd, W. A. Dutton and C. P. Fisher; and every year thereafter six trustees shall be elected at the regular meeting of said synod. One-third of said trustees shall be clergymen who are members of the North Carolina Synod, and two-thirds laymen, four of whom may be members of other than the Lutheran Church, all of whom shall be eligible to re-election. Any vacancies occurring among said trustees, by death, resignation or otherwise, or by failure of election by said synod, shall be filled by the said board of trustees.

Qualification for trustees.

Vacancies.

SEC. 3. That it shall be unlawful for any person or persons to set up or continue any gaming table or billiard table or any device whatever for playing any game of chance or hazard, or to exhibit any sleight-of-hand performance; nor shall it be lawful for any person to sell any wines, spirituous or malt liquors to any person within three miles of said North Carolina College, except for medical purposes, as authorized by law, nor shall anyone give or convey to the students of said college any intoxicating liquors of any description. Any person violating any provisions of this section shall be guilty of a misdemeanor.

Prohibition.

Punishment.

SEC. 4. That the said trustees shall meet annually in the town of Mount Pleasant, North Carolina, and at such other times and places as may be deemed expedient for the good of the college. They shall at the first meeting elect from their number a chairman, secretary and treasurer and an executive committee of five, the chairman of the board of trustees to be a member of the committee. It shall be the duty of the said executive committee to carry out all the rules, regulations and orders of the said board of trustees which the said board is authorized and empowered to make.

Meetings of trustees.

Executive committee.

Duty of executive committee.

SEC. 5. That said corporation shall adopt a common seal, and may take, hold, demand, receive and possess all lands, tenements, moneys, goods and chattels which have been given to the Trustees of North Carolina College, and shall succeed to all rights, privileges and property, both real and personal, owned and possessed by said Trustees of North Carolina College, and shall be the lawful successors thereto, and it shall have the right to accept and receive all property given it, by will or otherwise, and shall have the right to collect all bonds, notes, accounts and other evidences of indebtedness due it or its predecessors (the Trustees of North Carolina College), and it shall have the right to loan and invest all funds that the said Trustees of North Carolina College now have on hand or may hereafter be collected. If at any time the object

Enumeration of powers of corporation.

Transfer of property.

or purpose for which any funds, donations or gifts were acquired shall fail, the said corporation is hereby authorized to transfer said property to the Evangelical Lutheran Synod and Ministerium of North Carolina and its successors in office, to be invested and used by said synod in such manner as will carry out the intention of the grantor or donor, in so far as the circumstances and conditions will warrant.

Use of funds.

SEC. 6. That the said corporation shall use all moneys, funds and gifts of every kind and description for the use and benefit of said college. It shall be its duty to maintain at Mount Pleasant, North Carolina, a school for the promotion of religion, morality and learning, and teaching the various branches of science, literature and art, under such name as the board of trustees may adopt; and upon the recommendation of the faculty of said college the said board of trustees shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges and universities.

School to be maintained.

Degrees.

President and professors.

SEC. 7. The said board of trustees shall have the right to elect and employ a president of said college and professors to teach in the institution, and to remove them for sufficient cause; or, if it is deemed advisable, said board of trustees shall have the right to lease, for the purposes and objects above set out, said college grounds, buildings, libraries and all other property belonging thereto, for a term of years, and appropriate and use the income of said college to further and carry out the objects of said lease.

Power of lease.

Loans and donations to college.

SEC. 8. That the Evangelical Lutheran Synod and Ministerium of North Carolina and its successors in office may make such loans and donations to said college as may be deemed advisable, and it shall have the right to indicate the policies that the board of trustees of said college may adopt in carrying out and furthering the purposes of its creation. The said board of trustees shall have the right to make such conveyances to said synod to secure loans and donations as may be mutually agreed upon by the executive committees of the respective bodies.

Conveyance to secure loans.

Location of college.

SEC. 9. That the said college shall be located in Mount Pleasant, county of Cabarrus, State of North Carolina.

By-laws.

SEC. 10. That the board of trustees shall have the power to adopt such by-laws as may be necessary for their government in the transaction of business, and determine the number to constitute a quorum.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 358.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF WILKES COUNTY TO PAY J. J. HENDREN, A PUBLIC-SCHOOL TEACHER, AN UNPAID BALANCE OF SALARY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Wilkes County be and is hereby authorized and empowered to pay to J. J. Hendren, for services as teacher in District Number Three, in Brushy Mountain Township, Wilkes County, for the year one thousand nine hundred and five, the sum of seven dollars, the same being for a balance due under contract, and not paid for lack of funds; the contract, as appearing from the certificate of the county superintendent and the county board of education, filed herewith, being in due form, and the mistake as to the funds being unavoidable on the part of the teacher and the school committee; the said sum of seven dollars to be paid by the county treasurer, upon order of the county board of education, out of the school funds apportioned to said district for the year ending June thirtieth, one thousand nine hundred and nine, or out of any other county school funds under the control of the county board of education for that year.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 359.

AN ACT TO PROVIDE FOR BUILDING THE STATESVILLE AIR LINE RAILROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of directors of the penitentiary be and they are hereby authorized and directed to furnish to the Statesville Air Line Railroad Company one hundred and fifty able-bodied convicts, upon the recommendation and approval of the Governor, under the rules and regulations, as to feeding, clothing, guarding and working same, as provided by law and the rules of the penitentiary.

SEC. 2. That the State will receive as compensation for said convicts, upon such basis as may be agreed upon between the board of directors of the penitentiary and said railroad company, the common stock of said railroad company in an equal amount to

Proviso: laws
granting convicts
for other work
not affected.

the work done by said convicts: *Provided*, nothing in this act shall interfere with the provisions of chapter one hundred and fifty-nine, Public Laws of one thousand nine hundred and seven, relative to the construction of the Elkin and Alleghany Railway, and chapter three hundred and sixty, Private Laws of one thousand nine hundred and seven, relative to the construction of the Mattamnskeet Railway, or with the work now in progress under the operation of these acts.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 360.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF KING'S MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

SECTION 1. That the inhabitants of the town of King's Mountain shall be and continue, as they have been heretofore, a body politic and corporate, and henceforth the corporation shall bear the name and style of town of King's Mountain, and under such name and style is hereby vested with all property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may receive and hold, for the purpose of its government and welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dollars, and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, hold and convey real and personal property.

Corporate name.

Property and
rights under
former charter.

Corporate rights.

Corporate limits.

SEC. 2. That the corporate limits of the town of King's Mountain shall extend from the center of the crossing of King's and Piedmont streets, in said town, three-fourths ($\frac{3}{4}$) of a mile in every direction, making said corporate limits a circle with a radius three-fourths ($\frac{3}{4}$) of a mile in length.

Elections for
mayor and com-
missioners.

SEC. 3. There shall be an election on Tuesday after the first Monday in May, in the year one thousand nine hundred and nine, and biennially thereafter, for a mayor and four commissioners for said town, selected from the qualified voters of said town, who shall hold office for two years or until their successors are qualified. Until that time, the present mayor and board of commissioners shall hold their respective offices or until such time as their successors shall have qualified.

Present officers
continued.

Election of
registrars.

SEC. 4. The board of commissioners of said town of King's Mountain shall select, at least thirty days before any town election, one person for each election precinct, who shall act as

registrar of voters for such precinct, and shall make publication of the names of the persons so selected, and of the time of the election, at the town hall, immediately after such appointment, and shall cause a notice of such selection to be served upon the registrars by the sheriff of the county or the township constable. If any registrar shall die or neglect to perform his duties, said board of commissioners of said town may appoint another in his place. Before entering upon the duties of their office, such registrars so appointed shall take an oath, before some person authorized by law to administer oaths, to faithfully perform the duties of their office as registrars.

Publication and notice of appointment.

Registrars to qualify.

SEC. 5. The board of commissioners of said town shall appoint, at least thirty days before any town election, two judges of election for each precinct, who shall be of different political parties, when possible, and shall be men of good character, able to read and write, who, before entering upon the duties of their office, shall take an oath, before some person authorized by law to administer oaths, to conduct the election fairly and impartially, according to the Constitution and the laws of the State.

Appointment of judges of election.

Judges to qualify.

SEC. 6. Said registrars shall be furnished with registration books at the expense of the town, and it shall be the duty of said registrars to open their books at the time and place prescribed in chapter seventy-three of the Revisal of one thousand nine hundred and five, which is made a part hereof, and to register therein the names of all persons applying for registration and entitled to register and vote. It shall be the duty of the registrars to keep the names of the white voters separate and apart from those of the colored voters.

Registration books.

Registration.

White and colored voters kept separate.

SEC. 7. All qualified electors who shall have resided in the town for four months next preceding the election shall be entitled to register.

Persons entitled to register.

SEC. 8. That the mayor, on the day after his election and before entering upon the duties of his office, shall take before a justice of the peace the following oath: "I do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, according to my best skill and ability, all the duties of the office of mayor of the town of King's Mountain while I continue therein; and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations enacted for the government of the town of King's Mountain; and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Mayor to qualify.

Form of oath.

SEC. 9. That on Thursday succeeding the day of election the commissioners elected thereat shall qualify by taking the oath of office, before the mayor or a justice of the peace, as prescribed for commissioners of incorporated towns.

Commissioners to qualify.

SEC. 10. The registrars and judges of election, as long as the town has only one voting place, shall, after conducting the election in all things as per chapter seventy-three of the Revisal of one

Registrars and judges to declare result.

Determination of ties.	thousand nine hundred and five, at the close of the election, declare the result thereof, and, in case of a tie between candidates, shall determine the result by lot; otherwise the procedure as set out in sections two thousand nine hundred and sixty-four to two thousand nine hundred and sixty-six, inclusive, of the Revisal of one thousand nine hundred and five shall obtain.
Mayor constituted inferior court.	SEC. 11. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of
Jurisdiction.	the town of King's Mountain, have all the power, jurisdiction and authority of justices of the peace in criminal cases to issue processes, and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the board of commissioners. The mayor shall further be
Mayor a special court.	a special court, within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found
Jurisdiction.	guilty he shall be fined, at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated; or, at the discretion of the court or mayor trying the same, such offender may be imprisoned not more than thirty days
Convicts sentenced to labor.	in the town lock-up or in the common jail of the county; and that in all cases where the defendant may be adjudged to be imprisoned by the said special court it shall be competent for said court to adjudge also that the said defendant work during the period of his confinement on the public streets or other public
Work in payment of fines.	works of said town. In case the defendant shall be fined and refuse or be unable to pay the fine, it may and shall be lawful for the mayor of said town to order and require such defendant to work on the streets of said town, or other public works thereof, until at a fair rate of wages such person will have worked out the full amount of the fine and the costs of the prosecution.
Precepts of mayor.	SEC. 12. That the mayor may issue his precepts to the chief of police or any other policeman of said town, and to such other officers to whom a justice of the peace may direct his precepts.
Minutes of proceedings.	SEC. 13. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. Within
Power, jurisdiction and authority.	the town he shall have all the power, jurisdiction and authority of a justice of the peace as to criminal matters, and the judgments rendered by him shall have all the force, effect, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against all parties in the courts of Cleveland and Gaston counties, and elsewhere, in the same manner and by the same means as if the same had been rendered by a
Proviso: no jurisdiction in civil matters.	justice of the peace for the counties of Cleveland or Gaston: <i>Provided</i> , that nothing in this section shall be construed to give said mayor jurisdiction over civil matters.

SEC. 14. That any violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars and imprisonment of not more than thirty days, and no preliminary affidavits shall be necessary to give the mayor final jurisdiction over the offenses against the town ordinances.

Violation of town ordinance, misdemeanor. Punishment. Preliminary affidavits unnecessary.

SEC. 15. That the mayor, when present, shall preside at all meetings of the board of commissioners, and when there is any equal division upon any question or in the election of any officers by the board he shall determine the matter by vote. He shall vote in no other case, and if he shall be absent the board may appoint a chairman *pro tempore* to exercise his duties at the board, and in the event of his absence or sickness the board of commissioners may appoint one of its own number, *pro tempore*, to exercise his duties.

Mayor to preside at meetings of aldermen. Vote. Chairman *pro tempore*.

SEC. 16. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. Within five days after the election they shall convene for the transaction of business, and shall then fix stated days of the meetings for the year, which shall be as often at least as once in every calendar month. The special meetings of the commissioners may also be held on the call of the mayor or a majority of the commissioners; and of every such meeting, when called by the mayor or the majority of the commissioners, such as shall not join in the call shall be notified in writing.

Commissioners to form one board. Quorum. Regular meetings. Special meetings.

SEC. 17. That if any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he shall have notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of five dollars.

Forfeit for failure to attend meetings.

SEC. 18. That the board of commissioners shall have the general custody and control of all the property of King's Mountain, of every description whatsoever, and may make and adopt such orders, rules and regulations respecting the same as may be deemed necessary or proper. Said board is hereby authorized and empowered to prescribe, adopt and enact all such ordinances, rules and regulations as may be deemed necessary or proper for the government of said town of King's Mountain and for the maintenance of the public peace, quiet and good order within said King's Mountain; and it may, whenever deemed necessary or proper, repeal or modify the same; and said board shall have power to provide for the enforcement of such ordinances, rules and regulations by the imposition of penalties of not more than two hundred dollars in each instance for the violation thereof.

General custody and control of property. Ordinances, rules and regulations.

SEC. 19. That the board of commissioners, in addition to other powers, shall possess the following powers:

Powers as to other subjects.

(1) To pass upon the eligibility and right of any person claiming to have been elected mayor or commissioner to hold such office as a member of such board.

Eligibility and election of mayor and commissioners.

Impeachment and trial of mayor.	(2) To prefer charges against the mayor or any commissioner when accused of corruption or other malfeasance, misfeasance or nonfeasance in office, and, after a fair and impartial trial before said board, by a three-fourths vote of the members of said board, to remove from office the person so accused (in this instance the mayor being considered a member of said board).
Declaration of vacancies.	(3) To declare vacant, by a majority vote of the members of said board, any office aforesaid, when the holder thereof shall be laboring under any permanent total disability.
Removal from office.	(4) To remove from office, at will, by a majority vote of said board, any other officer of said town.
Filling vacancies.	(5) To fill for the unexpired term, by a majority vote of said board, any vacancy in any term of office occurring otherwise than by expiration of term.
Compensation of officers.	(6) To fix the compensation of all officers and employees of said town, and by resolution to provide that the stated salary of any officer of said town shall be paid in lieu of all costs accruing to him in any criminal action instituted or tried in any court sitting within the limits of the territorial jurisdiction of the mayor's court, and to require such officer to pay over all such costs to the city treasurer.
Bonds of officers.	(7) To require any officer of the town having care or custody of public property to enter into a bond, payable to the town, conditioned for the faithful discharge of the duties of his office, in such sum and with such sufficient surety as said board shall deem proper; and said board may from time to time require any such bond to be strengthened or renewed. No officer required to enter into such bond, as aforesaid, shall be permitted to enter upon the discharge of the duties of his office until such bond shall have been passed upon and approved by the board.
Officers not to enter into office until approval of bond.	
Preservation of peace and good order.	(8) To preserve the public peace, quiet and good order, and to prevent and quell riots and other disturbances, disorderly assemblages and disorderly conduct.
Prevention of vice and immorality.	(9) To prevent vice and immorality; to suppress gaming and bawdyhouses, and to impose a penalty upon the owner of any buildings, or his agent, who shall knowingly rent or lease the same, or any part thereof, for use as a bawdy or gaming house, or who shall knowingly permit the same to be used as such.
Regulation of sale, use and storage of explosive and combustible substances.	(10) To regulate and control the sale, use and storage of gunpowder, dynamite, gasoline, naphtha and all other dangerous explosive or combustible substances within the corporate limits of said town, and to prohibit the discharge of firearms or the firing or setting-off of fireworks or other explosives within said corporate limits.
Firearms and fireworks.	
Prohibition and abatement of nuisances.	(11) To prohibit the establishment and maintenance within the corporate limits of said town of any slaughterhouse or slaughter pen or any other place productive of noisome and offensive odors,

or the exercise within said limits of any dangerous, offensive or unhealthy trade, business or employment; and said board may abate such nuisances at the expense of the person or persons causing the same, or at the expense of the owner or tenant in charge of the lands upon which any such nuisance shall be maintained.

(12) To prohibit the keeping of swine within the corporate limits of said town.

Prohibition of keeping swine.

(13) To establish or maintain one or more city pounds; to prohibit the running at large of all horses, mules, cattle, swine, goats, chickens, geese, turkeys and other barnyard fowls and quadrupeds or brutes; to prohibit or, in the discretion of said board, to regulate the running at large of dogs, and to adopt all necessary rules and regulations as to the impounding and sale or other disposition of the quadrupeds and fowls enumerated above.

Establishment of pounds and prohibiting running at large of live stock and fowls.

(14) To establish and maintain, within or without the corporate limits of said town, one or more cemeteries, to appoint a keeper or keepers thereof, and to prescribe all necessary rules and regulations for the care, supervision and control of such cemetery or cemeteries; and said board may prohibit interments within the corporate limits of said town.

Establishment and regulation of cemeteries.

(15) To provide for maintenance and repair of all public streets, sidewalks and alleys of said town, and to have full power and control of same in every way, manner, shape and form, and to regulate and establish the width and grade of such public streets, sidewalks and alleys, and to change the same when deemed advisable; to establish new streets, public alleys and parks when deemed a public necessity, and to discontinue and close the same when deemed no longer a public necessity; to provide for the care, planting and protection of shade trees in the streets and parks of said town; to provide for paying the streets and sidewalks of said town; to prohibit the obstruction of said streets, sidewalks, public alleys and parks of said town, and to regulate and control the use of same.

Prohibition of interments within town.

Maintenance, establishment, repair and regulation of streets, sidewalks, alleys and parks.

(16) To prohibit the riding or driving of horses or other animals, automobiles and motor cars within the corporate limits of said town at a speed greater than six miles per hour or in a reckless or dangerous manner; to regulate the speed of trains, engines and cars on all railroads and street railways within the town limits of said town, and to regulate or, in the discretion of said board, to prohibit the use of bicycles, go-carts and other like vehicles upon the sidewalks of said town.

Regulation of speed and vehicles on streets and sidewalks.

(17) To regulate the blowing of whistles and the ringing of bells within the corporate limits of said town, and to prohibit the making of other needlessly disturbing noises within said corporate limits.

Regulation of whistles, bells and other noises.

Establishment,
maintenance and
regulation of
markets.

(18) To establish and maintain one or more public markets in said city for the sale of fresh meats, fish and oysters, chickens and other poultry, garden vegetables, grain, meal and all other country produce used for food, and to confine the sale thereof to such market or markets to such extent as may be deemed advisable; to prohibit the sale of tainted and unwholesome meats, fish and other food stuffs; to erect and maintain public scales, and to appoint a weighmaster and one or more keepers of said market or markets, and to prescribe the duties and fix the fees of such officers; and said board shall have power to adopt such ordinances, rules and regulations as may be necessary to prevent forestalling, regrating and engrossing.

Prohibition, re-
straint and regu-
lation of sports
and shows.

(19) To prohibit, restrain and regulate all sports, theatrical exhibitions, circus exhibitions and other public performances and exhibitions for profit within the corporate limits of said town.

Establishment
and maintenance
of hospitals and
pesthouses.
Protection of
public health.

(20) To establish and maintain hospitals and pesthouses within or without the corporate limits of said town; and said board, in addition to the powers conferred upon the boards of commissioners by the laws of the State relating to public health, shall possess such other powers needed for the protection of public health of said town as are conferred by law upon county sanitary committees for the protection of the public health of their respective counties; and said board may appoint and create a board of health for said town; and said board of health shall, subject to such limitations as may at the time of its creation be prescribed, exercise the foregoing powers, under the supervision and control of said board of commissioners.

Creation of board
of health.

Maintenance of
fire department.
Organization and
equipment of
fire companies.

(21) To provide for the maintenance of a town fire department and the organization and equipment of fire companies, and to prescribe rules and regulations for the government thereof, under the supervision and control of the chief of the fire department; and the said chief of the fire department or, in his absence, the acting chief of said department, in order to arrest the progress of any conflagration at the time raging within the corporate limits of said town, may, with the consent and approval of the mayor of said town and two or more commissioners, cause to be demolished any building or buildings, the destruction of which shall be deemed necessary to arrest the progress of such conflagration, and neither said officers nor said city shall be answerable in damages for such action.

Powers of chief of
fire department.

Fire districts.

(22) To establish a fire district in said town, within the limits of which no building or other structure of any material other than brick, stone, metal or concrete shall be erected, and then only when a permit permitting same shall have been issued by the said board, and from time to time to change the boundaries thereof; and said board may prescribe rules and regulations governing the location and erection of all buildings and other structures hereafter to be erected within the corporate limits of said town.

Building regu-
lations.

(23) To erect or purchase such buildings as may be deemed necessary for municipal purposes, and to alter and repair the same, or, in lieu thereof, to lease such building or buildings as may be deemed necessary therefor.

Municipal
buildings.

(24) To provide for the use of said city and its citizens and property owners, and such others as the board may deem advisable, an adequate electric-light and water-supply system and service, and to that end said board may establish, operate and maintain all necessary light and water plants and systems, and, in addition to supplying light, power and water for municipal purposes and use, may sell the same to its citizens and property owners and others, and said board shall prescribe rules and regulations for the government of said municipal light and water plants and systems, under the supervision and control of the superintendent of public works.

Electric lights and
water supply.

Light and water
plants and
systems.

(25) To provide and maintain, when deemed necessary, an adequate system of sewerage within and without the corporate limits of said town, and to prescribe all necessary rules and regulations for the care and use of the same, under the supervision and control of the superintendent of public works.

Sewerage.

(26) To appoint a city sanitary inspector, to prescribe his duties and to confer upon him such powers as may be necessary for the proper discharge of such duties, and to regulate the location and provide for the care of all surface privies.

Sanitary
inspector.

Regulation of
surface privies.

(27) To prohibit public drunkenness within the corporate limits of said town.

Prohibition of
public drunken-
ness.

(28) To prohibit vagrancy and street begging within the corporate limits of said town.

Prohibition of
vagrancy and
street begging.

(29) To determine and designate the routes and grades of all railroads and street railways already laid or hereafter to be laid within the corporate limits of said town.

Routes and grades
of railroad and
railway tracks.

(30) To grant franchises affecting the use of public streets, alleys and parks of said town, subject to all such restrictions and limitations as the public welfare may demand.

Grant of
franchises.

(31) To prescribe and regulate charges within said city for the carriage of persons, baggage and freight by cabs, hacks, carriages, drays, wagons and other vehicles and street railways.

Regulation of
transfer charges.

(32) To grant licenses authorizing the practice of carrying-on of such trades, callings, businesses and professions as said board shall by law be authorized and empowered to levy or impose a license tax upon, and to prescribe rules and regulations governing the granting and issuing of the same.

Grant of licenses.

(33) That the board be and the same is hereby invested with full power and authority to cause the present (and those hereafter laid out) streets and sidewalks of said town, with future extensions thereof and additions thereto, to be paved and curbed with stone, concrete, brick, macadam or any other substance selected

Improvement of
streets and side-
walks.

	by them, or repaired when necessary, and to change the grade of any of the present streets or sidewalks and fix the grade of all extensions or additions; or it may, in its discretion, permit the owner of the property fronting upon any street or sidewalk to make such improvements, under the direction of the board and in the manner prescribed by it; and in either case the procedure shall be as follows: The board of commissioners shall first adopt a resolution or ordinance, at any regular or special meeting, indicating what streets or sidewalks or parts thereof are to be improved, and whether the work will be done by the town or the adjoining landowners; the time in which the work shall be begun and completed, if done by such owners, and thirty days' notice of the work to be done shall be given, in writing, to the owners of the property abutting upon the street or sidewalk to be improved; and if any such owner be a nonresident of the counties of Cleveland or Gaston, such notice may be given to his agent, if he have one in those counties, and if none, then no notice shall be required.
Procedure. Resolution for improvement.	
Notice to land-owners.	
Apportionment of expense of sidewalk improvement.	The expense of curbing, grading, improving and paving all sidewalks shall be borne one-half by the town at large and one-half by the owners of the lots abutting upon such sidewalks, each lot bearing its proportion of this expense, according to its frontage, and the same shall constitute a lien upon the respective lots so assessed, until fully paid; and the expenses of grading, paving and improving the streets or any parts thereof shall be chargeable one-third to the town and one-third to each of the lots abutting upon either side of the street where the work is done, always in proportion to the frontage of such lots, and the amount so assessed against any lot, whether for sidewalk work or street work, shall constitute a lien thereon, and a statement of the same shall be furnished by the town treasurer to each property owner, with a demand for payment thereof: <i>Provided</i> , that if such property owner be a nonresident, such demand may be made upon his agent, or if he has no agent in the counties of Cleveland and Gaston, then by publication for thirty days in any newspaper published in the town of King's Mountain. If such statement or demand is not paid within six months after such statement or demand is made or published, then an execution shall issue by the clerk of said board of commissioners directly to the tax collector of said town, who shall advertise the lands upon which the defaulting assessments have been made, as aforesaid, in manner as provided by law for sale of land for unpaid taxes, and shall sell the same, before the town hall, in the manner prescribed for sale of realty for taxes in the Revisal of one thousand nine hundred and five, and give the purchaser a receipt, stating the time the land was advertised, the day of sale, the purchaser, the price paid, the assessment due thereon, the cost of sale, the name of the owner of the land and description of the lot sold, and the
Lien on lots.	
Apportionment of expense of street improvement.	
Lien on lots. Statement of amount and demand for payment.	
Proviso: demand on nonresidents.	
Enforcement of payment.	
Time for redemption.	

owner shall have twelve months within which to redeem said land by paying to the purchaser the amount he paid and twenty per centum additional, and the town may bid on said land to protect the amount so due it; and if the land is not redeemed within twelve months, then the tax collector shall make to the purchaser a deed for said land, which shall convey to him a good title in fee thereto, and any surplus over and above said assessment, cost of advertisement of sale and conveyance shall be paid to the owner of the land at the time. If the said board of commissioners shall permit any property owner or owners to do the required work, and the same, being in progress, shall be inferior, either in material or construction, to the work specified in the resolution or ordinance denoting the same, then said board may at any time revoke the privilege of the property owner to do the work himself, and shall furnish the same or change it so as to conform to the requirements of the board, the cost of such completion or change to be taxed and collected as hereinbefore provided. That in order to protect the public in the use and enjoyment of the streets and sidewalks of said town of King's Mountain when they are crossed by the railroads within said town, the said board of commissioners shall have full power and authority to prescribe ordinances against the occupation or blocking of said streets or sidewalks by any railroad trains or cars at their crossings, the rate of speed at which any street may be crossed by moving trains, and to require such railroads to erect and maintain gates and gatemen at any and all crossings where, in the opinion of the board of commissioners, such protection to the traveling public may be necessary, and to prescribe proper fines and penalties for the violation of any ordinance or ordinances adopted by it under this provision.

(34) To authorize and require from, time to time, as the same may be necessary or proper, the revisal and codification of the ordinances, rules and regulations of said town, together with its charter.

SEC. 20. That the board of commissioners, at its first meeting after election, or as soon thereafter as possible, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police and, if necessary, one or more assistants, who shall respectively hold their offices during the official term of the commissioners, subject, however, to removal at any time, and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond, payable to the town of King's Mountain, in such a sum as the commissioners shall determine.

SEC. 21. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board of commissioners, and to preserve all books, papers and articles committed to his care during his continuance

Deed for land not redeemed.

Work done by landowners.

Regulation of use of streets by railroads.

Revisal of town laws and charter.

Officers to be elected by commissioners.

Terms of office.

Officers to qualify and give bond.

Salary of clerk. Duties.

in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the board of commissioners.

Journals and
papers open for
inspection.

SEC. 22. That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk.

Salary of treasurer.
Duties of treasurer.

SEC. 23. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands moneys or securities belonging to the town of King's Mountain which ought to be delivered into the treasury, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

Orders on treasurer.

SEC. 24. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose in his accounts, and also the source whence are derived the moneys received by him.

Duty of tax collector.

SEC. 25. That it shall be the duty of the tax collector to collect all taxes of whatsoever nature levied or imposed for city purposes or levied by the board of commissioners for public-school purposes; to pay over to the city treasurer, from time to time, as collected, all taxes and moneys collected as aforesaid; to keep a full, true and itemized account of all moneys collected and paid over to the city treasurer, as aforesaid, and such other records and accounts as the board of commissioners may require, in books provided for that purpose by the town of King's Mountain; to render to the board of commissioners, upon request, a full, perfect and itemized statement of all moneys collected and paid over as aforesaid, and to perform all other duties prescribed by law or by the board of commissioners; and for the collection of said town taxes the tax collector is hereby clothed with every power, privilege and immunity, not inconsistent with this act, now possessed by or which may hereafter be conferred upon sheriffs and tax collectors in the collection of State and county taxes.

Powers.

Publication of
receipts and dis-
bursements.

SEC. 26. That the board of commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for the general inspection of citizens, and cause the same to be published in a newspaper published in said town within the month of April or such other month as the board of commissioners may designate.

SEC. 27. That it shall be the duty of the police to see that the ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending all offenders, and for that purpose they shall have all the power and authority vested in sheriffs and county constables; that they shall execute all precepts lawfully directed to them by the mayor and other judicial officers, and in the execution thereof they shall have the same power which the sheriff and constables have, and they shall have the same fees on all processes and precepts executed or returned to them which may be allowed to the sheriff of the county on like processes and precepts, and also such other compensation as the board of commissioners may allow.

Duties of police.

Powers.

Fees.

Other compensation.

SEC. 28. That for the breach of his official bond by the treasurer, clerk, tax collector or any other town officer who may be required to give an official bond, he shall be liable in an action on the same, at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment, from time to time, until the whole penalty be recovered.

Actions on official bond.

SEC. 29. That the board of commissioners shall have the right to acquire for said city, by condemnation, such lands, within or without the corporate limits of said town, as may be necessary for the following purposes:

Power to condemn lands.

Purposes.

(1) For the establishment, construction and maintenance of public streets, sidewalks, alleys, crossings, water ways and parks, and for the widening, extension or other modification or improvement thereof.

For streets, sidewalks, alleys, crossings, water ways and parks.

(2) For the establishment, construction and maintenance of municipal systems of electric lighting, sewerage and water supply, including power houses and plants, reservoirs, standpipes, lines of metal, terra cotta and other piping, conduits, mains and other like appurtenances, and for the enlargement, extension or other modification or improvement thereof.

For electric light, sewerage and water systems.

(3) For the erection of all necessary municipal buildings, or for any other necessary or proper municipal purpose whatsoever.

For municipal buildings. For other municipal purposes. Agreement with owner sought.

SEC. 30. That the board of commissioners shall not undertake to exercise the right of condemnation conferred in the preceding section without having first sought to secure such lands as may be required for any public use therein set out by private agreement with the owner or owners thereof; but when such effort shall have been made without success, said board may proceed to condemn such lands by first adopting a resolution declaring that the same are required for the public use therein stated, which resolution shall describe such lands with sufficient particularity for the identification thereof, and shall state the name or names of the owner or owners thereof, if known, and if not known, shall so state.

Resolution for condemnation.

SEC. 31. That upon the adoption of such resolution the town clerk shall cause the owner or owners of such lands to be served

Notice to owners.

Service of notice.	with a copy thereof, together with notice issued by said city clerk, requiring such owner or owners to appear before the board of commissioners at the town hall, at a time stated therein, not less than five days after the service thereof, to show cause why such lands should not be condemned and taken for public use set out in such resolution, which resolution and notice shall be served, as other notices are served, by the chief of police or any other
Service by publication.	policeman or by any lawful officer of any county in this State. If the person upon whom such service is to be made is unknown, or if he resides without the State or cannot with the exercise of due diligence be found within the State, and such fact be shown to the satisfaction of the city clerk by affidavit, then such service may be made, under the direction of the town clerk, by publishing said resolution, together with the notice requiring such person to appear before the board of commissioners, at a time and place to be therein named, to show cause why such lands should not be condemned and taken for public use, as set out in such resolution, which resolution and notice shall be published at least once a week for four consecutive weeks in some newspaper published in said city.
Notice to guardians of persons under disability	<p>SEC. 32. That whenever any infant, idiot, lunatic or person <i>non compos mentis</i> shall be the owner of any lands sought to be condemned, or the owner of any interest therein, service of such resolution and notice shall likewise be made upon the general or testamentary guardian of such infant, idiot, lunatic or person <i>non compos mentis</i>, if there be such within the State; and if such infant, idiot, lunatic or person <i>non compos mentis</i> be without a general or testamentary guardian within the State, the clerk of the Superior Court of the county in which such lands are situate shall, upon the application of the town clerk setting forth such facts, together with such resolution, appoint some discreet and competent person as guardian <i>ad litem</i> to defend in behalf of said infant, idiot, lunatic or person <i>non compos mentis</i> in such condemnation proceedings, and service of such resolution and notice shall likewise be made upon such guardian <i>ad litem</i>.</p>
Guardian ad litem.	
Order for condemnation.	<p>SEC. 33. That, due service of such resolution and notice having been made upon the owner or owners of the lands sought to be condemned, should such owner or owners or their representatives fail to appear before the board of commissioners at the time and place named in said notice, or, having appeared, should fail to show cause why such lands should not be condemned, said board, having first found that such lands are necessary for the public use set out in such resolution, shall thereupon order that such lands be and that they are hereby condemned to be taken for public use; that said board shall in such order of condemnation appoint two discreet and competent freeholders, residents of said town or, if such land be situate without the corporate limits of said city, residents of the county in which such lands are situate, to meet</p>
Procedure for appraisement of damages.	

with two men appointed by the owners or their representatives; and in case the owners or their representatives refuse to appoint such arbitrators, then the mayor shall appoint two men to act for said owners or their representatives, at a time and place appointed by the commissioners, to appraise the damages suffered by the owners of such lands by reason of such condemnation, and make written report thereof to the board of commissioners. In case these four men appointed cannot agree, they shall select an umpire, whose duty it shall be to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and make a written report thereof to the commissioners, and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators or umpire shall be paid, as other town liabilities, by taxation.

SEC. 34. That either said town or the owner or owners of such land, being dissatisfied with the award of such arbitrators or umpire, as set out in the report made by them, and for no other cause, may appeal to the Superior Court of the county in which such lands are situate, under the rules governing appeals from the courts of justices of the peace. Notice of appeal in such case shall be given by filing written notice thereof with the town clerk not later than ten days after the report of the arbitrators or umpire has been made. Said town clerk shall send up to the Superior Court, as a record of such case on appeal, the resolution adopted by the board of commissioners in the first instance, the notice or notices to the owners of said land, the order of condemnation and the appointment of arbitrators and umpire (if such there is), the report of such arbitrators or umpire, the notice of appeal and, in case an infant, idiot, lunatic or person *non compos mentis* is the owner of said land or any interest therein, the application for an order appointing the guardian *ad litem*; and said town clerk shall, over his hand and the corporate seal of said town, certify that such record is correct. Right of appeal.
Notice of appeal.
Record on appeal.

SEC. 35. That the finding of the board of commissioners that such lands are necessary for a specific public use, and the order condemning the same to be taken for public use, shall not be reviewable by any court, but shall conclude all parties; and said town is hereby authorized and empowered to enter upon said lands and to forthwith devote them to such public use, upon the payment or tender of payment, to the person or persons entitled to receive the same, of any amount awarded against said city by such arbitrators or umpire in their report filed with the town clerk; and said town may so enter without any formality whatsoever when such arbitrators or umpire in their report shall make no award of damages against said town: *Provided*, that the filing Order for condemnation conclusive.
Entry on lands.
Proviso: payment.

of a notice of appeal from the award of the arbitrators or umpire by the owner or owners of said land, or their representative, on said town's payment into the office of the town clerk of the amount so awarded against it, to the use of the person or persons entitled to receive the same, shall dispense with the necessity for any other payment or tender of payment.

Proceeding certified to superior court when land-owners under disability.

SEC. 36. That in any case where an infant, idiot, lunatic or person *non compos mentis* shall have been seized or possessed of any lands condemned, as hereinbefore provided, or of any interest therein, and no appeal shall have been taken from the award of the arbitrators or umpire, it shall be the duty of the town clerk to certify up to the clerk of the Superior Court of the county in which such lands are situate the complete record of such condemnation proceedings, as in cases of appeal; and such clerk of the Superior Court, in every such case, and in every such case certified on appeal in which a final judgment shall have been rendered, shall record such complete record, including any final judgment rendered in the Superior Court, in the book of special proceedings; and such record shall bar and conclude every such infant, idiot, lunatic or person *non compos mentis* and all persons claiming under him.

Rights of town on reversion of lands.

SEC. 37. That whenever any lands condemned, as hereinbefore provided, shall no longer be devoted to public use, and by reason of nonuse shall revert to the original owner or owners or his or their heirs, said town shall have the right to move therefrom all buildings and other structures and improvements which said town may have erected thereon.

Control of light and water systems.
Rates.

SEC. 38. That said commissioners shall have entire supervision and control of the maintenance, extension, improvement and management of its light and waterworks system and plant, and shall fix such uniform rates for water and lights as they think best.

Superintendent of public works.

SEC. 39. That said commissioners shall have power to appoint a superintendent of public works and such assistants as shall be necessary, at a compensation to be fixed by said board. Said superintendent of public works and his assistants shall be subject to the same rules and regulations in holding office as the other officers of the town appointed by said board.

Duties of superintendent of public works.

SEC. 40. That the said superintendent of public works shall faithfully see that the light and waterworks system and plant are properly conducted, and shall superintend and provide for the operation and management of said system and plant, and shall properly furnish, upon request, proper connections and service to all citizens and inhabitants of said town, and to all persons outside the corporate limits, upon the order of the board of commissioners, who shall apply for same; shall in all respects provide for the proper service of said system and plant to the consumers thereof, and shall promptly attend to all complaints as to defective service, and shall cause the same to be remedied, and otherwise control

and manage the said system for the best interests of said town and citizens thereof; that he shall promptly and faithfully collect rentals for light and water, as fixed by the board of commissioners of said town, under the rules and regulations as laid down by said board of commissioners, and shall give such bond for the faithful collecting and turning-over said money to the town treasurer as the board of commissioners may require.

SEC. 41. That all moneys arising from said rental of said light and waterworks system and plant shall be turned over to the town treasurer by said superintendent, and said superintendent shall keep account of same and make a monthly report thereof to the mayor and board of town commissioners; that said moneys so turned over shall be paid out, subject to the same rules and regulations as the paying-out of other moneys of said town.

SEC. 42. That said superintendent of public works shall also have charge over the sewerage system of said town, when established, and the sewerage system shall be maintained, extended, improved and managed as laid down in sections thirty-nine to forty-two, inclusive, of this charter, for the extension, improvement and management of the light and waterworks system and plant.

SEC. 43. That in order to raise funds to defray the necessary expenses incident to the government of said town and to enable it to meet its legitimate obligations, the board of commissioners may annually levy and collect the following taxes:

(1) On all real and personal property within the corporate limits of said city, including money and solvent credits, and on all subjects of taxation upon which an *ad valorem* tax is or may be imposed by the General Assembly.

(2) A capitation tax on every taxable poll of male persons residing within the corporate limits of said town on the first day of June of each year.

(3) For the payment of principal and interest of bonds issued by said town or its graded schools, or to be issued by either, and taxes levied by it in pursuance of acts of the General Assembly: *Provided*, that no taxes for school purposes shall be levied or collected on the real and personal property or taxable polls within that portion of the town included in the boundary of the East King's Mountain Graded-school District.

SEC. 44. That the board of commissioners shall, annually, at its first meeting in April of each year, appoint some discreet and competent person, who shall be a resident and taxpayer of said city, to list for taxation for the purposes aforesaid all real and personal property taxable under subsection one of the preceding section; and in the discharge of the duties of said office such list taker shall be clothed with every power, not inconsistent with this act, conferred by law upon township list takers in the listing of

Collection of rentals.

To give bond.

Rentals turned over to town treasurer.

Accounts and reports.

Sewerage system.

Taxing power.

Property tax.

Poll tax.

Special taxes.

Proviso: school taxes not to extend to East King's Mountain graded-school district.

Appointment of tax lister.

Powers of tax lister.

the property and polls of their respective townships for State and county taxation, and shall proceed in like manner, unless otherwise herein provided.

Appointment of assessors.

SEC. 45. That the board of commissioners shall, annually, at the time of the appointment of the list taker, appoint three discreet and competent freeholders and residents of said city to assess for taxation for the purposes aforesaid all lands and other property listed in pursuance of the provisions of the preceding section. The assessors appointed as aforesaid shall meet not later than the first Monday in May next succeeding their appointment, and organize the board of tax assessors of the town of King's Mountain by the election of a chairman from among their number, and the city list taker shall be *ex officio* secretary of said board. In the discharge of the duties imposed by this act said board shall be clothed with every power, not inconsistent with this act, conferred by law upon the township board of list takers and assessors in assessing the property of their respective townships for State and county taxation, and shall proceed in like manner, unless herein otherwise provided.

Assessors to meet and organize.

Organization.

Powers of assessors.

Board of equalization.

SEC. 46. That the board of commissioners shall, whenever it sees fit, establish a board of equalization of the town of King's Mountain, to be composed of said board and the chairman of the board of tax assessors, and the mayor shall be *ex officio* chairman and the town clerk *ex officio* clerk of said board of equalization. This board of equalization shall meet at a time appointed by said board of commissioners, due notice of same being published in some newspaper in said town; and in discharge of the duties of equalizing the valuation of property listed and assessed for valuation said board shall be clothed with every power, not inconsistent with this act, conferred by law upon county boards of equalization in equalizing the valuations of property in their respective counties listed and assessed for State and county taxation, and shall proceed in like manner, unless herein otherwise provided.

Meeting of board.

Powers of board.

Levy and collection of taxes.

SEC. 47. That in all matters pertaining to the levy and collection of the municipal and public graded-school taxes authorized to be levied or collected, the several officers of said town shall be clothed with every power, not inconsistent with this act, conferred by the laws of the State relating to revenue and taxation upon the corresponding county officers in the levy and collection of State and county taxes of like character, and shall proceed in like manner, unless herein otherwise provided; and all liens under said laws existing and enforceable in favor of State and county taxes of every character whatsoever shall in like cases exist and be enforceable in favor of the municipal and public graded-school taxes authorized or directed to be levied and collected.

Liens of taxes.

License or privilege taxes.

SEC. 48. That in order to raise other funds to be used in defraying the necessary expenses incident to the government of said town, and to enable it to meet its legitimate obligations, the board

of commissioners may, in addition to the taxes hereinbefore authorized or directed to be levied and collected, levy and collect from every individual, firm or corporation exercising a specified right or enjoying a special privilege within the corporate limits of said city, and without corporate limits when so stated, the following license or privilege taxes:

- (1) Upon every person, firm or corporation who shall engage in the business of bottling, selling or distributing coca-cola, pepsi-cola, soda water or other carbonated beverages, in bottles or other sealed packages, by the wholesale, an annual license tax of not more than two hundred dollars. Bottlers and wholesale dealers in bottled goods.
- (2) Upon every billiard table, pool table, bagatelle table, merry-go-round, switchback railway, shooting gallery, slot machine or other like contrivance, game, play or device which shall be set up and managed, run or operated for profit, either directly or indirectly, an annual license tax of not more than two hundred dollars. Tables for games or plays.
- (3) Upon every pleasure park established or conducted for profit as a place of public resort or amusement, an annual license tax of not more than two hundred dollars: *Provided*, that such license tax may, in the discretion of said board, be imposed in lieu of all other license taxes which said board may impose under the power conferred in the preceding subsection. Pleasure parks.
Provido: tax on parks may include games.
- (4) Upon every room or hall used as a theater or opera house, where public exhibitions or performances are given for profit, an annual license tax of not more than one hundred dollars. Rooms or halls used as theaters.
- (5) Upon every traveling theatrical troupe or company giving exhibitions or performances for profit in any room, hall, tent or other place not licensed under the preceding subsection, a license tax of not more than twenty-five dollars on each exhibition or performance given within the corporate limits of said town or within one-half mile thereof. Traveling theatrical companies.
- (6) Upon every circus, show or menagerie or other traveling company or organization giving exhibitions or performances under canvas or within any enclosure whatsoever, for profit, and not taxed under the preceding subsection, a license tax of not more than two hundred and fifty dollars for every day on which any exhibition shall be given within the corporate limits of said town or within one-half mile thereof. Circuses and other shows under canvas.
- (7) Upon every express, telegraph or telephone company, an annual license tax of not more than two hundred dollars. Express, telegraph and telephone companies.
- (8) Upon every bucket shop and every person, firm or corporation engaged in the business of making or negotiating wagering contracts, commonly known as futures, an annual license tax of not more than two thousand dollars. Bucket shops.
- (9) Upon every person, firm or corporation dealing in second-hand clothing, an annual license tax of not more than five hundred dollars. Dealers in second-hand clothing.

Itinerant gift or prize enterprises.

(10) Upon every itinerant gift enterprise and every itinerant dealer in photographs, jewelry or other articles with which prizes shall be offered, an annual license tax of not more than two hundred and fifty dollars.

Itinerant merchants and salesmen.

(11) Upon every itinerant merchant or salesman who shall expose for sale on the public streets or alleys or in any building, enclosure or other place rented or occupied temporarily for such purpose, any goods, wares, jewelry, merchandise, medicine or other articles of value, an annual license tax of not more than two hundred dollars.

Peddlers.

(12) Upon every peddler of goods, wares, jewelry, merchandise or other article of value, an annual license tax of not more than one hundred dollars.

Pawnbrokers.

(13) Upon every pawnbroker, an annual tax of not more than two hundred dollars.

Livery stables and stock yards.

(14) Upon every person, firm or corporation conducting a livery, feed, sale or exchange stable or stock yard, an annual license tax of not more than one hundred dollars.

Undertakers.

(15) Upon every person, firm or corporation conducting an undertaking business or establishment, an annual license tax of not more than fifty dollars.

Plumbers.

(16) Upon every person, firm or corporation conducting a plumbing business or establishment, an annual license tax of not more than fifty dollars.

Hotels, club houses, restaurants and boarding houses.
Photograph galleries or studios.
Laundries.

(17) Upon every hotel, club house, restaurant or boarding house, an annual license tax of not more than fifty dollars.

(18) Upon every photograph gallery or studio, an annual license tax of not more than fifty dollars.

(19) Upon every laundry, an annual license tax of not more than fifty dollars.

Junk shops.

(20) Upon every junk shop dealing in brass or copper, an annual license tax of not more than two hundred dollars.

Ice dealers.

(21) Upon every person, firm or corporation engaged in the sale of ice by retail, an annual license tax of not more than fifty dollars.

Coal dealers.

(22) Upon every person, firm or corporation engaged in the sale of coal by retail, an annual license tax of not more than fifty dollars.

Merchandise brokers.

(23) Upon every person, firm or corporation engaged in the merchandise brokerage business, an annual license tax of not more than fifty dollars.

Vehicles used in transfer business.

(24) Upon every omnibus, hack, cab, carriage, dray, baggage wagon or other vehicle used to transport persons, baggage, goods, wares, merchandise or other articles, for hire, an annual license tax of not more than twenty-five dollars.

Barber shops.

(25) Upon every barber shop, an annual license tax of not more than twenty-five dollars on each chair.

(26) Upon every person who shall engage in hawking eatables Hawkers.
about the public streets and alleys, an annual license tax of not
more than ten dollars.

(27) Upon every itinerant optician or oculist or detist, an an- Itinerant opti-
nual license tax of not more than fifty dollars. cians, oculists, and
dentists.

(28) Upon every dog or bitch, an annual license tax of not more Dogs and bitches.
than two dollars and fifty cents.

(29) Upon every surface privy, an annual license tax of not Surface privies.
more than two dollars and fifty cents.

(30) Upon every trade, business, calling or profession, not here- Trade, business,
inbefore specified, upon which the General Assembly may levy or calling or pro-
impose a license or privilege tax, an annual tax of not more than fession not
specified.
five hundred dollars.

SEC. 49. That all taxes levied or imposed by the board of com- License taxes
missioners in pursuance of the preceding section shall be payable payable in ad-
in advance by the person, firm or corporation exercising the privi- vance.
lege, trade, calling, business or profession, or owning the property
taxed thereunder; and all licenses taken out or granted in pur- Issue of licenses.
suance of the provisions of this act shall be issued by the city
clerk and countersigned by the mayor, and shall not be trans-
ferable. No reduction or abatement in the amount of such license No abatement
tax paid or to be paid shall in any case be allowed, otherwise than allowed.
is prescribed by the board of commissioners, prior to the payment
thereof.

SEC. 50. That all annual licenses issued in pursuance of this act Expiration of
shall expire on the thirty-first day of May next succeeding the licenses.
date of issuance, and all semiannual licenses shall expire on the
thirtieth day of June or the thirty-first day of December next suc-
ceeding the date of issuance.

SEC. 51. That every license for the exercise of any right or priv- Issue of license.
ilege taxable under section forty-nine of this act shall be issued
by the clerk upon application to him made, unless the board of
commissioners shall otherwise provide.

SEC. 52. That no spirituous, vinous, malt or intoxicating liquors Prohibition.
shall be manufactured or sold in said town.

SEC. 53. That no license issued by said town in pursuance of License not to
this act shall be held to confer any immunity from punishment confer immunity.
upon any person thereunder exercising any business or calling or
doing any act forbidden by law.

SEC. 54. That all ordinances, rules and regulations heretofore Ordinances here-
adopted by the board of commissioners of the town of King's Moun- tofore adopted.
tain for the government thereof shall remain in full force and
effect as ordinances, rules and regulations until amended or re-
pealed by said board.

SEC. 55. That the chief of police and other policemen of said Power of police-
town are hereby authorized and empowered to accept bail for the men to take bail.
appearance in the mayor's court of any person who shall be taken

Committal pending trial.	into custody chargeable with a bailable offense, when such person cannot be conveniently taken before the mayor for such purpose; and such police officers shall commit to the town lock-up for safe-keeping all such persons who shall fail to furnish bail for their appearance in the mayor's court or who may be drunk or disorderly: <i>Provided</i> , that this charter shall not be in force until ratified by a majority of the voters voting in the town of King's Mountain, at an election to be held in said town for the purpose of voting on the question of ratifying this act, which election may be ordered by the board of commissioners of said town of King's Mountain, at their option, after giving thirty days' proper notice of such election; and said election shall be held and conducted in all respects in compliance with the laws now in force governing such elections. At said election those favoring this charter shall vote a ballot on which shall be written or printed the words "For Charter," and those opposed to this charter shall vote a ballot on which shall be written or printed the words "Against Charter."
Proviso: charter to be ratified by voters.	
Notice of election.	
Law governing election.	
Ballots.	
Effect of election.	If a majority of the votes cast shall have thereon the words "For Charter," then this act shall be in full force and effect; but if a majority of the ballots cast at said election shall have written or printed thereon the words "Against Charter," then this act shall not be in force.

SEC. 56. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 361.

AN ACT TO ERECT A MUNICIPAL BUILDING IN THE CITY OF RALEIGH.

Preamble.	Whereas the board of aldermen of the city of Raleigh, realizing that there exists in said city an absolute and imperative necessity for the erection of a municipal building for the use of said city, and that the present building used for municipal purposes is totally inadequate and unsuited for many of the purposes for which it is used; and whereas the said board of aldermen, for the purpose of removing said evil and of providing the said city with the said necessary building, have by resolution requested the enactment of an act giving them the necessary authority, as embodied in this act: now, therefore,
Preamble.	

The General Assembly of North Carolina do enact:

Erection of building directed. Location.	SECTION 1. That the board of aldermen of the city of Raleigh be and the same are hereby authorized, empowered and directed to have erected on some suitable place in the city of Raleigh, to be selected by the commission hereinafter named, a municipal
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building, to be used for the purposes of the city of Raleigh, and to properly equip the said building with heat, light and water and with other things necessary for the use for which it is intended.

SEC. 2. And for the purpose of carrying out the provisions of this act, there shall be, and there is hereby created for that purpose, a building commission (hereinafter referred to as the commission), to be composed of the following-named citizens and taxpayers of the city of Raleigh, namely: Charles E. Johnson, Joseph G. Brown, Josephus Daniels, John C. Drewry and Herbert W. Jackson. In case of death or disability of a member of this commission, the remaining members shall select a person to fill the vacancy caused by his death or disability. The commission hereby appointed shall serve without compensation, and shall take the oath of office prescribed in section two thousand three hundred and fifty-eight of the Revisal, and also an oath to faithfully perform the duties imposed upon them by this act. The said oath shall be taken before the mayor of the city of Raleigh, and the same shall be filed with the city clerk and recorded, and shall be made a part of the records of the said city of Raleigh. The term of office of the said commission shall begin with their taking the oaths, as aforesaid, and shall continue until the said municipal building shall have been completed, equipped and turned over to the city.

Building commission.

Commissioners.

Vacancies.

Commission to serve without pay. Commissioners to qualify.

Term of office.

SEC. 3. That the said commission shall, immediately after the ratification of this act, proceed to employ a competent and reputable architect to prepare and furnish plans for the erection, completion and furnishing of the said municipal building; and after said plans have been received and approved, the said commission shall advertise for bids for the erection, completion and furnishing of the said municipal building, and said bids shall be advertised for at least thirty days, and all bids shall be sealed bids, and shall be publicly opened at the time and place designated in the advertisement, in the presence of said commission. The said commission is authorized to fix the amount of deposit or guarantee to accompany each bid, and prescribe the time limit for the completion of the building, and all other conditions to be a part of the contract: *Provided*, the said commission shall have a right to reject any and all bids: *Provided further*, that in the discretion of the said commission separate bids may be received and separate contracts awarded for different parts of said work; and if the first advertisement for bids shall not result in a suitable contract, the commission is authorized to make other and subsequent proposals, in like manner, until a suitable contract shall have been awarded.

Employment of architect.

Advertisement for bids.

Deposit or guarantee of bids.

Limit for completion of building.

Proviso: right to reject all bids.

Proviso: right to receive separate bids for separate parts of work.

Proposals if contract not awarded.

SEC. 4. The said commission shall keep a full and accurate record of its proceedings, and shall make a report to each monthly meeting of the board of aldermen of its acts and proceedings during the preceding month, which reports are made for public informa-

Record of proceedings of commission.

Monthly reports.

Majority vote to control.	tion, and shall be recorded upon the minutes of the board of aldermen. In the proceedings of the said commission the majority vote shall control.
Bond issue authorized.	SEC. 5. That for the purpose mentioned in section one of this act, the board of aldermen of the city of Raleigh are authorized, empowered and directed to issue bonds of the city of Raleigh,
Interest.	bearing interest at the rate of not more than five per centum per annum, for an amount to be fixed by the board of aldermen which in their opinion is sufficient to build, furnish and equip the said
Limit of amount.	building, and the said amount shall not exceed one hundred and
Amount, denomination and rate of interest to be decided by aldermen on request of commission.	twenty-five thousand dollars (\$125,000). It shall be the duty of the board of aldermen, as soon as requested by the said commission, to decide upon the amount of the issue of said bonds and the form and denominations of the same, and prescribe the rate of interest the bonds shall bear. The said bonds may be either registered or coupon, or partly registered and partly coupon, and all other matters and details connected with the issue of said bonds may be prescribed by the said board of aldermen, with
Authentication.	the advice of the said commission. The said bonds, when issued, shall be signed by the mayor and by the city clerk, and the
Issue of bonds legalized and declared municipal necessity.	seal of the city shall be attached thereto. The issue of said bonds is hereby declared to be a lawful exercise of power of the city of Raleigh, and the purposes for which issued are hereby declared to
Maturity of bonds.	be a municipal necessity. The said bonds shall mature and be payable thirty years after the date of their issue, and the interest on said bonds shall be payable semiannually, at such place as the
Special tax.	board of aldermen may designate. There shall be levied and collected each year upon the taxable property and polls of the city of Raleigh, for the purpose of paying the interest and creating
Rate.	a sinking fund for the ultimate payment of said bonds annually, a tax of not more than thirty cents on each taxable poll and not more than ten cents on each hundred dollars' worth of taxable
Payment of interest. Sinking fund.	property. Out of the moneys so collected the interest shall be paid as it falls due; the balance remaining of the said taxes shall be invested in the sinking fund, the purpose of which is to ultimately pay off the said bonds; and the board of aldermen are authorized to invest the said money in any of the bonds so issued, or any other securities which they consider most advantageous to the city.
Record of bonds.	SEC. 6. That the clerk of the city of Raleigh shall provide a record in his office, in which shall be entered and kept the names of all purchasers of said bonds and the number and amount of the bonds purchased, and also a record of the bonds redeemed, together with the date of their redemption; and the bonds and coupons, when redeemed, shall be recorded as redeemed, and canceled, and the record of said redemption and cancellation shall be made.

SEC. 7. That before selling said bonds the board of aldermen of Sale of bonds, the city of Raleigh shall advertise the same for thirty days immediately preceding the date of sale, in two papers published in the city of Raleigh and such other papers as in their discretion they may deem best, giving the time and place where bids will be opened for the sale of said bonds, and the terms upon which said bonds are issued: *Provided*, that the said board of aldermen shall have a right in their discretion to reject any and all bids for said bonds.

Proviso: right to reject all bids.

SEC. 8. That the proceeds arising from the sale of bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated for the purpose for which they are issued, as provided herein; and the board of aldermen shall cause the treasurer of the city of Raleigh to open and keep separate accounts of said funds, and the said treasurer shall be liable, officially as well as personally, to all the requirements of the law now prescribed for other city funds or which may hereafter be prescribed for the faithful keeping and disbursement of the said funds; and the board of aldermen shall require the said treasurer to give bond for the faithful and honest performance of his duties in respect to said fund, which bond shall be in amount not less than the aggregate proceeds of the sale of said bonds. That the compensation of the treasurer for receiving and disbursing the proceeds of the said bond issue shall be fixed by the commission.

Proceeds a separate fund.

Separate accounts.

Liability of treasurer.

Compensation of treasurer.

SEC. 9. That the taxes levied hereunder shall be collected as all other city taxes.

Collection.

SEC. 10. In order to provide for the safe-keeping and investment of the funds arising from the taxes levied under this act, over and above the amount necessary to pay interest on said bonds, the city treasurer shall open upon his books an account, to be designated municipal building bonds sinking fund, and all amounts received by the said treasurer from the taxes levied hereunder, which may not be necessary for the payment of the accrued and accruing interest on said bonds shall be credited to the said sinking-fund account and there kept separate and distinct from all other city funds, for the purpose of paying the principal of said bonds at maturity; and the said treasurer is hereby authorized and directed to invest any amounts which may belong to the said sinking fund from time to time in safe interest-bearing securities, payable to the said treasurer or his successors in office, for the use and benefit of the said sinking fund: *Provided*, that preference shall be given, in making such investment, in the purchase, if possible, of said bonds issued hereunder. And the treasurer shall be liable on his official bond for the faithful and honest performance of the duties imposed by this section.

Accounts with sinking fund.

Taxes not used for interest credited to sinking fund. Sinking fund kept distinct.

Investments of sinking fund.

Preference in investments.

Liability of treasurer.

SEC. 11. That full authority is hereby conferred upon the board of aldermen of the city of Raleigh, and upon the commission here-

Powers conferred on aldermen and commission.

inbefore provided for, to do any and all acts necessary to the performance of the duties and obligations imposed upon them, respectively, by this act, whether this authority is specifically hereinbefore conferred or not: *Provided, however*, such additional authority be not in conflict with any provision of this act.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 362.

AN ACT TO INCORPORATE THE TOWN OF WOODLEAF, IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

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| Incorporation. | SECTION 1. That the town of Woodleaf, in the county of Rowan, |
| Corporate name. | be and the same is hereby incorporated, by the name and style of |
| Subject to general law. | Woodleaf, subject to the laws of North Carolina relative to incorporated towns. |
| Prohibition. | SEC. 2. That no spirituous, vinous, malt or other intoxicating liquors or bitters shall be manufactured or sold in said town of Woodleaf. |
| Corporate limits. | SEC. 3. That the corporate limits of said town shall be as follows: Beginning at a point on the north side of the old Wilkesboro road, nine feet from the line between Hart and Culbertson; thence north four hundred and eighty-eight rods; thence east eighty-eight rods; thence south two hundred and forty rods; thence east seventy-two rods; thence south two hundred and forty-eight rods; thence west to the beginning. |
| Town officers. | SEC. 4. That the officers of said town shall consist of a mayor and four aldermen and a town marshal, and the following persons are hereby appointed to fill said offices until the election herein- |
| First officers named. | after ordered: Mayor, Nathan N. Fleming; aldermen, R. C. Current, B. W. Freeze, I. T. Bailey and E. B. Foushee. The town marshal shall be elected by the board of aldermen. |
| Town elections. | SEC. 5. That there shall be an election held for the officers mentioned in this act, except town marshal, on the first Monday in May, one thousand nine hundred and nine, and biennially thereafter, under the laws for elections in incorporated towns. |
| Powers and authority of officers. | SEC. 6. That the officers of said town shall have all the powers and authority vested by law in officers of incorporated towns for |

the levy and collection of taxes, the government of said town and the making of proper ordinances therefor. The rate of taxation Tax rate, shall not exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the poll.

SEC. 7. This act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 363.

AN ACT TO AUTHORIZE THE TOWN OF ROCKINGHAM TO EXPEND MONEY TO LET THE COUNTY KNOW WHAT A GOOD TOWN IT IS.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of commissioners of the town of Rockingham shall have full power and authority to ex-^{Expenditure authorized.} pend annually such sum, not exceeding two hundred dollars, out of ^{Amount.} the general-tax fund of said town, for the purpose of advertising the said town as shall from time to time seem to them expedient.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 8th day of March, A. D. 1909.

CHAPTER 364.

AN ACT TO AUTHORIZE THE MERGER OF A RAILROAD COMPANY TO BE ORGANIZED IN NORTH CAROLINA WITH THE VIRGINIA-SOUTHERN RAILROAD COMPANY OR WITH ANOTHER RAILROAD COMPANY OF VIRGINIA OR TENNESSEE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That authority is hereby given to any railroad corporation which may hereafter be created under chapter sixty-one of the Revisal of one thousand nine hundred and five for the purpose of constructing, maintaining and operating a railroad for public use, in the conveyance of persons and property from the town of Jefferson, Ashe County, of the town of Sparta, Alleghany County, or from any other point in either or both of said counties, or from North Wilkesboro, Wilkes County; Boone, Watauga County; Lenoir, Caldwell County; Taylorsville, Alexander County, or Winston-Salem, Forsyth County, to the Virginia or Tennessee line, to

merge or consolidate with the Virginia-Southern Railroad Com-

Authority of merger given.

Termini and routes of projected roads.

pany, a corporation created, organized and existing under the laws of the State of Virginia, or with any other Virginia railroad corporation now or hereafter to be created, a portion of whose line is or shall hereafter be located in Grayson County, Virginia, or with any Tennessee railroad corporation now or hereafter to be created, a portion of whose line is now or shall hereafter be located in Johnson County, Tennessee.

Procedure for
merger.

SEC. 2. That such merger or consolidation shall be made in the following manner and under the following conditions, provisions and restrictions:

Agreement by
directors.

SEC. 3. That the boards of directors of the several corporations proposing to merge or consolidate may enter into a joint agreement, under the corporate seals of their respective corporations, for the merger or consolidation of such corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation or of the merged or consolidated corporation, the number, names and places of residence of the directors and principal officers of such merged or consolidated corporation, who shall hold their offices until their successors be chosen or appointed, either according to law or according to the by-laws of the said corporation; the aggregate amount of the capital stock, with the par value of each share proposed to be issued in connection with such merger or consolidation by such merged or consolidated corporation, and, if the capital stock is to be divided into classes, the classes thereof, with the terms on which issued; the manner of converting the capital stock of each of said merging or consolidating corporations into the stock or obligations of such merged or consolidated corporation, and how and when the directors and principal officers to succeed those named in the agreement shall be chosen or appointed, together with all such other agreements as shall seem necessary or convenient to perfect the merger or consolidation of said corporations.

Agreement submitted to stockholders.

SEC. 4. That the agreement shall be submitted to the stockholders of each of said merging or consolidating corporations, separately, at a meeting thereof to be called for the purpose of taking the same into consideration, of the time, place and general object,

Notice of meeting.

of which meeting due notice shall be given by publication for two successive weeks in a newspaper published in or near the place where the principal office of each of said merging or consolidating corporations is located, and by mailing a copy of such notice, at least ten days prior to such meeting, to the last-known post-office address of each of the stockholders of record; and at said meeting the said agreement shall be considered, and a vote, by ballot, in person or by proxy, shall be taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of said meetings

Consideration of
and vote on
agreement.

shall be in favor of said agreement, consolidation and merger, then that fact shall be certified by the president or one of the vice presidents of the corporation, under the corporate seal, attested by the secretary: and said certificates, duly acknowledged by the president or vice president signing the same, and by the secretary of the several corporations, before an officer authorized by the laws of this State to take acknowledgments of deeds, together with a copy of the agreement, shall be filed with the Secretary of State.

Certificate filed
with secretary of
state.

SEC. 5. That when such consolidation or merger shall have been agreed to, in the manner and form hereinbefore prescribed, then the same shall be effected by the execution and delivery of a deed or other proper conveyance from the merging or consolidating railroad companies to such merged or consolidated corporation, conveying by proper description all of the property, real, personal and mixed, including the roadbed, right of way and superstructures, as well as all equipment and other personal property, and all contracts of subscription to stock or bonds between either of said merging or consolidating corporations and any county or township, and all rights thereunder, and all the rights, powers, privileges and franchises of the said railroad company agreeing and consenting thereto, as aforesaid, to the said merged or consolidated corporation, subject to any and all existing liens on each of said railroad companies, respectively; and the said merged or consolidated company shall have the right to covenant and to assume as a part of the consideration of such conveyance the payment of the principal and interest of any or all such liens; and upon the execution and delivery of such conveyance the said new or consolidated corporation shall immediately be and become vested with the complete and full title to all the property, rights, powers, privileges and franchises conveyed thereby, including all rights which either of said merging or consolidating corporations may have acquired by reason of any county or town or township subscriptions to its capital stock or bonds, upon the conditions therein contained, with the right to own, maintain and operate the railroads and all branches theretofore owned and operated, and other works of the companies agreeing thereto, as one railroad company.

Execution of
deeds and con-
veyances.

Effect of con-
veyance.

SEC. 6. That the merged or consolidated company is hereby authorized to make and carry out any agreement that may be made for the transfer and delivery of shares of its capital stock to the holders of the shares of stock in either of said railroad companies consenting thereto in exchange for such stock, on such terms and at such rates as may be mutually agreed upon; and said company is hereby authorized to purchase from the holder thereof any of the shares of stock in either of said railroad companies agreeing thereto, which may not be exchanged, as aforesaid.

Consolidated
company to carry
out agreements.

Purchase of stock.

SEC. 7. That if any stockholder of either of the corporations so consolidated or merged, who shall not have given assent thereto

Stock of dissent-
ing stockholders
to be purchased.

Procedure for
settlement of
value.

Report of award
for confirmation.
Revaluation if
award set aside.

Payment for stock
on confirmation
of award.

Award a judg-
ment against
company.

Proviso: delivery
of stock.

Assignment of
rights in lieu of
delivery.

Separate corpo-
rate existence
continued.

Representation of
stock held by
consolidated
company.

and who shall be dissatisfied therewith, shall signify such dissent by notice, in writing, served on the president, secretary or treasurer, either within or without this State, of such merged or consolidated corporation, at any time within three months after the said meeting of his corporation to act thereon, he shall receive from such merged or consolidated corporation the fair cash value of his stock as of the day before the vote on the agreement or consolidation of his corporation was so cast, as aforesaid. If the price cannot be agreed upon, then such stockholder may apply by petition, as in other special proceedings, to the Superior Court of Ashe or Alleghany county, or other county mentioned in section one, as the case may be, to appoint three disinterested persons to fix the value of said stock.

SEC. 8. The award of a majority of such appraisers shall be reported to the court for confirmation. If the court shall be of the opinion that the valuation is not just, it may set aside the award and appoint three other disinterested persons to make such valuation, who shall likewise make their report to the court for confirmation, subject to appeal for error of law. When the report shall be confirmed it shall be the duty of the said merged or consolidated company to take and pay for the said shares of stock, at the valuation thereof as fixed by such appraisers, upon its being transferred and delivered to it; and upon its failure to take and pay for the same within thirty days after the final confirmation of said award, then the amount of said award shall be a judgment against said company and collected as other judgments of said court are by law collected: *Provided, however*, that said company shall not be required to pay the said judgment except upon the surrender and delivery to it of the certificate for said shares, legally transferred; but if no certificate of stock shall have been issued to said dissatisfied stockholder he shall make a due assignment to the merged or consolidated corporation of all of his rights in respect thereof; and the merged or consolidated corporation may thereafter, in lieu thereof, reissue the same amount of stock to any other person or persons.

SEC. 9. That notwithstanding the conveyance of the property of the railroad companies, referred to, to the said merged or consolidated corporation, as hereinbefore provided, the existence of the said railroad companies as corporations shall respectively continue so long as any of their shares of capital stock shall not be sold to or exchanged with the said merged or consolidated company for the purpose only of protecting the interests of the said stockholders in said railroad companies as such; and in all meetings of the said railroad companies, respectively, thereafter held, the said merged or consolidated company shall have the right to represent all the stock which it may have acquired or purchased, as aforesaid, in the railroad companies, respectively, casting such

vote as it may be entitled to on the number of shares so acquired by it and standing in its name on the books of the said companies, respectively; and to that end the said merged or consolidated company may keep alive and hold, for that purpose only, all the shares of stock in any of said railroad companies which it may acquire by purchase or in exchange, as aforesaid, until it shall have acquired the whole of said stock in the said railroad companies, respectively, when the same shall be canceled and the existence of the railroad company whose entire stock shall be so acquired shall cease and be at an end.

SEC. 10. That nothing herein contained shall be construed as in anywise impairing or changing any right of action which the State of North Carolina or any of its agents, or any county of the State, or any person or party whomsoever, may now or hereafter have against either of the railroad companies heretofore referred to; but such right of action shall remain unchanged, and may be enforced against any such corporation and against the rights, property and franchises thereof, the same as it might have been before the passage of this act or any transfers in pursuance thereof.

Existing rights of action.

SEC. 11. That the corporation formed or consolidated under the provisions of this act, or affected thereby, shall be a domestic corporation of North Carolina, and shall have all the rights, powers and privileges conferred upon, and be subject to all the duties and obligations imposed upon a corporation created and organized under chapter sixty-one of the Revisal of one thousand nine hundred and five and acts amendatory thereof.

Consolidated company a domestic corporation. Application of general law.

SEC. 12. That any county, township or town along or near the line of railroad of the consolidating or consolidated company may subscribe to the capital stock of the said company or for bonds issued by the same, in the following manner: Upon presentation of a writing, signed by not less than fifty freeholders and resident taxpayers of the county, township or town, to the board of county commissioners of said county or of the county in which said township is situated, or to the proper authorities of said town, requesting them to submit to the qualified voters of the county, township or town where said petitioners reside a proposition to subscribe a definite sum, named in said petition, to the capital stock or bonds of said company, the board of commissioners of said county or proper authorities of said town may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be

Counties, townships, cities and towns may subscribe to stock or bonds. Petition for election.

New registration.

Order for election.

Ballots.

Law governing election.	written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and be subject to the same rules and regulations as are provided for the election of county officers by the general election laws of
Notice of election.	the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, posted at the courthouse door of said county and at every polling place of said county,
Returns.	township or town where the said election shall take place; and the returns thereof shall be made to the board of commissioners of said county or proper authorities of said town.
Subscription and bond issue authorized.	SEC. 13. If a majority of the qualified voters vote "For Subscription," then the board of commissioners of said county or proper authorities of said town shall immediately make such subscription, and shall issue coupon bonds to the amount of said subscription, in order to pay the same; and the bonds shall upon their face indicate on account of what county, township or town they
Denomination.	are issued. They shall be in denomination of not less than one hundred dollars and not more than one thousand dollars each,
Maturity. Interest.	and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate, not exceeding six per cent per annum.
Special tax.	SEC. 14. The county authorities in any county voting for subscription or in which there is a township voting for subscription, and the authorities of any town voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township or town to pay the interest on the bonds issued on account of such county, township or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said
Collection and settlement of tax.	bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township or town to the treasurer thereof; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes, and shall be used for the purpose for
Taxes kept distinct.	which they were levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county or by the proper authorities of such town issuing such bonds.
Investments of sinking fund.	

SEC. 15. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 365.

AN ACT RELATING TO HOLLY GROVE SPECIAL-TAX DISTRICT, IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Sampson County is hereby authorized to transfer the farms and plantations in Holly Grove Special-tax District, known as the H. H. Register farm and the E. S. Register farm, from the said Holly Grove District to the Red Hill District, and that the said farms and plantations shall no longer be a part of said Holly Grove District. Transfer of territory authorized.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 366.

AN ACT TO INCORPORATE THE ASHEVILLE AND EAST TENNESSEE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That John H. Carter, R. S. Howland, J. M. Whitte- more, M. M. Howland, J. P. Arthur, Reginald Howland, G. W. Epps, their associates, successors and assigns, be and they hereby are created and declared a body politic and corporate, under the name and style of Asheville and East Tennessee Railroad Company, and by that name shall have succession for a period of sixty years; may sue and be sued, plead and be impleaded; make and use a corporate seal, and alter the same at pleasure; contract and be contracted with; and shall have and enjoy the rights and privileges necessary for the purposes of this act, and all other rights and privileges incident to it as a corporation under the laws of North Carolina. Corporators.
Corporate name.
Corporate rights.

SEC. 2. That the capital stock of said company shall be four hundred and fifty thousand dollars. The par value of each share of stock shall be one hundred dollars; and the directors, with the approval of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, credits, accounts, real or personal property in payment of subscriptions, payable in such manner or amounts and at such times as may be agreed upon between the directors and subscribers; and whenever two hundred and fifty shares of stock shall have been subscribed for, the subscribers, under the direction of a majority of the corporators, hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and may provide Capital stock.
Shares.
Payment of subscriptions.
Organization.

Liability of
subscribers and
stockholders.

Powers as invest-
ment company.

Power to build
and operate
railroad.
Termini and
route.

Branches.
Other lines.

Rights as power
company.

for the election or appointment of such other officers as may be necessary for the control and management of the affairs and business of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under the charter and the laws of North Carolina. Every subscriber for or holder of the stock of this company shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more.

SEC. 3. It shall be lawful for the said corporation to acquire, by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of, or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies organized under the laws of any of the United States, and also to borrow money, and for such consideration and upon such terms as the stockholders, or board of directors by their authority, may determine; and to issue its notes, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises, in whole or in part, as they may deem necessary or expedient.

SEC. 4. That said company shall have power to survey, locate, build and operate a railroad from Asheville or from one or more connecting points on any other railroad running into or having connection with one or more railroads running into Asheville, North Carolina, to run in a general northeasterly direction to Yancey County, continuing towards the town of Hunt Dale, in Mitchell County, and the Tennessee State line, as far as said company may deem expedient, by whatever route said company may adopt, with such branches or extensions as to said company may seem fit, and any other line or lines of railroad, to run so far as said company may deem expedient, in any direction from Asheville or from connecting points, as above described, with such branches and extensions as said company may deem expedient.

SEC. 5. The said company is authorized and empowered to make, manufacture, produce, generate, develop, purchase, lease or otherwise acquire, own, hold, collect, improve and store electricity, steam, water, water power and water privileges, watersheds, fuel, all manner of power, whether electric, steam, water, pneumatic or other, for use in driving machinery in any form, or for light, heat or other application of power, and to use the same for any of such purposes, or to sell, lease, dispose of, deal in and make a business of dealing in, conduct, transmit, distribute, supply, furnish and deliver said power or the products thereof, or electricity, steam, gas, water, light or heat, to individuals, associations, companies or corporations, private or municipal; and to fix charges, collect and receive payment therefor; and for such ends may

build, construct, erect, locate, acquire, equip, maintain and operate the necessary buildings, structures, plants, machinery, machines, boilers, engines, dynamos, motors and attachments, dams, bridges, gates, sluices, tunnels, ditches, canals, poles, wires, conduits, pipes, flumes and all other convenient appliances for any of such purposes.

SEC. 6. To build, own, hold, maintain and operate railroads, street railroads, motor lines and tramways, wherever it may be by said company deemed expedient; carry freight and passengers thereon, and to charge, receive and collect tolls or fares for the same; to purchase, consolidate with, lease, operate and maintain, on such terms as may be agreed upon, any railroad, railroads, street railroads, motor lines or tramways, with its or their franchises, easements, rolling stock, equipments and appurtenances, and to complete the same, if necessary, desirable or convenient; to carry freight or passengers, or both, thereon, and to charge, receive and collect tolls and fares therefor; to construct, build, own, hold, purchase, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of the same and for the transmission of messages thereon as may be deemed desirable or expedient; to lease any part or all of its railroads, street railroads or tramways to any other company or companies incorporated for the purpose of operating a railroad or tramway, and to lease or purchase, maintain and operate any part or all of any other railroad constructed by any other company, upon such conditions or terms as may be agreed upon; to enter into any operating or traffic contract, or any contract in the nature of a lease, with any company or corporation, and to transfer and convey to said company or corporation the operation of the whole or any portion of the road or lines of this corporation; to apply to the proper authorities of any incorporated city or town, or of any county in the State of North Carolina into which the railroads, street railroads, tramways, motor lines, telegraph or telephone lines, water conduit lines, electric-light and power lines, plants, wires, poles and appliances of this corporation may extend or be situated, or be designed or intended now or hereafter to extend or be situated, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold or lease all and singular the same; to acquire, by purchase, lease, contract or otherwise, and to accept, own or hold any rights, privileges or franchises heretofore granted to any firm, company or corporation, or which may be hereafter so granted by the proper authorities of any such incorporated city or town or any county in the State of North Carolina; to facilitate and assist in the construction, building, extension, equipment, maintenance and operation of any street railway, railroad, motor line, tramway, telegraph or telephone line connecting with or intended to connect with or exchange traffic, freight or passengers

Power to build and operate railroads, street railroads, motor lines and tramways.
Enumeration of powers.

Telegraph and telephone lines.

Leasing powers.

Traffic contracts.

Franchises from municipalities.

Powers as land
and improvement
company.

with the street railways, railways, motor lines, tramways, telegraph or telephone lines of this corporation; and to this end to subscribe to or for, or purchase, or otherwise acquire, own and hold the stocks and bonds of any other corporation or company owning or operating such street railways, railways, motor lines, telegraph or telephone lines; to guarantee or otherwise secure the payment of any such bonds, interest thereon or dividends on such stock as it may be deemed advisable, convenient or proper, and to otherwise aid or assist in the maintenance and operation of the same; to purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient by it; also building and equipping and operating rail, tram, turnpike and other roads, or any other plant or works that may be deemed necessary or convenient for the business of the corporation; to purchase, possess, own, hold, rent, lease and improve any and all property, real and personal and mixed, necessary, desirable or convenient for the use of the corporation or for the conduct of its business or any part thereof; and to do and perform all and any other matters and things necessary, proper or convenient for the accomplishment of the objects, and any thereof, above specified: *Provided*, nothing hereinbefore or hereinafter contained shall be deemed or held to exempt said corporation from the proper and lawful regulation and control of the Corporation Commission of North Carolina, under the powers and authority now vested by law in said Corporation Commission or which may hereafter be conferred upon said commission.

Proviso: regula-
tion and control
of corporation
commission.

Entry on lands.

SEC. 7. For the purpose of exploring, surveying, locating and constructing and establishing its roads, railroads, canals and other works, the said company may at any time enter upon lands upon or through which it may desire to conduct, build and establish its railroads, roads, canals or other works, and lay out and construct the same as it may desire, and shall pay to the owner or owners of the land such sum as may be agreed upon; and for the purpose of constructing its roads, railroads, canals or other works and necessary appurtenances thereto, or of enlarging or otherwise altering them, the company may at any time enter on any adjacent lands and cut, dig and take therefrom any wood, stone, gravel, sand, earth or other material which it may deem necessary, and shall pay to the owner or owners of said land such sum as may be agreed upon; and said company shall have all such additional powers in such respect as other railroad companies now or may hereafter have under the general laws of North Carolina applicable to such companies.

Entry on land
for material.

Power to con-
demn land.

SEC. 8. When any land, material or right of way may be required for said company for the purpose of constructing, repairing, enlarging, extending, altering or operating its railroads or other works, of such character as will entitle the company to condemn land under the general laws of the State, and for want of

agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the same may be taken at a valuation of three commissioners, or a majority of them, to be appointed, on petition of the said company or of the owner of the land, by the clerk of the Superior Court of the county where some part of the land is situate. Said petition shall be filed and proceedings thereupon conducted and prosecuted in the manner provided in sections two thousand five hundred and seventy-five to two thousand five hundred and ninety-eight, inclusive, of the Revisal of North Carolina of one thousand nine hundred and five, and as further provided in any other general laws of North Carolina, now or hereafter to be in force, applicable to such proceedings; and either the company or the owner of the land may appeal therefrom, as provided by law.

SEC. 9. Any county, township, city or town along or near the line of the constructed or proposed railroads or branches of this company may subscribe to the capital stock of this company in the following manner: Upon presentation of a petition, in writing, signed by not less than one-fourth in number of the qualified voters of said county, township, city or town, to the board of commissioners of said county or to the proper authorities of said township, city or town, requesting them to submit to the qualified voters of said county, township, city or town in which the said petitioners reside a proposition to subscribe a definite sum, to be named in said petition, for the capital stock of this company, the board of commissioners of said county or the proper authorities of said township, city or town, shall within thirty days order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription, and shall vote, shall vote a ballot on which shall be written or printed the words "For Subscription"; and those qualified to vote who are opposed to said subscription, and shall vote, shall vote a ballot on which is written or printed the words "Against Subscription"; and the election for this purpose shall be conducted and the result thereof ascertained in the same manner and subject to the same rules and regulations as are provided for in the election of county, township, city or town officers by the general election laws of this State. Such elections shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, shall have been posted at the courthouse door of said county, and at every polling place of the township, city or town where the election shall take place, and the returns thereof shall be made to the board of commissioners of said county or proper authority of said city or town. If a majority of the qualified voters vote "For Subscription," then the board of commissioners of said county or the proper authorities

Procedure for
condemnation.

Counties, town-
ships and
municipalities
may subscribe to
stock.
Petition for
election.

Order for election.

Ballots.

Law governing
election.

Notice of election.

Returns.

Subscription and
bond issue.

	of said township, city or town shall immediately make such subscription, and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall on their face indicate on account of what county, township, city or town they are issued; they shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each, and shall run for such number of years and bear such rate of interest, not exceeding six per cent per annum, as the petition and order of election shall indicate; they shall be signed, if issued by a county or township, by the chairman of the board of county commissioners and by the clerk of said board of commissioners of said county, and if issued by a city or town, then by the mayor and one of the commissioners or aldermen of said city or town and the clerk of the same.
Denomination.	
Maturity.	
Interest.	
Authentication.	
Special tax.	SEC. 10. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities of any city or town voting for subscription, shall, in order to provide for the payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town, to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds, or in which there is a township issuing said bonds, or by the proper authorities of the city or town issuing said bonds: <i>Provided</i> , that whenever the sinking fund shall be invested in the purchase of the identical bonds issued under this act, such investment shall be at a price not exceeding the par value thereof. In the event that the property, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other company, the board of commissioners of any county making such subscription, or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.
Collection and settlement of taxes.	
Taxes kept distinct.	
Investment of sinking fund.	
Proviso: investment in identical bonds.	
Transfer of subscription.	
Townships incorporated.	SEC. 11. For the purposes of this act, all the townships and counties along or near the line of the constructed or proposed railroads, or branches thereof, of this company which may vote to subscribe to the capital stock of the company, as provided by this

act, shall be and are hereby declared to be respectively bodies politic and corporate and vested with the full power to subscribe, as provided by this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the power necessary and convenient to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which any such township is located are declared to be corporate agents of said township so incorporated and situate within the limits of said counties, respectively, for the purpose of issuing the bonds of said township or townships, and to provide for the levy and collection of taxes on property and polls to pay the principal and interest of such bonds and to provide for the sinking fund herein above mentioned. Corporate agents.

SEC. 12. A part of any railroad or other works of said company may be constructed without completing its entire railroad or other works, and the said railroad or other works may be operated and its business conducted, notwithstanding its entire railroad or other works have not been completed. Partial construction and operation.

SEC. 13. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem expedient. By-laws, rules and regulations.

SEC. 14. The board of directors shall be composed of stockholders of said company, and shall consist of such members as the stockholders may prescribe from time to time by the by-laws, and shall be elected by the stockholders in meeting assembled, and shall continue in office for the term of one year after the date of their election and until their successors are elected and accept the duties of their office; and they shall choose one of their number president, and elect such other officers as the by-laws may prescribe; and in case of the death, resignation or other incapacity of any member of the board of directors during his term of office the board of directors or the stockholders may choose his successor for the unexpired term. Directors.
Election.
Term of office.
President and other officers.
Vacancies.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 367.

AN ACT TO INCORPORATE THE YADKIN VALLEY BANK.

The General Assembly of North Carolina do enact:

SECTION 1. That John A. Martin, John G. Huff, W. N. Horn, Dr. W. G. Leak, Dr. J. H. Martin, R. B. Horn, J. Lee Norman, J. T. Smitherman, Ernest Horn, W. A. Martin, J. N. Miller, W. H. Speas and John T. Benbow, together with such other person or

	persons as they may associate with them, their successors and assigns, be and they are hereby created and constituted a body politic and corporate, under the name of the Yadkin Valley Bank, by which name they may sue and be sued, plead and defend in any court, and shall have the right to adopt and use a common seal, and to make such by-laws, rules and regulations as they may deem best for the betterment of said bank, not inconsistent with the laws of the State of North Carolina, and shall have a continual succession for the term of ninety-nine years.
Corporate name.	
Corporate rights.	
Principal office.	SEC. 2. That the principal office and place of business of said bank shall be in the town of East Bend, Yadkin County, North Carolina, with power and privilege to establish branches and agencies at any other place for the transaction of its business.
Branches.	
Banking powers.	SEC. 3. That the said bank shall have full power and authority to receive deposits, to make loans and discounts and to invest its own money or the money of others in such manner as corporations of this character may do, according to law: to lend and invest in or upon security of mortgage pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein, of any description, situate anywhere; to lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any stock, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law, and to collect such interest in advance; may own and convey real estate; and the bank shall be vested with all the powers and privileges incident to or that may by the laws of the State of North Carolina be hereafter conferred upon banking institutions and savings banks.
Power to own and convey real estate.	
Capital stock.	SEC. 4. That the capital stock of said bank shall not be less than five thousand dollars, divided into shares of one hundred dollars each, and the same may be raised from time to time, as said corporation may elect, not to exceed fifty thousand dollars.
Books of subscription.	SEC. 5. That the corporators in the first section named are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine: and the stockholders, at any general meeting called after due organization of said bank, may at their discretion from time to time reopen books of subscription to said capital stock, until the same, as herein limited, be wholly taken; that when five thousand dollars of the capital stock is subscribed and paid in, the corporators named herein, or a majority of them, or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors, to consist of not less than five nor more than fifteen.
Organization.	
Directors.	

who shall manage the affairs of the bank, a majority of whom shall constitute a quorum to transact all the business pertaining to the bank, and who shall serve for one year or until their successors are duly elected and qualified, unless it is otherwise provided in and by the by-laws of the said bank; and these directors so chosen shall elect from their number a president and a cashier of the said bank, who shall hold their office for one year and until their successors are duly elected and qualified. The said board of directors shall also elect a vice president and such other officers and employees as the board of directors may deem best, which said vice president and other officers and employees shall hold their office during the pleasure of the said board of directors. The said board of directors shall have the power to increase or diminish the number of officers and employees of the said bank at pleasure, and shall also have the power to call a meeting of the stockholders whenever they may think proper. The cashier shall be required by the directors to give bond, to be fixed by them, and they may require bonds of any other of the officers or employees of the said bank. No person shall be elected director, or president, vice president or cashier unless he is a stockholder in said bank.

Term of office.

President and cashier.

Terms of office.

Vice president and other officers and employees.

Powers of directors.

Cashier to give bond.

Bonds of other officers or employees. Officers to be stockholders.

SEC. 6. That when any married woman, minor or apprentice shall deposit money or other thing of value in said bank, generally or specially, to their own credit, the same may be withdrawn on their check, draft or other order, and they and all other persons shall be bound by such check, draft or order, and the same shall be an absolute release and discharge of said bank from liability for the same.

Deposits of married women, apprentices and minors.

SEC. 7. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable thing whatsoever shall be and is hereby authorized and empowered to deposit the same, generally or specially, with the said bank.

Fiduciaries authorized to make deposits.

SEC. 8. That any real estate held by said bank at any time may be duly conveyed by a deed signed by the president and cashier of said bank, with its seal affixed to the same. The said corporation may buy any real estate or personal property sold by it, or anyone for it, under mortgage, deed of trust or other assurance for debts due it, when necessary for its protection, in its judgment.

Conveyance of real estate.

Power to purchase property.

SEC. 9. That said bank shall have the power to act as executor, administrator and guardian of any and all estates lawfully entrusted to its care as assignee and receiver for any estate in liquidation or litigation.

Power to act in fiduciary capacity.

SEC. 10. That in connection with its general banking business this corporation is authorized to organize a savings department and to do a savings-bank business in all the branches of the same,

Savings department.

- Interest on deposits. and to make regulations in regard thereto. In that event said bank may receive deposits in any amount in the savings department and give certificates therefor, and to pay such interest on the same as the directors may authorize, not to exceed the legal rate.
- Stock vote. SEC. 11. That each stockholder shall be entitled in all meetings of the stockholders to cast one vote for each share of stock of the par value of one hundred dollars owned by him or her.
- Transfer of stock. SEC. 12. That the stock held by anyone shall be transferred only on the books of the said bank, either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to the corporation, as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of the said stockholder, except for taxes, and shall pay such taxes as may be imposed on banks in the revenue laws of the State. If any subscriber shall fail to pay for his stock, or any part thereof, as same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation by any ordinary civil suit, or the entire stock of such delinquent may be sold, by order of the directors, for cash, at the banking house of said corporation in the town of East Bend, after advertising the sale of the same for thirty days in some newspaper published in Yadkin County, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription; and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with the cost of such sale, the subscriber shall be liable for the deficiency in a civil action.
- Salaries of officers. SEC. 13. That the board of directors of said bank shall have the power to fix and determine the salary and compensation of all the officers and employees of the said bank; and they are hereby authorized and empowered to buy a lot of land and to construct a building thereon for banking purposes and for any other purpose not in violation of the laws of the State of North Carolina or the United States.
- Purchase of lot and construction of bank building.
- Liability of stockholders. SEC. 14. That each stockholder of the said bank shall be liable to the depositors and creditors to the extent of the amount of his or her stock in said bank at the time of the deposit: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders *pro rata*.
- Proviso: liabilities borne pro rata.
- SEC. 15. That this act shall be in force from and after its ratification.
- Ratified this the 8th day of March, A. D. 1909.

CHAPTER 368.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE
CHARTER OF THE TOWN OF SNOW HILL, NORTH CARO-
LINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Snow Hill, in Greene County, shall be and continue, as they have heretofore been, a body politic and corporate, and henceforth the said corporation shall bear the name and style of the town of Snow Hill, and under that name is hereby vested with all the property and rights of property which now belong to the town of Snow Hill or to the commissioners of the said town of Snow Hill or any other corporate name or names heretofore used, and by and under the said corporate name of the town of Snow Hill may purchase and hold all such property, both real and personal, as may be deemed necessary or convenient for its government, or as may be conveyed, devised or bequeathed to it; may sell and convey the same, contract and be contracted with, sue and be sued, and be vested with all other rights, privileges and powers usually appertaining to municipal corporations.

SEC. 2. That the government of the said town of Snow Hill and the administration of its municipal affairs shall be vested in a mayor and five commissioners, whose qualification, election and term of office shall be the same as provided in the general laws of the State in regard to cities and towns, except as may be otherwise provided in this act.

SEC. 3. That the mayor of the town of Snow Hill is hereby constituted a special court, with all the jurisdiction, power and authority in criminal causes that is now or may hereafter be given to justices of the peace: *Provided*, that no person shall have the right in any proceeding begun before the mayor to remove the same to any other court, as is provided in section for removal of causes from one justice of the peace to another. However, such causes shall be removed and heard on affidavit filed before the vice mayor, whose duties are hereinafter prescribed, but all parties shall have the usual right of appeal to the Superior Court.

SEC. 4. That in all cases where the defendant shall be convicted before the mayor and shall be sentenced to pay a fine and costs, and such defendant shall refuse or fail to pay such fine and costs, it shall be lawful for said mayor to require such person to work on the streets of said town until at a fair rate of wages such person shall have worked out the full amount of said fine and costs.

SEC. 5. That the mayor shall direct his precepts or warrants to a chief of police or any other officer to whom a justice of the peace may issue his precepts.

Mayor to preside at meetings of commissioners. Vote.	SEC. 6. That the mayor shall preside at all meetings of the board of town commissioners, and in case of an equal division of the votes of the commissioners on any question to be decided by them shall cast the deciding vote, but otherwise shall have no vote in passing on matters before him. It shall be the duty of the said board of town commissioners to elect one of their number vice mayor, who, in the absence or disability of the mayor, shall perform all of the duties of the office of mayor.
Vice mayor.	
Regular meetings of commissioners. Special meetings.	SEC. 7. The said commissioners shall appoint a regular time for their meetings, which shall be once in every month. Special meetings may be called at any time by the mayor or by a majority of the town commissioners; notice of such call to be served by the chief of police or other officer, orally or in writing. Each commissioner shall receive for each regular meeting that he attends one dollar.
Pay of commissioners.	
Power to make and enforce ordinances.	SEC. 8. The board of commissioners shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the government of the town, the health and security of its citizens, the protection of property and the preservation of peace and good order as they may deem proper and necessary for such purpose.
Enumeration of powers.	SEC. 9. Among the powers hereby conferred upon the board of commissioners of said town are the following: To provide for the care of the streets and sidewalks of said town and for keeping the same clean; to establish and regulate a market or markets; to provide proper and effectual means and regulations to prevent and extinguish fires; to appoint and regulate town watches; to make suitable regulations for the due observance of Sunday, and to enforce the same, and to prescribe the hours for any business allowed on Sunday; to prevent, suppress and remove nuisances; to regulate the manner in which hogs and dogs may be kept within the corporate limits; to regulate the speed at which horses may be ridden or driven through said town; to make rules for the safe arrangement of stovepipe flues in all and any buildings, and to enforce the same, under penalties; to cause all lots, stables, hogpens, cellars, privies, cesspools and other places of a similar character to be examined, cleaned, removed or abated, as may be prescribed by said board, under sufficient penalty; to prohibit all trades or occupations which are nuisances from being carried on; to establish and maintain, if said board shall deem fit, one or more public cemeteries within or without the corporate limits of said town, and provide for the care and maintenance and the proper regulation, control and protection of the same; to regulate or prohibit the firing of firearms, firecrackers, torpedoes and other explosive materials, and to regulate or prohibit the sale of such in the said town; to regulate the speed at which railroad engines and trains shall run within the said town limits and across any

of the streets, and to prohibit or regulate the stopping at any street crossing by railroad engines or cars; to require the railroads to keep such crossings in good repair, and to provide proper gates or watchmen thereat; to adopt a seal of the corporation, the same to be kept by the mayor thereof; to establish all necessary inspections within said town, whether of buildings or otherwise; to impose and collect fines, penalties and forfeitures for the breach of the ordinances and regulations of said town; to provide for the pay and prescribe the duties of all officers of the town, provided such shall not be inconsistent with the provisions of this act; to require all officers elected by the board of commissioners to give good and sufficient bonds for the faithful performance of their duties, in such sum or sums as may be deemed proper; to make proper provisions and take all necessary steps to preserve the inhabitants of said town from contagious or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein; to establish fire limits in said town, within which it shall be unlawful for any person or persons or corporation to erect, construct or repair any building of wood or other material inflammable or such as may be deemed unsafe as a fire risk.

Seal of corporation.
Further enumeration of powers.

SEC. 10. That the board of commissioners shall have power to elect a chief of police and such other policemen as the good government of the town may require, who shall hold their offices for such term as may be fixed by the board. It shall be the duty of the police force to see that the laws and ordinances are enforced and to do such other things as may be required by the board.

Chief of police and policemen.

Duties of police.

SEC. 11. Arrests may be made by any policemen of said town anywhere in the county of Greene whenever the officer making the arrest has in his hands a warrant against the person arrested issued by the mayor, vice mayor or justice of the peace or other competent authority, or whenever any violation of any ordinance of said town or any crime has been committed in his presence, or whenever such violation or crime has been committed and he has reasonable cause to believe that the person arrested is guilty of such offense and may make his escape before a warrant can be obtained, or whenever a warrant has been issued against the person so arrested and is outstanding, unexecuted, in the hands of any policeman of said town or of the sheriff, deputy sheriff or constable of the county of Greene. In making arrests the policemen of said town shall have all of the powers of the sheriff or constable in the said county of Greene.

Arrests under warrant.

Arrests without warrant.

Powers in making arrests.

SEC. 12. The chief of police shall have the power to rearrest upon the same warrant any person who has been convicted and turned loose upon the statement or promise that such person will pay or cause to be paid the fine and costs imposed, upon the failure to pay same or in case of escape.

Rearrests.

SEC. 13. Whenever any arrest has been made by an officer of said town he may summon, orally, any bystander or other person

Oral subpoenas.

having information in regard to the matter for which such arrest is made, to attend as witnesses at the hearing of the charge, and any such summons shall be effectual and binding as if made by subpoena duly issued and served.

Powers and duties
of chief of police.

SEC. 14. The chief of police shall have oversight and supervision of the police force, and shall see that all failure on their part to discharge their duties shall be reported to the mayor. He shall report all violations of law or ordinances which may come to his knowledge. He shall collect all fines, penalties and costs imposed by the mayor, and pay over the same to the proper person.

Policemen subject
to removal for
cause.

The chief of police and any member of the force shall be subject to removal from office at any time for neglect of duty, improper conduct or intoxication; and the mayor shall have the power, upon charges being preferred, to suspend such policeman from service until the commissioners shall investigate and take official action in the matter, and the pay of such policeman shall cease during

Suspension.

Extra policemen.

such suspension. The mayor shall have power, whenever it may be deemed necessary, to appoint extra policemen, to serve for such time as he shall direct, not exceeding one week. Such extra policemen shall have all of the powers of the regular police force.

Salary of mayor
and policemen.
Costs.

SEC. 15. The mayor and all members of the police force shall be paid a stated salary. In all actions for violations of town ordinances the same costs shall be charged for the services of the mayor as are charged by justices of the peace, and the same for services of any policeman as for the sheriff or constable. Such costs so charged shall be collected by the chief of police and paid over to the treasurer of the town for the benefit of said town.

Costs to use of
town.

Officers to be
elected by com-
missioners.
Terms of office.

SEC. 16. The board of commissioners shall, at the regular meeting in June of each year, elect a clerk, a treasurer and a tax collector, all of whom shall hold office for one year and until their successors shall have been elected and qualified, subject, however, to be removed at any time for incompetency, misbehavior, neglect of duty or other good cause, by said board of commissioners, which alone shall be the judge of the sufficiency of cause for such removal.

Clerk.
Treasurer.
Tax collector.
Bond.

The clerk shall be one of the commissioners, and the treasurer may or may not be one thereof. The tax collector may be the chief of police, and a separate bond may be required, covering the duties of each office, or one bond covering both, as may be deemed best by the board. The board of commissioners may elect an attorney for the town and fix his compensation therefor, as may be deemed best.

Attorney.

Duties of clerk.

SEC. 17. It shall be the duty of the clerk to attend all meetings of the board, both regular and special; to keep accurate minutes of all proceedings of said board; to preserve and keep all books, papers and other articles submitted to his care as clerk, subject to the control of the board, and deliver the same to his successor, and regularly to perform all such other duties as may be from time to time prescribed by said board.

SEC. 18. It shall be the duty of the treasurer to receive and safely keep all moneys which shall be paid into his hands for the use of said town, to disburse such funds according to such orders as shall be drawn on him by the proper authorities, to demand of all persons such moneys or securities as ought to be paid and delivered into the town treasury, and to perform all other such duties as may from time to time be required of him by law or by said board. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and of all securities and other property entrusted to him for safe-keeping or otherwise, and shall deliver to his successor all moneys and securities and property belonging to said town then in his hands. He shall pay no order unless drawn and signed in the manner prescribed by said board, and each order must state for what purpose it is drawn. He shall state in his account the sources from which all moneys received by him were derived, and shall, when required, submit to said board his vouchers for any and all disbursements made by him, and his said accounts in full.

Duties of treasurer.

Accounts to be kept.

Orders for payment of money.

SEC. 19. The said board of commissioners shall, on or before the second Monday in May of each year, appoint a tax lister, who shall post in some public place in said town a notice calling upon all persons residing in said town and all persons who own or control taxable property in said town on June the first thereafter to return to him on or before the last day of said month of June a list stating the age, if a male resident of the town, and the number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the State, and the list so returned shall be verified by the oath of the person so listed, taken before the said tax lister, who is hereby duly authorized to administer such oath. From the returns so made, the tax lister shall within thirty days from the time for taking said list make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their return, in the same manner as tax lists are made out for the collection of State and county taxes. The tax lister shall copy in said book the assessments made by the board of township assessors of all property within the town limits, which assessments may be revised, corrected or amended by the board of commissioners. It shall also be the duty of said tax collector to report to the board of commissioners all persons in said town liable for poll or property tax who have failed to list the same, and any person who failed to list as herein required before the last day of June shall be liable for double tax. From the lists properly filed, and from other sources available, said tax lister shall immediately make a full and complete list, showing the name of every taxpayer in said town, and the items of property, personal and real, upon which he is required to pay taxes, and the respective value of

Tax lister.

Notice for listing taxes.

Lists to be verified.

Tax books.

Report of delinquents.

Tax lister to prepare lists.

each, and the respective names, ages and color of the persons resident of said town liable for poll tax, and shall charge to every one his taxes upon his property, calculated at the rate of taxation prescribed by said board of commissioners for that year, and to every one liable for poll tax, with the amount of poll tax as prescribed by said board; also showing the aggregate amount of property listed for taxation, the number of polls, the aggregate amount of taxes charged on property and amount charged on polls.

List approved by commissioners.

The said list shall be submitted to said board of commissioners at its next meeting, and said list, when approved by said board, whether as charged, amended, or not, by the board, shall constitute the regular tax list of said town for that year, subject to any and all amendments, modifications, additions and subtractions which said board of commissioners may at any time make therein. It shall be the duty of said board of commissioners to see that all subjects of taxation within said town are duly entered from time to time upon said lists, at their proper places, and the taxes which should be paid by or upon the same are duly collected, and to take all proper measures necessary for the due accomplishment of that result.

Duty of commissioners.

Preservation of list.

SEC. 20. Said board of commissioners shall preserve said list among its records, and shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of a tax collector in collecting the taxes of said town. Said copy shall be delivered to the tax collector on or before the first Monday in September of each year, and when so delivered shall have the force and effect of a judgment and execution against the property of the person so charged therein.

Copy for tax collector.

Collection of taxes.

SEC. 21. It shall be the duty of said tax collector to collect all taxes, whether license taxes or taxes levied on polls and property, within such time or times and under such rules as may be prescribed by the said board of commissioners, and in the accomplishment of such collections he shall have all the power and authority that is now or may hereafter be conferred upon the Sheriff of Greene County for the collection of State and county taxes; and all sales of property made by such tax collector shall be under such rules and regulations of law as govern the Sheriff of Greene County in sales for taxes, and the right to redeem any property after a sale for said town taxes shall be allowed as in the redemption of property sold for State and county taxes.

Power and authority.

Sales of property for taxes.

Lien for taxes.

SEC. 22. A lien on town taxes levied for all purposes in each year shall attach to all real property on the first day of June of such year, and shall continue until such taxes, together with any penalty accrued thereon, shall be paid.

Assessment, levy and collection of tax.

SEC. 23. All taxes of said town shall be assessed, levied and collected, except as in this act provided otherwise, in the same man-

ner and under the same rules and regulations and subject to the same penalties as are provided by law or shall hereafter be provided by law for State and county taxes in this State.

Sec. 24. The fiscal year of said town shall begin with the first Fiscal year, day of June, and all license and privilege taxes for the succeeding year shall be payable on that date.

Sec. 25. Poll and property taxes shall become due on the first day of September of each year, and shall be collected before the first day of April thereafter: *Provided*, that the said board of commissioners may fix a date for the completion of the collection of such taxes, not earlier than the first day of December.

Maturity and collection of taxes.
Proviso: power of commissioners to fix date.

Sec. 26. The said board of commissioners may annually levy and cause to be collected for municipal purposes a tax not exceeding fifty cents on the hundred dollars and one dollar and fifty cents on each poll on all persons and property within the limits of said town which may be now or hereafter liable for taxation for State and county purposes.

Rate of tax on property and polls.

Sec. 27. That the said board of commissioners may levy a tax, to be known as a license or privilege tax, on the following subjects for each fiscal year or part thereof:

License taxes.

(1) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the limits of the town or within one mile thereof, not exceeding fifty dollars for each performance or separate exhibition, and upon every side show connected therewith not exceeding ten dollars.

Circuses.
Side shows.

(2) Upon every person or company exhibiting in the town, except for religious, educational or charitable purposes, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing, menageries, natural or artificial curiosities, and upon each show or exhibition of any kind, and on each concert, a tax not exceeding ten dollars for each exhibition.

Stage or theatrical plays and other shows.

(3) Upon every stock broker, sewing-machine company or agent for such company; dealer in or agent for the sale of musical instruments; keeper of sale stables or livery stables; photographer, merchandise or produce broker; dealer in ice, wood or coal; express, telegraph or telephone company; oil company or agent for oil company, offering oil for sale by wholesale or retail; dealer in lightning rods; optician; vender of patent medicines or specifics; person soliciting orders for pictures or the enlarging of pictures; persons or firms or corporations offering for sale as a regular business any produce, meats, drugs or other articles of merchandise; any firm, person or corporation doing a banking business; each barber shop, hotel, restaurant, doing business or offering to do business in said town, a tax not exceeding ten dollars: *Provided*, that the said board shall not be compelled to fix the tax on all the said businesses at the same rate, but may fix within the said limit the tax on each of said businesses that may be deemed fair and reasonable.

Trades and occupations specified.
Proviso: rate of tax.

Subjects taxed under schedule "B" of revenue law and other occupations.

(4) Upon all subjects taxed under Schedule B, chapter, Public Laws of North Carolina, session of one thousand nine hundred and nine, and upon any business or trade carried on in said town not otherwise in this act provided for, a tax not exceeding fifty dollars.

Dealers in "near beer" and other drinks.

(5) Upon every person, firm or corporation selling or offering for sale any "near beer," "local-option beer" or other malt liquors, by whatsoever name called, a tax not exceeding five hundred dollars per annum.

Dealers in futures.

(6) Upon every firm, person or corporation, or agent of any such, engaged in the business of selling or buying or offering to act as broker in the selling or buying of farm products, sugar, coffee, salt, meat, railroad stocks and bonds, or stocks and bonds of other kinds not intended for *bona fide* sale and delivery, but for future delivery, an annual tax of not less than two hundred dollars nor more than five hundred dollars.

Taxes due in advance.

SEC. 28. All of the license taxes authorized in section twenty-seven of this act, except such as are levied for some one act, performance or exhibition, shall be due in advance for each fiscal year, and shall run until the first day of June following its issue: *Provided*, that if the date of such license shall be after June the first of any fiscal year, the full amount of the tax shall be paid; but it shall be in the discretion of the mayor to allow, upon the renewal of such license for the succeeding year, a rebate in proportion to the time of the preceding fiscal year during which the business or occupation thereby taxed was carried on.

Proviso: proportionate rebate.

Powers of commissioners as to streets.

SEC. 29. That the said board of commissioners shall have power to lay out, open and name any street or streets within the corporate limits of said town whenever by them deemed necessary, and shall have the power to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within said limits; and shall have full power and authority, for the purposes herein expressed, to condemn, appropriate or use any land or lands upon making reasonable compensation to the owner or owners thereof; and in case the owner or owners of any land which may be condemned, appropriated or used under the provisions of this act and said board of commissioners shall fail to agree upon the compensation for such land, the amount of compensation therefor shall be settled and fixed by arbitrators, who shall be residents and freeholders of said town, one to be chosen by the board of commissioners and one by the owner of the land condemned; and in case the owner of such land shall fail or refuse for the space of twenty days after notice given to appoint such arbitrator, then the mayor of said town shall appoint one in his stead; and in case the two arbitrators chosen for this purpose cannot agree they shall select a third, who shall act with them, and a majority vote of the said three shall determine the compensation. It shall be

Power to condemn land.

Arbitration for assessment of damages.

the duty of the said arbitrators to examine the land condemned and ascertain the damages sustained, and in fixing such damages they shall take into consideration any benefit accruing to the owner by reason of such condemnation. The award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the town of Snow Hill the right to use the land for the purpose specified: *Provided*, that either party may appeal to the Superior Court of Greene County, as now provided by law.

Proviso: right of appeal.

SEC. 30. No action for damages against said town of Snow Hill of any character whatever shall be instituted or maintainable unless, within ninety days after the happening or infliction of the injury complained of, the complainant shall have given notice to the said board of commissioners of such injury and its character, the manner of its infliction and the amount of damages claimed therefor.

Notice of claims for damages.

SEC. 31. That all rules, regulations and ordinances for the maintenance and enforcement of quarantine against the spread of contagious and infectious diseases, and all rules, regulations and ordinances for the preservation of sanitary conditions, the abolition and abatement of nuisances, the examination, cleansing, removal and abatement of stables, hogpens, privies, cesspools and other places of similar character that may be deemed detrimental to health shall be held to extend and be in force one-half mile in every direction from the corporate limits of said town, and shall be enforced under the same penalties in such one-half-mile extension as in said town limits; and in such enforcement the mayor, commissioners and officers of said town shall have all the power, jurisdiction and authority that they have for the enforcement of any ordinance in said town limits.

Extent of jurisdiction.

SEC. 32. That all rights, privileges and powers conferred upon the mayor, commissioners and other officers of said town by any previous charter or amendment to charter, and all rights, privileges and powers conferred upon the town, the governing body of towns, and the officers thereof, under the general laws of the State for the government of towns, shall apply and be conferred upon the said town of Snow Hill, its board of commissioners and its officers, respectively: *Provided* such rights, powers and privileges be not contradictory to or inconsistent with the provisions of this act.

Rights and powers under former charters and general law.

SEC. 33. That all ordinances of said town now in force shall remain effective until the same shall have been repealed or amended by the said board of commissioners.

Proviso: not in conflict with this charter.

Ordinances.

SEC. 34. That a violation of any ordinances which may be passed by the board of commissioners of said town under the authority of this chapter shall be a misdemeanor and punishable by a fine of not exceeding fifty dollars or imprisonment of not exceeding thirty days, and as such shall be punishable by any court of the State having jurisdiction.

Violation of ordinances misdemeanor.

Punishment.

Law governing elections.

Terms of office.

Present officers.

Corporate limits.

Copy of act to be sent.

SEC. 35. That the election of the mayor and five commissioners shall be held under the laws regulating elections in towns and cities. The term of office of the mayor and of the commissioners shall begin on the first day of June following such election and shall continue for two years and until their successors shall have been elected and shall have qualified. The present mayor and commissioners shall hold their respective offices until the first of June, one thousand nine hundred and nine.

SEC. 36. The corporate limits of said town shall be and remain as they are now established by former acts of the General Assembly.

SEC. 37. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, in so far as they may affect the town of Snow Hill.

SEC. 38. That a copy of this act be forwarded by the Secretary of State to B. W. Edwards, mayor of said town of Snow Hill, within ten days after its ratification.

SEC. 39. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 369.

AN ACT TO AMEND CHAPTER 14, PRIVATE LAWS 1907. RELATIVE TO THE CHARTER OF THE TOWN OF LEX- INGTON.

The General Assembly of North Carolina do enact:

One polling place.
Election of town
commissioners
and school com-
missioners.

SECTION 1. Amend section four by changing the word "elected," in line five, to "nominated"; and provide further in said fourth section: "That there shall be only one polling place, and each town commissioner and school commissioner shall be voted for by the voters of all the wards."

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 370.

AN ACT FOR THE RELIEF OF FLOOD SUFFERERS IN SCHOOL DISTRICT No. 4, FRENCH CREEK TOWNSHIP, BLADEN COUNTY.

Preamble.

Whereas, under the provisions of the Revisal of one thousand nine hundred and five, volume second, section four thousand one hundred and fifteen, an election was held in School District Number Four, white race, French Creek Township, Bladen County,

and by virtue thereof a tax has been levied and collected under and by virtue of the powers exercised by the board of commissioners of said county; and whereas, during the year one thousand nine hundred and eight, the citizens of said district suffered irreparable damage from the floods; and whereas every taxpayer in said district, except three, have asked and petitioned for relief from the payment of the said tax: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Bladen County be and are hereby authorized and directed not to levy said special tax in said school district for the year one thousand nine hundred and nine, and all officers are hereby directed not to collect any such tax.

Levy and collection of tax forbidden.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 371.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE GRADED SCHOOLS OF GOLDSBORO TOWNSHIP TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of Goldsboro Graded Schools shall be and remain a body corporate under that name, and may adopt and use a common seal, and the members thereof shall be chosen in the manner now provided by law. The said corporation shall be vested with all of the property, real and personal, choses in action, rights in action and other rights, privileges and powers now owned, held and enjoyed by, and shall be responsible for all the debts and liabilities of, and subject to all the duties and obligations devolving upon, the Board of Trustees of Goldsboro Graded Schools by existing laws. Said corporation shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the said corporation. Conveyances to said board of trustees shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate and all bonds and obligations shall be deemed sufficiently executed when signed by the chairman and secretary of said board and attested by the seal of said corporation.

Incorporation.

Common seal.
Election of members.
Successors to trustees under existing law.

Powers of corporation.

Conveyances.

Execution of instruments.

SEC. 2. That the said board of trustees is hereby authorized to issue coupon bonds, not to exceed in amount the sum of thirty

Bond issue authorized.
Amount.

Denominations. thousand dollars (\$30,000) and in denominations of one thousand dollars (\$1,000) or multiples thereof, bearing interest from date of bonds at a rate not to exceed five per cent per annum, payable semiannually on the first day of January and the first day of July of each year, at such place as said trustees may designate, until the said bonds are paid; that the said bonds shall be made payable at a time and place to be fixed by said trustees and named therein, not to be less than twenty nor more than thirty years from date of issuing. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of said board and countersigned by its secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached.

Interest.

Maturity.

Authentication.

Record of bonds.

shall be signed by the chairman of said board. A record shall be kept of the said bonds, showing the numbers and denominations thereof, and to whom sold, the dates of issuing thereof, and when the same shall mature, and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of the payment of the proceeds into the treasury, and such other data in relation to the same as the board may direct to be kept.

Bonds not to be sold below par. Payment before delivery.

Treasurer to receive moneys.

Liability of treasurer.

Bond of treasurer.

SEC. 3. That the bonds hereby authorized to be issued shall not be sold for less than their par value, and the said board of trustees shall not deliver said bonds or any of them to the purchaser thereof until the purchase money shall be paid to the treasurer of said board and his receipt to the purchaser produced as evidence of such payment; and the treasurer of the said board shall receive all such moneys paid in the purchase of the bonds in his official capacity as treasurer of said board, and he and the sureties on his official bond shall be liable to account for and pay over the same; and it shall be the duty of the said board of trustees to see that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of such bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory surety as they may require, and in default thereof to remove him from his office as treasurer.

Moneys to be kept separate.

Expenditure of money.

SEC. 4. That the treasurer of the said board of trustees shall keep separate from all other moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the said board in the purchase of land for necessary school sites, in the erection of suitable new buildings, in furnishing the same with necessary equipments and furnishings, and in repairing, furnishing and equipping old buildings for the accommodation of the public schools of Goldsboro Township, and for such other school purposes as the trustees may order the same to be disbursed.

SEC. 5. That the said board of trustees shall have power to fix the compensation of the treasurer for performing the duties conferred upon him by this act. Compensation of treasurer.

SEC. 6. That it shall be the duty of said board of trustees to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to Goldsboro Township for public schools a sum equal at least to three per cent of the principal of said bonds. Sinking fund.

SEC. 7. That it shall be the duty of said board of trustees to provide each year for the payment semiannually of the interest on said bonds, and for that purpose to set apart each year from the taxes collected in or moneys apportioned to Goldsboro Township for public schools a sum sufficient to pay the same. Payment of interest.

SEC. 8. The said board of trustees may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive from the treasurer of said trustees the sum set apart for the purpose of paying the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, and the said board may prescribe the duties of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of said trustee to invest or loan the money coming into his hands for the purpose of creating a sinking fund in safe securities, but no such investment or loan shall be made without the consent and approval of the chairman of said board of trustees. Trustee of sinking fund.
Duties, compensation and bond.
Investment of sinking fund.

SEC. 9. That this act shall be submitted to the qualified voters of Goldsboro Township for their ratification or rejection, at an election to be held in said township at such time as the Board of Commissioners of Wayne County shall appoint, within two years after the ratification of this act. The said election shall be advertised by the board of commissioners for thirty days prior to the day of election in one or more newspapers published in said township, and the said election shall be held under the rules, regulations and directions existing for the election of members of the House of Representatives. At said election those who are in favor of issuing the said bonds shall vote "Approved," and those who oppose shall vote "Not Approved" on a written or printed ballot. The number of ballots cast for and against said bonds shall be counted and the result of said election certified and returned to the Register of Deeds of Wayne County, who shall furnish to the chairman of said board of trustees a certified copy of said return, under seal, and also send a like copy of said return to the Secretary of State, which said secretary shall file in his office. If at the election a majority of the qualified voters shall vote "Ap- Election on ratification of act.
Advertisement of election.
Law governing election.
Ballots.
Count of votes and certificate of result.
Certificate to secretary of state. Issue of bonds.

proved," then the said board of trustees shall proceed at once to issue and sell said bonds or so many thereof as may be necessary in the judgment and discretion of said board for the purpose aforesaid.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 372.

AN ACT TO INCORPORATE THE TOWN OF OTTO, IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Incorporation.	SECTION 1. That the town of Otto, in the county of Macon, be and the same hereby is incorporated under the corporate name of the town of Otto, and shall be subject to the provisions and shall have all the powers, privileges and duties now conferred by law on towns under and by virtue of chapter seventy-three (73) of the Revisal
Corporate name.	of one thousand nine hundred and five: <i>Provided</i> , that nothing herein contained shall be construed to amend, repeal or in any manner alter the public-road laws now in force in the county of Macon, in the township in which the said town of Otto is situated, or which may be hereafter enacted for said county.
Corporate rights.	
Proviso: road law not repealed.	
Corporate limits.	SEC. 2. That the corporate limits of said town of Otto shall be as follows: Beginning at a point on the west bank of the Georgia Road, one-fourth ($\frac{1}{4}$) of a mile in a northerly direction from the center of the town of Otto, and running west one-fourth ($\frac{1}{4}$) of a mile; thence running south one-half ($\frac{1}{2}$) of a mile; thence running east to the west bank of the Little Tennessee River; thence running north with the windings of said river to the mouth of the James Young Branch; thence in a westerly direction to the place of beginning: <i>Provided</i> , that for the purposes of this act the center of the town of Otto shall be deemed to be a point in the middle of the Georgia Road and directly in front of the center of the main entrance of the store building now occupied by R. B. Hyatt & Co.
Proviso: center of town.	
Town officers.	SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a marshal, who shall also be chief of police, whose terms of office shall commence immediately upon their qualification under the provisions of this act, and shall expire on the second Saturday in May, Anno Domini one thousand nine hundred and nine.
Term of office.	
Town elections.	SEC. 4. That an election shall be held in said town on Tuesday next after the first Monday in May, Anno Domini one thousand nine hundred and nine, and biennially thereafter, for the election of the mayor and commissioners of said town, under the rules

and regulations prescribed for town elections in the said chapter seventy-three (73) of the Revisal of one thousand nine hundred and five.

SEC. 5. That on the Saturdays next after such elections the persons elected as officers of the said town shall meet and shall be inducted into office, after having been duly sworn and having complied with the other regulations in such cases made and provided by law. Induction into office and qualification of officers.

SEC. 6. That for the purpose of carrying the provisions of this act into immediate effect and operation, and until their successors shall be elected and qualified, the following-named persons shall fill said offices of mayor, commissioners and marshal of said town, viz.: Mayor, I. T. Bradley; commissioners, A. L. McClure, William Holbrooks and Charles H. McClure; marshal, James Young. And it shall be the duty of the above-named officers to qualify immediately after the passage of this act, and before assuming the duties of their offices take the oath in such cases prescribed by law. First officers named.
Officers named to qualify.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 373.

AN ACT TO PROVIDE FOR AN ELECTION IN SCHOOL DISTRICT No. 4, FOR THE WHITE RACE, IN GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Gates County are hereby authorized and empowered, upon a petition duly signed by one-fourth of the registered voters of Public-school District Number Four, for the white race, of Gates County, to call an election to determine the question of a special tax for schools in said district. The parties desiring such an election shall give thirty days' notice of their intention to file an application before the board of county commissioners. Such notice shall be given by plainly written or printed posters, securely posted throughout the district in which the election is desired. The county commissioners shall give thirty days' notice of all elections called under the provisions of this act. Call of election on petition authorized.
Notice of intention to file petition.
Notice of election.

SEC. 2. That the election herein provided for, if ordered, shall be held under the general election law, as provided for the election of members of the General Assembly, so far as applicable: *Provided*, that the board of county commissioners shall appoint the Law governing election.
Proviso: appointment of officers and canvass of returns.

Ballots.

registrar and poll holders and arrange for canvassing the returns, which shall be made to the board of county commissioners. At such election all in favor of the special tax for schools shall vote a ticket on which shall be printed or written the words "For Special Tax for Schools," and all opposed to the special tax for schools shall vote a ticket on which shall be printed or written the words "Against Special Tax for Schools"; and if a majority of the qualified voters of said school district shall vote for "Special Tax for Schools," then the special tax shall be levied or continued, as the case may be, according to the present special-tax rate now in force therein; but if a majority of the qualified voters shall vote "Against Special Tax for Schools," then said tax shall not be levied, and the present tax rate shall be repealed, as the case may be.

Effect of election.

SEC. 3. That all laws or parts of laws in conflict with this act, so far as they may conflict, are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 374.

AN ACT TO AMEND CHAPTER 369 OF THE PRIVATE LAWS OF 1899.

The General Assembly of North Carolina do enact:

Addition to town.

SECTION 1. That section two of chapter three hundred and sixty-nine, Private Laws of one thousand eight hundred and ninety-nine, be amended by adding thereto the following: "That a boundary beginning at the east end of the Seaboard Air Line Railroad bridge crossing the South Fork River and running thence down the east bank of said river to the point where the dividing line between the lands of the Rhodes Manufacturing Company and Mrs. John W. Lloyd comes to the river; thence with said dividing line an easterly direction to the public road leading from Lincolnton to Laboratory Cotton Mills; thence with said road a northerly direction to the line of the present corporate limits of the town of Lincolnton; thence with said corporate line a westerly direction to the beginning, be and the same is hereby added to the corporate limits of said town, and the same shall, from and after the ratification of this act, be a portion of Ward Three, as described and designated in section three of chapter three hundred and sixty-nine, Private Laws one thousand eight hundred and ninety-nine, describing Ward Three; that all persons residing in the above boundary who shall be qualified voters in the county of Lincoln and State of North Carolina shall be entitled to register and vote in the next

Addition to be part of ward three.

Voters at next election.

election for mayor and aldermen of the town of Lincolnton; but at all elections held subsequent to the one referred to above, voters shall be subject to like qualifications as other voters in Ward Three."

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 375.

AN ACT TO INCORPORATE THE STATE NORMAL AND INDUSTRIAL COLLEGE ALUMNÆ ASSOCIATION.

Whereas an unincorporated voluntary association has for some time existed, composed of former students of the North Carolina State Normal and Industrial College, established for the purposes hereinafter enumerated; and whereas the said voluntary association has obtained and is now obtaining considerable sums of money in furtherance of said objects; and whereas it is thought that the purposes of said association can be better served by a formal incorporation of said association:

The General Assembly of North Carolina do enact:

SECTION 1. That the following-named persons, to wit, Mary Taylor Moore, Laura H. Coit, Etta R. Spier, Lewis Dull, Anna Meade Michaux, Mary Arrington, Mary Benbow, Virginia L. Brown and Emily S. Austin, together with their associates and successors, be and they are hereby created and declared a body politic and corporate, with perpetual succession, under the name of the "State Normal and Industrial College Alumnae Association, Incorporated," and in that name they may sue and be sued, contract and be contracted with, have power to adopt a corporate seal and change the same at pleasure, and shall be capable of taking, by purchase, gift, devise, bequest or otherwise, real or personal property, and to hold, use, alienate and dispose of the same for any of the purposes hereinafter enumerated; and the said corporation shall have and enjoy all the rights, privileges and immunities which corporate bodies may lawfully have and exercise under the general laws of the State of North Carolina, so far as the same are applicable to the purposes of the said corporation, as set out in this act.

SEC. 2. That the principal office of the said corporation shall be at the North Carolina State Normal and Industrial College, in the city of Greensboro, county of Guilford and State of North Carolina, and that its annual meeting for the election of officers shall be held at the said college within one week of the time of the annual commencement exercises of the said college.

SEC. 3. That the objects of this corporation shall be to encourage, foster and promote education in the State of North Carolina; to

aid and assist the North Carolina State Normal and Industrial College, by donations or otherwise, and to aid and assist, by loans or donations, or both, worthy young women of the State to obtain an education at the said college; and for such purposes to receive, hold, invest, manage and disburse any fund or funds which may come into its possession.

No capital stock nor individual liability.	<p>Sec. 4. That said corporation shall have no capital stock, and participation in its affairs and management shall be by means of individual membership. Membership shall be limited to present or former members of the faculty of the North Carolina State Normal and Industrial College and to former students of said college who have left said college in good standing and who are members in good standing of the graduating class of said college at the time of the annual meeting. Members of said corporation, eligible as above stated, may be elected, suspended, expelled or dropped from membership in such manner as the corporation may from time to time determine; and when for any reason any member ceases to be a member he or she shall lose and forfeit all interest in the corporation or its effects and assets. The corporation may from time to time make, change or abrogate conditions of membership, including the assessment and payment of annual dues, and prescribe conditions upon which members shall be considered to be in good standing. At all meetings of the corporation each member in good standing shall be entitled to one vote upon all questions, but no votes shall be cast by proxy. In addition to the regular membership, the corporation may from time to time provide for one or more classes of honorary members, but such honorary members shall hold no office and cast no vote in the corporation.</p>
Membership.	
Election, suspension and expulsion of members.	
Conditions of membership.	
Votes.	
Honorary members.	<p>Sec. 5. No dividend, direct or indirect, shall ever be declared, and all money or other property acquired by the corporation shall be held, used and expended for the purposes for which the corporation is formed, as set out in section three of this act, except that annual dues received from the members may be used for social purposes connected with the corporation. Any money or property received by the corporation by gift, with conditions attached to the said gift, shall be held and used exclusively for the purposes stated and under the conditions attached thereto, and such gift shall be considered a trust fund. Any other money or property received or owned by the corporation may be by it used or expended at its discretion for any of the purposes hereinbefore set out.</p>
Dividends not to be declared.	
Use and expenditure of funds.	
Conditional gifts.	
Expenditures discretionary.	
Control of business, Election of trustees.	<p>Sec. 6. The control of the business of the said corporation shall be in a board of trustees elected at the annual meeting from the members in good standing, composed of such number as may from time to time be determined. Said board of trustees shall have, enjoy and exercise the rights, powers and privileges held by a board of directors under the general laws of the State, except as altered or limited by this act or the by-laws of the corporation, and shall hold for such term as the corporation may from time to time deter-</p>
Powers of trustees.	
Terms of office.	

mine, and until their successors are elected and qualify. They may be elected in classes for a longer term than one year. The officers of the corporation may be elected by the board of trustees or by the corporation at its annual meeting, or partly in the one manner and partly in the other, as the corporation may from time to time determine. At all meetings of the corporation twenty-five members in good standing shall constitute a quorum for the transaction of any business, irrespective of the number of members. Election in
classes.
Election of
officers.

SEC. 7. All money or other property owned by the corporation shall be considered as being held and used for educational and charitable purposes, and shall be exempt from all taxation. Exemption from
taxation.

SEC. 8. The incorporators herein named shall be considered the first board of trustees of the corporation, and shall possess and enjoy all the powers herein granted until the next annual meeting. Said board shall issue a call for an annual meeting to be held at the next ensuing college commencement in the year one thousand nine hundred and nine, and may elect other members before or at said annual meeting. The said incorporators, together with other members elected by them, shall constitute the membership for the first annual meeting, and the holding of such annual meeting shall be held to be an acceptance of this charter and an organization thereunder. First board of
trustees.

Call for annual
meeting.

Membership at
first meeting.

Acceptance of
charter and
organization.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1909.

CHAPTER 376.

AN ACT TO AMEND CHAPTER 71 OF PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of said act be and the same is hereby stricken out and the following inserted in lieu thereof: "That for the purpose of carrying out the provisions of this act and making the improvements contemplated, or any changes of location or improvement of the present waterworks system of the town of Waynesville, the board of aldermen of said town shall have full power and authority, in addition to the powers above named, to purchase or lease the necessary lands anywhere in the county of Haywood for a water supply for said town: water, water course and all land, including all tributaries of any water course necessary to keep said water supply pure; rights of way to lay pipes and convey said water to said town of Waynesville, and lay pipes, etc., to conduct the sewage through and out of said town; land for the purpose of erecting, making or establishing Power to purchase
or lease lands for
waterworks and
sewerage.

Power to condemn lands.

Petition for condemnation.

Power to extend waterworks beyond town.

Rights of town to remove improvements on reversion of land.

reservoirs, dams or ponds, tanks or other receptacles of water, or the actual land instead of rights of way for laying conduit, main or supply pipes to and through said town, and for sewerage lines through and out of said town: land for construction of houses, stations, or machinery to be used in connection with said water system for the use of said town or its inhabitants, or for any other purpose connected with the successful operation of an up-to-date waterworks system in and for said town, including the protection of the watersheds of the streams which constitute the sources of water supply for said town, in order that said sources of water supply may not be decreased in quantity and may be kept pure and healthful. If, however, such lands, rights of way and all privileges hereinbefore enumerated cannot be purchased or leased on terms satisfactory to the board of aldermen of said town, then the rights and complete authority is hereby given to the said town of Waynesville, its agents or employees, to enter upon the lands needed for said water supply, rights of way, privileges, etc., as aforesaid, and do any and everything necessary to make the improvements contemplated in this act or any and all such improvements as the said board of aldermen may decide to make at present or in the future relative to the said waterworks system of the town of Waynesville, and to proceed and condemn and pay for said lands, rights of way, privileges, etc., as provided by chapter sixty-one, entitled "Railroads," Revisal of one thousand nine hundred and five of North Carolina, or as otherwise provided by law for condemning lands and rights of way for such purposes: but the said town, when seeking to condemn lands, rights of way, etc., for the purposes aforesaid, shall set forth in a petition the quantity of land, giving location of the same, or number of feet in width desired in case of rights of way. For the purpose of successfully establishing, constructing and operating the waterworks and improvements or changes hereby contemplated, said board of aldermen shall have full power to extend such waterworks or any branch or branches thereof beyond the limits of said town, in any direction or directions which it may deem advisable, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such waterworks, and any and all branches thereof, beyond the limits of said town, as they now are or hereafter may be empowered to exercise within such limits. In case of discontinuance of the use of any property actually condemned for any of the purposes in this section, and its reverting to its original owners by reason thereof, said town shall have the right to remove therefrom any property, structure, machinery or improvement by it or under its authority erected, put or placed thereon

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 377.

AN ACT TO AUTHORIZE JOHN A. EXUM TO COLLECT ARREARS OF TAXES ON THE TAX LIST OF THE TOWN OF SNOW HILL, GREENE COUNTY, FOR CERTAIN YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That John A. Exum, of Snow Hill, in Greene County, be and he is hereby authorized and empowered to collect the arrears of taxes on the tax list of said town of Snow Hill for the years one thousand nine hundred and one, one thousand nine hundred and two, one thousand nine hundred and three and one thousand nine hundred and four, and he is hereby appointed a tax lister for that purpose.

Collection of
arrears author-
ized.
Years.

Appointed tax
lister.

SEC. 2. That before entering upon the duties of the said position the said John A. Exum shall execute a bond, with sureties, conditioned for the faithful discharge of said duties, which bond shall be payable to the State of North Carolina for the use and benefit of said town, in such sum as the board of commissioners of said town shall adjudge to be sufficient, but not exceeding four hundred dollars, said bond to be justified before and approved by the mayor of said town.

Bond to be given.

SEC. 3. That the said tax collector shall have all the powers as to the collection of said taxes in said town that are given by law to the county tax collectors in their several counties, and his procedure in his said duties shall be the same as that of county tax collectors, as far as the same may be assimilated and made applicable.

Powers in
collection.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 378.

AN ACT TO INCORPORATE YADKIN RIVER RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. A. Martin, J. W. Marler and George Steelman and such others as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and corporate, under the name of Yadkin River Railroad Company, and when organized, as hereinafter provided, said corporation may have and use a common seal: and sue and be sued in all the courts of the State in its corporate name, and

Corporators.

Corporate name.

Corporate rights.

shall be capable of purchasing or acquiring, by gift or devise, estate, real or personal, or mixed, and of holding, leasing and selling the same, as the interests of the company may require; and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by other railroad companies under the general laws of the State of North Carolina: *Provided*, the same shall not be inconsistent with the constitutions of the State or of the United States.

Construction of
railroad
authorized.
Termini.

SEC. 2. That the said company be and the same is hereby authorized to construct a railroad, of one or more tracks, from East Bend, in Yadkin County, to Donaha, in Forsyth County, or to a point on the Yadkin River opposite or near the town of Donaha, North Carolina, a distance of about five miles; said road to be of such gauge as may be determined by the directors of said company, and to have the usual power to cross any other railroad track, over, under or at grade.

Motive power.

SEC. 3. That the said company be and the same is hereby authorized to use either steam or electricity as a motive power in the operation of its railway system, and to locate, buy, lease, construct, erect, establish, equip, maintain, operate, own or sell, or otherwise acquire and dispose of plants, works or other necessary equipment for the carrying-on of its said business.

Capital stock.
Power to increase.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars, with power to increase the same, upon payment of the tax, to two hundred and fifty thousand dollars, vested in the stockholders, in shares of the value of one hundred dollars each, and shall be raised by subscription on the part of individuals or municipal or other corporations; and subscriptions may be paid in money, labor, lands, materials, stocks, bonds or other securities, or in any way that may be agreed upon by and between the company and the subscribers, and the company may receive donations of any of the kinds of property or labor mentioned above.

Shares of stock.
Subscription.
Payment of
subscriptions.

Donations.

Books of sub-
scription.

SEC. 5. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid within two years after the ratification of this act, at such places in Forsyth and Yadkin counties as shall be appointed by said corporators, respectively; and the said corporators, or a majority of them, may at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said railroad company, and five per centum cash paid in, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

Call of meeting
for organization.

Annual meetings.

SEC. 6. That the said company shall hold a meeting of the stockholders at its organization, and the annual meetings shall there-

after be held on the same day of the month, or the Monday following, of each and every year. Three or more directors shall be elected by the stockholders, to hold office for one year and until their successors shall be elected; and in all such meetings of the stockholders a majority of the stock shall be represented in person or by proxy, such proxy to be verified in a manner prescribed by the by-laws of the company, and each share shall be entitled to one vote on all questions: that it shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided by the by-laws of the said company, and fill all vacancies which may occur on said board during the term for which it is elected. Any meeting of the stockholders shall have power to make or alter the by-laws of the company.

Directors.

Quorum of stockholders.

Stock vote.

President and other officers.

Vacancies.

By-laws.

SEC. 7. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Certificates and transfer of stock.

SEC. 8. That the commissioners of any county through which said railroad may pass and any township through which said railroad may pass shall have full power and authority to make donations to the said company or to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said counties or townships, respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns, respectively, and the authorities of any other corporation to such an amount as they may be authorized to by said company or companies; and to enable them to borrow money to make such donation or to make such subscriptions they may issue bonds or other evidence of debt. When such subscriptions shall be made it shall be as binding on the counties, townships or other corporations making them as individual subscriptions are upon those by whom they are made; and in all cases where a township shall make a subscription or donation the county commissioners shall be authorized to represent such townships and to make subscription or donation when authorized by vote, as hereinafter provided.

Donations or subscriptions by counties and townships, cities and towns.

Bond issue authorized. Subscriptions binding.

Representation of townships.

SEC. 9. That the board of commissioners of the counties named in this act are respectively authorized and required, whenever one-fourth of the freeholders, being qualified voters of any township in their county, shall petition to them in writing to have submitted to the voters a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township, at the proper voting place therein, after thirty days' notice of said election, by advertisement at the courthouse door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the question of donating to said company

Petition for election by township.

Call of election.

Notice of election.

Ballots.	or subscribing to its capital stock the sum of money specified in the written request of the taxpayers calling for said election, as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be printed or written the words "For Donation," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Donation"; but if the election be to authorize the subscription to the capital stock, the ballots shall be deposited, on which shall be written or printed the words "For Subscription" and "Against Subscription." The
Returns.	returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same; and if a majority of all
Canvass of returns. Effect of election.	the votes cast shall be "For Subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners; and if a majority of all the votes cast shall be "For Donation," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact; and the commissioners shall have power to order a special registration for the election herein provided for, under the election-law rules.
Special registration.	
Issue of bonds for donation or subscription. Amount.	SEC. 10. That in payment of subscriptions or donations made as provided in the next preceding section, the board of commissioners of the county wherein said township may be situated shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose
Denominations.	they are issued. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be payable thirty years after the first day of January next after
Maturity.	the year in which they are issued, and shall be coupon bonds and bear interest at the rate of six per cent per annum, interest payable on the first day of January of each year by the treasurer of
Interest.	the county in which said township is situated; but the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.
Bonds redeemable after one year.	
Authorities making subscription.	SEC. 11. That in all cases where a subscription to the capital stock shall be made by a county or township, the county commissioners, and in a case where a subscription shall be made by a town, the authorities of the municipal corporation shall have the power and authority to contribute the amount of the stock subscribed by said county, township or town to said company.
Special tax.	SEC. 12. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of the county in which the township is situate, on account of which said bonds have been issued, shall, in addition to the other taxes, each year compute and levy upon the proper subjects of taxation in such township a sufficient

tax to pay the interest on said bonds and one-thirtieth of the amount of the principal thereof, which taxes shall be collected by the sheriff of said county, under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over of the State and county taxes. The sheriff shall pay said taxes, when collected, to the treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds, not above par.

Collection of tax.

Sheriff liable on bond.

Payment to treasurer.
Payment of interest.

Purchase of bonds.

SEC. 13. That the commissioners of any town or any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five taxpayers of said town shall, in writing, request that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to its capital stock may be submitted to the voters of such town, to cause an election to be held therein, under the same rules and regulations as are prescribed above for such election in townships, except that the returns shall be made to the commissioners of the town, who shall canvass the same; and if a majority shall have voted for subscription, then the mayor of the town shall make the subscription to the stock of said railroad company; and if the town shall have voted for donation, then the mayor of the town shall certify the result of said election to the authorities of said company; and in payment of any donation or of any subscription to the capital stock of said company the commissioners of such town shall issue bonds of the same denomination and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions, and in addition to the other tax upon the subjects of taxation in said town they shall annually levy a tax sufficient to pay the interest on said bonds and one-thirtieth of the principal. The tax levied under the provisions of this section shall be collected by the constable or tax collector of such town, in the same manner as the other taxes of said town are collected, and subject to the same rules and regulations and the same penalties and remedies against the constable or tax collector and his sureties for failure to collect and account for the same when collected. Said taxes shall be paid by the constable or tax collector to the treasurer of said town, who shall first pay the interest on said bonds and invest the balance collected on said bonds in the purchase of said bonds at par.

Petition for election by town or city.

Call of election.

Returns.

Canvass of returns.
Mayor to make subscription or certify donation.

Bonds in payment of donation or subscription.

Special tax.

Collection of tax.

Payment to treasurer.
Payment of interest.
Purchase of bonds.

SEC. 14. The bonds under this act to secure donations to said railroad or subscription to its capital stock by any township shall be signed by the chairman of the board of county commissioners

Authentication of bonds.

of the county in which said township is situated, and by the clerk of said board, and the coupons shall be signed by the chairman alone. The bonds issued by any town under the provisions of this act shall be signed by the mayor and two commissioners of said town, and the coupons shall be signed by the mayor alone.

Power to condemn land.

Power of sale or lease.

Power of purchase, lease or consolidation.

Proviso: condemnation of land or property used as ferry.

SEC. 15. That said company shall have the right to have land condemned for right of way and for necessary warehouses and buildings, according to existing laws, and shall also have full power and authority to sell or lease its roadbed, property and franchises to any other person or corporation, and to purchase or lease any other railroad in the State, or to consolidate with any connecting line of railroad: *Provided*, that said company shall not have the right to condemn or enter upon any lands, roadway or property used as a ferry when the condemnation or entry upon such lands, roadway or property would damage, destroy or in any way affect the utility of such ferry, until after the right of way on all other property and lands along the proposed line of road of said company has been secured by said company by legal entry or condemnation, and until said company is ready to begin the actual construction of its line of road.

Place of beginning.
Right to operate road.
Exclusive right of transportation.

SEC. 16. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and operate it when completed, and shall have the exclusive right of transportation over the same.

Branch roads.

SEC. 17. That said company shall be authorized and empowered to construct branch roads as the company may from time to time decide upon or deem necessary. For this purpose the company shall have all the rights and privileges conferred by this act.

Rights under general law.

SEC. 18. That the said Yadkin River Railroad Company, in addition to the rights and powers specially conferred upon it by its charter, shall have all the rights and powers and enjoy all the privileges and immunities possessed and enjoyed by any other street railway, railroad company or electric-power company by virtue of the general laws of the State: *Provided*, that nothing herein contained shall be construed to exempt said railroad from taxation; and *Provided further*, that so much of said taxes as may be levied from year to year for county purposes shall not, when collected, be covered into the general county fund, but shall be applied by the treasurer holding them, as above provided, to the liquidation of town or township subscriptions, respectively, to the capital stock of said railroad, and the interest thereon, so long as any of the principal or interest of such subscription remains unpaid.

Proviso: no exemption from taxation.
Proviso: appropriation of taxes.

Right to build bridge.

SEC. 19. That said company shall have the right to build and maintain a bridge across the Yadkin River at the place where the said railroad company's track shall cross said river.

Power to borrow money and issue mortgage bonds.

SEC. 20. Said company shall be authorized to borrow money for the construction and operation of said road and to issue coupon

bonds for the amount so borrowed, and to mortgage said road and the other property to secure the payment of the said bonds, principal and interest.

SEC. 21. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall take effect from its passage.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 379.

AN ACT TO ESTABLISH A GRADED SCHOOL IN FARMER DISTRICT, RANDOLPH COUNTY.

Whereas, on the eighteenth day of February, one thousand nine hundred and eight, there was held an election at Farmer, North Carolina, to determine whether or not the territory comprised in the district as set out below would authorize the county commissioners to levy and collect a special tax on all property situated in said district, the said tax to be thirty cents on the one hundred dollars valuation of property and ninety cents on each poll; and whereas the qualified voters, at the aforesaid election, voted in favor of said measure, and returns of said election were duly certified to the proper authorities, and the result declared in accordance therewith and as provided by law: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the following territory, lying and being in Concord Township, Randolph County, North Carolina, and more particularly described as follows: Beginning at J. H. Kearns' sugar-maple corner, on bank of Uwharrie River, and south of Kearns' old mill; thence northwest; thence northeast and west and south with the various courses of J. H. Kearns' line to S. W. Kearns' northeast corner, in J. H. Kearns' line; thence west and south with the various courses of S. W. Kearns' line to Jackson Creek; thence up the various courses of said creek to E. A. Steed's line; thence north and west and south with the various courses of E. A. Steed's line to B. B. Ridge's northeast corner; thence west with the various courses of B. B. Ridge's line to H. C. Nance's line; thence north and west and south with the various courses of H. C. Nance's line to the H. K. Fuller farm; thence west and south with the various courses of H. K. Fuller's line to Jackson Creek; thence in a southwesterly course to R. F. Steed's line; thence west and south with the various courses of R. F. Steed's line to the Old Plank Road; thence east and south with the various courses of R. F. Steed's and M. M. Arnold's line to the northwest corner of J. H. Kearns' old farm; thence south with the various courses

of said line, on the west side of said farm, to Tom's Creek; thence up the various courses of said creek to the mouth of a lane branch between M. M. Arnold and the Sam Arnold land; thence up the various courses of said branch to M. M. Arnold and Sam Arnold's white-oak corner, near road; thence west and south with the various courses of M. M. Arnold line to M. M. Arnold's rock corner, on south side of public road; thence east with the various courses of the public road to Oscar Cranford's northwest corner; thence southeast and south with the various courses of Oscar Cranford's line to W. E. and J. O. Kearns' line; thence west with the various courses of W. E. and J. O. Kearns' line to the road leading by D. G. McMaster's old home place; thence south with the various courses of said road to Second Creek; thence southwest with road to W. E. and J. O. Kearns' line; thence south with the various courses of W. E. and J. O. Kearns' line to a hickory corner; thence north to Second Creek; thence east with the various courses of said creek to S. W. Kearns' line; thence south and east with the various courses of S. W. Kearns' line to his southeast corner; thence north with S. W. Kearns' line to M. L. J. Monroe's northwest corner; thence east with the various courses of M. L. J. Monroe's line to M. Hammond's line; thence south the various courses of M. Hammond's line to Ivy Birkhead's line; thence west and south with the various courses of Ivy Birkhead's line to Second Creek; thence down the various courses of said creek to M. Hammond's line; thence south and east with the various courses of M. Hammond's line to Uwharrie River; thence up the various courses of said river to J. I. Johnson's line; thence up the river with the various courses of J. I. Johnson's line to his northeast corner; thence the various courses of said river to the dividing corner between P. L. Shamburger and Charles Lewis; thence south to Shamburger's southwest corner; thence east and north with the various courses of Shamburger's line, on east side of farm, to Sarah Bingham's line; thence with said line on east side of farm to Emsily Barnes' line; thence east with Emsily Barnes' and Zeb Lewis' line to Will Lassiter's line; thence east and north with the various courses of Will Lassiter's line to his northeast corner; thence west to the northeast corner of Emsily Barnes' home tract; thence in a north-westerly direction with the various courses of Emsily Barnes' line to the Asheboro Road, Frank Lassiter's line; thence with the various courses of Frank Lassiter's line, on east side of farm, to his northeast corner; thence west with the various courses of Frank Lassiter's line to Caraway Creek; thence up said creek to Will Lassiter's northeast corner of Caraway farm; thence west with the various courses of Will Lassiter's line, on north side of farm, to bend of Caraway Road; thence up the various courses of said road to Mollie Skeen's line, near the old sawmill place; thence north and west and south with the various courses of Mollie Skeen's line to Uwharrie River, opposite the beginning corner; thence west

across the river to the beginning: *Provided*, that the lands of Eli G. Welch and Mollie F. Skeen shall be excepted. And the same is hereby incorporated under the name and style of "Farmer Graded-school District," for white children.

Proviso: excepted land.
Incorporation.
Corporate name.

SEC. 2. That the special school-tax election held in said territory, as is described in section one, on the eighteenth day of February, one thousand nine hundred and eight, under and by the authority of section four thousand one hundred and fifteen, chapter eighty-nine, Revisal of one thousand nine hundred and five, as amended by the General Assembly of one thousand nine hundred and seven, be and the same is hereby declared legal and valid in all respects; and if the boundaries recited in the above section are not connected so as to form a complete line of boundary around said territory, it shall be construed and is hereby made to form a complete line or boundary by taking the last point mentioned at any disconnected place, if such there be, and run around and include in said district all farms or lots mentioned to the next place enumerated in the boundaries as recited in section one.

Election validated.

Completion of boundary.

SEC. 3. That I. M. Dorsett, L. M. Kearns, M. Hammond, A. J. Macon and J. H. Kearns are hereby constituted a board of trustees for the public graded schools in said district, as hereinafter provided, and shall serve for the periods herein indicated and until their successors are elected and qualified; that I. M. Dorsett shall serve one year, L. M. Kearns shall serve two years, M. Hammond shall serve three years, A. J. Macon shall serve four years and J. H. Kearns shall serve five years; the terms of office of said trustees to begin on the first Monday in July, one thousand nine hundred and nine. The County Board of Education of Randolph County shall appoint a trustee to fill any vacancy that may arise on said board of trustees from any cause, and all trustees so appointed shall serve for a term of five years, except those who are appointed to fill out unexpired terms.

Terms of officers.

Beginning of term.

Vacancies.

SEC. 4. That the board of trustees provided for in section three shall meet on the first Monday in July, one thousand nine hundred and nine, and organize by electing a chairman, a secretary, a treasurer and such other officers as they may deem necessary for the successful operation of the graded schools in the above-named boundary: *Provided*, the board of trustees may elect to have the Treasurer of the County Board of Education of Randolph County as its treasurer, in which case said treasurer shall receive and disburse the funds of the district under and by the authority of the general school law.

Meeting for organization.

Organization.

Proviso: treasurer.

SEC. 5. That in case said board of trustees shall elect a treasurer other than the treasurer of the Board of Education of Randolph County, they shall require said treasurer to give a justified bond, with security, in an amount not less than double the amount of school moneys to the credit of the district for the preceding school

Bond of treasurer.

- year, for the faithful performance of the duties as treasurer for the district and for the payment over to his successor in office any moneys that may be in his hands unexpended. The treasurer shall receive nothing but money from the sheriff or other collecting officer, and shall pay out the funds of the district only on an order from the board of trustees, signed by the chairman and countersigned by the secretary. Said treasurer shall file his bond with the county commissioners of Randolph County. The board of trustees shall fix the compensation of said treasurer, which shall not exceed one per centum of disbursements for any year: *Provided*, that after the first day of July, one thousand nine hundred and ten, the board of trustees may reduce the treasurer's bond to an amount equal to all funds to the credit of the district for the preceding year.
- Settlement with sheriff.
- School orders.
- Compensation.
- Proviso: trustees may reduce bond.
- Rights and powers of trustees.
- Nonresident pupils.
- Proviso: minimum charges.
- Reports.
- Annual statement of receipts and disbursements.
- Reports to board of education.
- Trustees incorporated.
- Corporate name.
- Corporate rights.
- SEC. 6. That the said trustees shall have the right to employ teachers who hold certificates from the Superintendent of Public Instruction of Randolph County, as in case of other public-school teachers, and select all officers necessary for said schools and to fix their compensation; and they shall have the power to establish and maintain such schools as they shall deem necessary; and they shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of such schools; and should parents or other parties having charge of such children of school age outside of said territory desire to send them to the school in said territory, then the trustees shall have the right to permit them to do so upon such terms as shall be fixed by said trustees: *Provided*, that no child residing outside of said territory shall be admitted to the school for less than one dollar per month for the first grade and twenty-five cents additional for each successive grade. They shall make or cause to be made to the county superintendent, the State superintendent or other officials all reports on said school and its work required by the public-school law of the State.
- SEC. 7. That the school trustees shall make an annual report to the Board of Education of Randolph County of the receipts and disbursements of all school funds under their control, and they shall also make all reports to the said board of education as now required or which may hereafter be required of the public-school committeemen of the various public-school districts of the county.
- SEC. 8. That the school trustees hereby created shall be a body corporate, by the name and style of the Farmer Graded School, and by that name shall be capable of receiving gifts and grants or purchasing and holding real and personal estates, or selling, mortgaging and transferring the same for school purposes, or prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office.

SEC. 9. That the county commissioners shall, on the first Monday of tax day in June of each year, levy thirty cents tax on each one hundred dollars valuation of property and ninety cents on each poll for the support of the public schools in Farmer Graded-school District, and the sheriff shall collect said taxes at the time and in the same manner as he collects other special school taxes in the county, and the sheriff shall pay said tax over to the treasurer elected by said board of trustees. The general law governing the collection of school taxes shall apply to the collection of taxes in the above-named district. The Treasurer of Randolph County shall pay over to the treasurer of the board of trustees any funds that may come into his hands for said schools.

Application of
general law.

Payments from
county treasurer.

SEC. 10. That in all matters not regulated by this act said school shall be governed by the general school law of North Carolina and shall be under the supervision and control of the county board of education and the county superintendent of schools.

Application of
general law.

SEC. 11. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 380.

AN ACT TO VALIDATE A CERTAIN ELECTION HELD IN THE TOWN OF BRYSON CITY ON MAY 7, 1907, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas it has been represented that an election was held in the town of Bryson City, Swain County, North Carolina, on the seventh day of May, one thousand nine hundred and seven, at which election the question of authorizing the board of aldermen of said town to issue bonds to an amount not exceeding twenty thousand dollars for the purpose of installing and building a water system for said town and for other public improvements was submitted; and whereas it has been represented that at said election the authority was voted to said board of aldermen to issue said bonds by a large majority of the qualified voters; and whereas the records of said election have since been destroyed in the burning of the county courthouse: therefore be it enacted that the said election held as aforesaid be and the same is hereby in all things legalized and validated.

Preamble.

Preamble.

Preamble.

Election legalized
and validated.

SEC. 2. That the board of aldermen of the town of Bryson City be and they are hereby fully authorized and empowered to issue bonds of said town, to an amount not exceeding twenty thousand dollars, for the purpose mentioned and under the provisions of

Issue-of bonds
authorized.

Levy and collection of tax authorized.

chapter two hundred and twelve, Private Laws of one thousand nine hundred and seven, as herein amended, and levy and collect on property and polls, observing the constitutional equation, a tax sufficient to pay the interest on said bonds, not exceeding six per cent on said bonds.

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

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 381.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GLENWOOD, IN McDOWELL COUNTY."

The General Assembly of North Carolina do enact:

Residence to qualify voters.

SECTION 1. That the words "ninety days," in line ten of section four of an act entitled "An act to incorporate the town of Glenwood, in McDowell County," ratified the twenty-fifth day of February, one thousand nine hundred and nine, be stricken out and the words "four months" inserted in lieu thereof.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 382.

AN ACT TO AMEND CHAPTER 93 OF THE LAWS OF 1883, INCORPORATING THE TOWN OF CHADBOURN, COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. That section two, chapter ninety-three of the Laws of one thousand eight hundred and eighty-three, be amended as follows: By striking out the word "one," in the second line of section two, and inserting in lieu thereof the word "two." That section three of said act be amended by striking out the words "a marshal," in line two, after the word "and," and inserting in lieu thereof "who shall have the power to appoint a marshal, town treasurer, town clerk, chief of police or other police officers." That section four be amended by adding the word "two" after the word "succeeding," in line three of section four of that act.

Officers elected by commissioners.

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

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 383.

AN ACT TO AMEND CHAPTER 138 OF THE PRIVATE LAWS
OF 1907.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred and thirty-eight of the Private Laws of one thousand nine hundred and seven, entitled "An act to amend the charter of the city of Wilmington, so as to provide for the maintenance of a free library," be amended by adding at the end of said section the following words: "who shall hold their office until their successors shall be elected." Term of office.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 384.

AN ACT TO REINCORPORATE AND RESTORE CORPORATE
POWERS TO THE TOWN OF GATESVILLE, IN THE
COUNTY OF GATES, AND TO DEFINE THE CORPORATE
LIMITS OF SAID TOWN.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Gatesville, in the county of Gates, be and the same is hereby incorporated under the name of the town of Gatesville, and shall be subject to all the provisions contained in the Revisal of one thousand nine hundred and five relative to cities and towns, not inconsistent with the Constitution and laws of this State. Incorporation. Corporate name. Application of general law.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the north end of Bennett's Creek bridge, or the water's edge of Bennett's Creek, on the north side; thence with the road, or Main Street, leading through the town of Gatesville in the direction of Gates Station, a distance of fifteen hundred yards from Bennett's Creek bridge, or a sufficient distance to include the residence of Tonie Felton; thence starting again at the water's edge of Bennett's Creek, at the aforesaid bridge, and running in an easterly direction up Bennett's Creek a sufficient distance to equal an air line of five hundred yards from the said bridge; thence leaving the said creek or the point reached in running the easterly direction; thence leaving that point and running in a northerly direction a distance of fifteen hundred yards or a Corporate limits.

sufficient distance to reach a parallel with the first line above mentioned, running in a northerly direction: thence beginning at the water's edge of Bennett's Creek bridge and running in a westerly direction a distance of five hundred yards: thence in a northerly direction fifteen hundred yards or a sufficient distance to reach a parallel with the first line running in northerly direction: thence in an easterly direction, intersecting the first and second lines above mentioned, running in a northerly direction, so as to make the corporate limits of the town of Gatesville include a space of fifteen hundred yards long, or two thousand yards long, if necessary to include the residence of the said Tonie Felton, and one thousand yards wide.

Town officers. SEC. 3. That the officers of the said corporation shall consist of a mayor, three commissioners, treasurer and a town constable, to be elected on the first day of May, in the year one thousand nine hundred and ten, by the qualified voters of the said town, and annually on the first Monday in May thereafter; and the following persons shall fill the offices, as hereinafter mentioned, till the first Monday in May, in the year one thousand nine hundred and ten, or until their successors are elected and qualified: Mayor, John B. Walton: commissioners, John G. Cross, E. R. Roberts and J. Edward Parker: treasurer, Robert R. Taylor; constable, Tonie Felton.

Town elections.

Officers named.

Prohibition.

Violation of
section by com-
missioners mis-
demeanor.
Punishment.
Voters.

SEC. 4. That it shall be unlawful for the board of commissioners above named to grant a license to any person, firm or corporation to retail any intoxicating liquors within the corporate limits of the town of Gatesville, and a violation of this section by the said commissioners shall be a misdemeanor, punishable by fine or imprisonment, within the discretion of the court.

SEC. 5. That all resident citizens within the said corporate limits of said town who shall have resided within said corporate limits for a period of ninety days previous to any election held in said town shall be entitled to register and vote in said election.

Commissioners to
meet and qualify.

SEC. 6. That it shall be the duty of the commissioners appointed by this act to meet within thirty days after the ratification hereof and take and subscribe an oath, to be administered to them by the clerk of the Superior Court of said county, to the effect that they will to the best of their ability discharge their duties as commissioners of said town.

Power to pass
resolutions and
ordinances.

SEC. 7. That the said commissioners are hereby empowered to prescribe and enact such regulations and ordinances for the good government of the said town as will secure the greatest good to the citizens thereof, not inconsistent with the laws of the State.

Power to levy
taxes.

SEC. 8. The said commissioners shall have the power to levy a tax for the purpose of raising revenue sufficient to pay the necessary expenses for the proper administration of the affairs of the

town, never to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of taxable property in said town. Tax rate.

SEC. 9. That it shall be the duty of the said commissioners to spend the money realized from the tax so levied and collected in the repairing of the streets and sidewalks and any other needed and reasonably necessary improvements in the said town, and shall have the authority to exempt citizens within its corporate limits from working on the public roads of the said county: *Provided*, nothing herein shall conflict with the provisions of the road law for Gates County, enacted during the session of the General Assembly of one thousand nine hundred and nine. Expenditures authorized. Power to exempt from road duty. Proviso: county road law.

SEC. 10. That Q. H. Trotman, former treasurer of the town of Gatesville, is hereby authorized and empowered to pay over to R. R. Taylor, the treasurer appointed by this act, any moneys now in his hands belonging to the town of Gatesville. Payment of money.

SEC. 11. That the commissioners of the said town shall require the constable herein appointed to enter into a bond for the faithful performance of his duty, in the sum of three hundred dollars, to be approved by the said commissioners; and all constables to be elected under this act shall in like manner enter into a bond, payable to the State of North Carolina, conditioned upon the faithful performance of his duties. Constable to give bond.

SEC. 12. That the town constable shall collect and pay over to the treasurer all taxes levied and imposed by the commissioners under this act, and all fines and costs in all criminal cases originating in said town. He shall see that the ordinances and regulations of the board of commissioners are enforced, and report all breaches thereof to the mayor, and preserve the peace of the town; and in the execution of his duties under this act he may call to his aid such assistance as may be necessary. He shall have such compensation, in addition to the fees allowed constables by law, as the board of commissioners may deem just and reasonable. Constable to collect taxes, fines and costs. Powers and duties as constable. Power to call assistance. Compensation.

SEC. 13. In case any vacancy occurs in the office of mayor, the board of commissioners, treasurer or constable, the same shall be filled by the remaining members of the board of commissioners. Vacancies.

SEC. 14. The mayor shall have no vote in the meetings of the board of commissioners, but shall act as the chairman of the board only. Mayor to have no vote. To act as chairman of commissioners.

SEC. 15. That the mayor, before entering upon the duties of his office, shall take an oath before the clerk of the Superior Court to well and faithfully discharge all the duties of his office and to see to the enforcement of the ordinances of the town. Mayor to qualify.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1909.

CHAPTER 385.

AN ACT TO AMEND CHAPTER 120, PUBLIC LAWS OF THE SPECIAL SESSION OF 1908, RELATIVE TO MEDICAL DEPOSITORIES IN THE TOWN OF LOUISBURG.

*The General Assembly of North Carolina do enact:*Salary of
manager.

SECTION 1. That chapter one hundred and twenty of the Public Laws of one thousand nine hundred and eight be amended as follows: Strike out of section eight the words "at a sum not greater than twenty dollars per month," in line four of said section; and strike out of section twelve the word "quart," in line eighteen, and insert in lieu thereof the word "gallon."

Amount of sale.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 386.

AN ACT TO CREATE THE MAYOR IN WINGATE, IN THE COUNTY OF UNION, A JUSTICE OF THE PEACE.

*The General Assembly of North Carolina do enact:*Mayor created
justice of the
peace,
Jurisdiction.

SECTION 1. That the Mayor of Wingate, in the county of Union, shall be and he is hereby created a justice of the peace, and as such shall have concurrent jurisdiction with the recorder's court of the city of Monroe of all offenses cognizable in courts of justices of the peace committed within the corporate limits of said town and of all violations of any of the ordinances of said town.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1909.

CHAPTER 387.

AN ACT TO AUTHORIZE J. C. BRASWELL AND J. W. SHERROD TO DISINTER AND REMOVE THE DEAD BODIES BURIED IN THE LOT ON CHURCH STREET, IN THE CITY OF ROCKY MOUNT, KNOWN AS THE OLD METHODIST CHURCH LOT, AND THE LOTS ADJACENT THERETO, AND TO REINTER THEM ELSEWHERE.

*The General Assembly of North Carolina do enact:*Disinterment and
removal author-
ized.

SECTION 1. That J. C. Braswell, of Rocky Mount, North Carolina, and J. W. Sherrod, of Hamilton, North Carolina, are authorized to disinter and remove the dead bodies buried in the lot on Church Street, in the city of Rocky Mount, known as the old

Methodist Church lot, and in the lots adjacent thereto, as described in deed, recorded in book one hundred and two, at page two hundred and eleven, Nash County registry: *Provided*, that the bodies of white people there buried shall be decently buried in Pine View Cemetery, and the bodies of colored people there buried shall be decently buried in Unity Cemetery.

Proviso: bodies of white people to be buried in Pine View cemetery, of colored people in Unity cemetery.

SEC. 2. That the said J. C. Braswell and J. W. Sherrod, before undertaking to exercise the right conferred by section one of this act, shall, by publication for thirty days in some newspaper published in Rocky Mount and at the courthouse door in Nashville and Tarboro, give notice of such intention and of the provisions of this act, and may, in not less than thirty days after the completion of such notice, proceed to disinter and remove from such premises, as hereinbefore provided, the bodies of deceased persons interred therein, unless a surviving husband, wife, parent, sister, brother or other next of kin of some such deceased person shall file with or cause to be served upon the said J. C. Braswell or J. W. Sherrod objection to the disinterment and removal of the dead body of such deceased relative, in which case the body of such person shall not be disturbed.

Publication of intention of removal.

Disinterment and removal proceeded with.

Disinterment forbidden on objection by relatives.

SEC. 3. That all laws and clauses of laws in conflict with this act are repealed, so far as the same may be inconsistent with this act.

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

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 388.

AN ACT TO AMEND CHAPTER 43, PRIVATE LAWS 1897, RELATING TO BENEVOLENT ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Robeson Division of the Peoples Mutual Benevolent Association, created and organized under authority of chapter forty-three, Private Laws of one thousand eight hundred and ninety-seven, and operating in the counties of Robeson and Scotland, be and the same is hereby authorized to continue operation in said counties as a mutual assessment insurance association, under the name of "Robeson Benevolent Association," as a corporation, separate and independent of the corporation created by said chapter forty-three, Private Laws of one thousand eight hundred and ninety-seven; and the members of said association shall be liable and shall pay to the Robeson Benevolent Association all such fees, annual dues and assessments as are now required by the by-laws to be paid to the Peoples Mutual Benevo-

Continuance of operations by Robeson Benevolent Association authorized.

Liability of members.

Succession to
Peoples Mutual
Benevolent
Association.

lent Association. All duties and obligations of the members shall be due and owing to the Robeson Benevolent Association, and all the powers, rights, privileges, duties and obligations of the Peoples Mutual Benevolent Association, so far as the same affects the Robeson Division, shall devolve upon the Robeson Benevolent Association.

Power to receive
members and
insure lives.

SEC. 2. That said Robeson Benevolent Association may receive members and insure the lives of its members upon such terms and under such conditions as may be fixed by its by-laws.

Meeting for
approval or dis-
approval of act.

SEC. 3. A meeting of the members of the Robeson Division of the Peoples Mutual Benevolent Association shall be held in the town of Laurinburg on the fifteenth day of April, one thousand

Date of meeting.

nine hundred and nine, notice of which shall have been mailed

Notice of meeting.

to each member, at which meeting the members shall vote on the approval or disapproval of the provisions of this act, and said members may vote in person or by proxy. If a majority of said

Vote in person or
by proxy.

members vote for approval, the provisions of this act shall at once become effective, and not otherwise.

Act not effective
unless approved.

Election of
officers.

SEC. 4. At the meeting provided for in section three, if a majority of the members vote for approval, then the members shall elect a president, a secretary and treasurer, three or more direc-

Rules, regulations
and by-laws.

tors and such other officers as they may deem necessary, and they may adopt rules and regulations and by-laws for the government of the association and its officers, and they may delegate to the directors the authority to make all such by-laws, rules and regu-

Copy of proceed-
ings to insurance
commissioner.

lations. If the said members approve of this act, then the secre-

tary shall transmit to the Insurance Commissioner a copy of the proceedings of the aforesaid meeting, and all the assets and liabilities of the Robeson Division of the Peoples Mutual Benevolent Association shall become the assets and liabilities of the Robeson Benevolent Association.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 389.

AN ACT TO APPOINT A BOARD OF HEALTH FOR DURHAM, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Aldermen to
appoint board of
health.
Time for appoint-
ment.
Composition of
board.

SECTION 1. That the board of aldermen of the city of Durham, State of North Carolina, shall appoint a board of health on the first Monday in June, one thousand nine hundred and nine. Such board shall be composed of five members, two of whom shall be physicians in good standing in the Durham County Medical Society.

SEC. 2. The term of office of the members of the board of health shall be three years from the date of appointment and until their successors are appointed and qualified, except that those first appointed shall hold office as follows: one to serve for three years, two for two years, and two for one year; and their successors shall be appointed as their terms expire on the first Monday of June of each year. The terms of service of the members of the first board shall be designated by the board of aldermen at the time of election.

Term of office.

Term of first appointees.

Appointment of successors.

SEC. 3. The board of health shall elect one of its members as president and one as vice president, who shall preside in the absence of the president and shall perform all the duties incumbent on the president. The board shall meet for the transaction of business at least once in each calendar month and as much oftener as is necessary for the prompt and thorough transaction of its business. All special meetings of the board shall be called by the president or three members thereof. The salary of the members of the board shall be one dollar (\$1) for every meeting at which they are in attendance.

Organization of board.

Regular meetings.

Special meetings.

Salary of members.

SEC. 4. The board of health shall have power to make laws and regulations for the preservation of public health: *Provided* such laws are not inconsistent with the laws of the State; and *Provided further*, that the laws and regulations pertaining to public health, now in force in the city of Durham and not in conflict with this act, shall continue to be in force until changed or repealed by the board of health.

Powers of board of health.

Proviso: laws not inconsistent with laws of state.

Proviso: laws and regulations now in force continued.

SEC. 5. The board of health shall appoint a health officer, who shall be the executive officer. He shall furnish his name and address and such other information as may be required by the State Board of Health, and shall perform the duties that are put upon him by the board of health and duties now named by ordinances of the city of Durham. The board of health shall have power to appoint, when it deems necessary, one or more physicians as medical inspectors or as assistants to the health officer. The board of health shall also have power to appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the city may require, and such persons shall have general police powers and be known as sanitary police. The board shall have exclusive control of its appointees, and define their duties, but the salaries of such appointees shall be fixed by the board of aldermen, upon recommendation of the board of health, but no member of the board of health shall be appointed as health officer.

Appointment of health officer.

Information furnished state board of health.

Duties of health officer.

Medical inspectors.

Sanitary police.

Control of appointees.

Salaries.

SEC. 6. The expenses of the board of health shall be paid by the city treasurer: *Provided*, all orders drawn on the city treasurer shall be signed by the president and the clerk of the board of health, and shall state the purpose for which the money is applied, and be paid by such appropriation of money as the board of aldermen may deem proper, and paid upon approval of the

Payment of expense.

Orders.

Monthly statements.

chairman of the finance committee of the city of Durham; and the president of said board of health shall file monthly statements with the clerk of the board of aldermen of expenses incurred by the board of health for the month preceding.

When act effective.

SEC. 7. This act shall be in force from and after May fifteenth, one thousand nine hundred and nine.

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 390.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH WITHIN THE CITY OF ASHEVILLE A SPECIAL COURT, TO BE CALLED THE POLICE COURT, AND PRESCRIBE THE JURISDICTION THEREOF," THE SAME BEING CHAPTER 35 OF THE PRIVATE LAWS OF 1905.

The General Assembly of North Carolina do enact:

Jurisdiction.

SECTION 1. That the act of the General Assembly of North Carolina entitled "An act to establish within the city of Asheville a special court, to be called the police court, and prescribe the jurisdiction thereof," ratified March fourth, one thousand nine hundred and five, the same being chapter thirty-five of the Private Laws of one thousand nine hundred and five, be and the same is hereby amended by striking out of the second line of section five of said act the word "exclusive."

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

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

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 391.

AN ACT TO AUTHORIZE THE PAYMENT OF CERTAIN CLAIMS OUT OF THE SCHOOL FUNDS FOR RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Payments authorized. Claimants and amounts.

SECTION 1. That the board of education of the county of Randolph, North Carolina, be and they are hereby authorized, if in their opinion the same is just, to pay to McCrary-Redding Hardware Company a claim of twelve and fifteen one-hundredths dollars, contracted in one thousand nine hundred and five, for sup-

plies, and to L. O. Sugg, of said county, the sum of five dollars for holding an election for schools in said county in the year one thousand nine hundred and five, to be paid out of any funds said board may now or hereafter have on hand in said county.

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

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 392.

AN ACT TO AMEND AN ACT PASSED BY THE PRESENT SESSION OF THE GENERAL ASSEMBLY ENTITLED "AN ACT TO ESTABLISH A SPECIAL-TAX SCHOOL DISTRICT IN WAKE AND CHATHAM COUNTIES, TO BE KNOWN AS SCHOOL DISTRICT No. 4."

The General Assembly of North Carolina do enact:

SECTION 1. That an act passed at the present session of the General Assembly entitled "An act to establish a special-tax school district in Wake and Chatham counties, to be known as District Number Four," be amended by adding at the end of section five of said act the following: "Said school committee is hereby authorized and empowered to borrow money for the purpose of building and equipping a schoolhouse in said district, and is authorized to pay the debt so created out of the special tax raised by virtue of this act." Power to borrow money.

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

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 393.

AN ACT FOR THE RELIEF OF CERTAIN PUPILS OF SCHOOL DISTRICT No. 6, FOR WHITE CHILDREN, IN CUMBERLAND COUNTY.

Whereas certain pupils of Eastover Public School, for whites, in Cumberland County, were injured by the collapse of a float while participating in the public parade at the Cumberland County Fair, and authority is desired to appropriate funds from the special school taxes belonging to Eastover District, Number Six, to help defray the hospital expenses of those pupils injured as aforesaid: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

Appropriation
authorized.
Limit.

Object of
appropriation.

Proviso: limit of
total amount.

Appropriation
subject to ap-
proval of school
committee.
Appropriation not
to reduce school
term.

SECTION 1. That the Board of Education of Cumberland County be and it is hereby authorized to appropriate not exceeding fifty per cent of the special-tax fund of Eastover School, for whites, being School District Number Six, white, for the relief of those pupils of said school injured as aforesaid: *Provided*, the total appropriation under this act shall not exceed one hundred dollars, and all appropriations hereunder shall be made subject to the approval of the school committee of said district, and any appropriations under this act shall not have the effect to reduce the school term of said district.

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

Ratified this the 9th day of March, A. D. 1909.

CHAPTER 394.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE, AND REVISE THE SAME.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name.

Perpetual
succession.
Property and
rights under
former charter.

Corporate rights.

Corporate limits.

SECTION 1. That the inhabitants of the city of Charlotte shall be and continue, as they have been, a body politic and corporate, and the corporation shall bear the name and style of the city of Charlotte and have perpetual succession, and under such name and style shall have all the franchises, powers, property and rights of property which now belong to the corporation under any other name or names heretofore, and be subject to all its present liabilities; and by this name may acquire and hold all such estates as may be devised, bequeathed, sold or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights and privileges, franchises and immunities necessary or belonging to or usually appertaining to municipal corporations.

SEC. 2. That the corporate limits of said city of Charlotte shall be extended to and circumscribed by the following boundaries, to wit: Beginning at a stone in the center of the present main-line track of the North Carolina Railroad, now leased and operated by the Southern Railway Company, being a point north 53° and 20' east thirteen thousand and two hundred feet from the center of Independence Square, in said city, and running north 75° and 45' west five thousand four hundred and sixty-five feet to a stone near the track of the Atlantic, Tennessee and Ohio Railroad, being a

point two miles by a straight line from the center of said Independence Square; thence continuing by the same course five thousand four hundred and sixty-five feet to a stone, being a point two miles by a straight line from said center of said Independence Square; thence south 67° and $30'$ west eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said Independence Square; thence south 22° and $30'$ west eight thousand and eighty-two feet to a stone, being a point two miles from the center of said Independence Square by a straight line; thence south 7° and $30'$ east about nine thousand four hundred feet to a stone, being a point thirteen thousand and two hundred feet by a straight line from the center of said square; thence south 82° and $30'$ east nine thousand and four hundred feet to a stone, being a point two miles by a straight line from the center of said square; thence north 67° and $30'$ east eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence north 22° and $30'$ east eight thousand and eighty-two feet to a stone, being a point two miles by a straight line from the center of said square; thence north 12° east five thousand five hundred and fifty feet to a stone; thence north 7° and $30'$ west six hundred and fifty feet to a stone; thence north 34° west one thousand seven hundred and thirty-five feet to a stone; thence north 27° and $30'$ west four hundred and seventy-five feet to the point of beginning.

SEC. 3. That the territory comprised within the corporate limits described and established in section two shall be and is hereby laid off into four wards, called and bounded as follows: Division into
wards.

(1) The First Ward, or Ward Number One, is bounded by lines beginning at the center of Independence Square of said city and running along East Trade Street, East Avenue and Elizabeth Avenue to Elizabeth College; thence across the grounds of Elizabeth College to Vail Avenue; thence along Vail Avenue to the city limits; thence along the city limits to their intersection with North Tryon Street (extended) and the Salisbury Road; thence with the Salisbury Road and North Tryon Street (extended) and North Tryon Street to the beginning. First ward.

(2) The Second Ward, or Ward Number Two, is bounded by lines beginning at the center of Independence Square and running with East Trade Street, East Avenue and Elizabeth Avenue to Elizabeth College; thence across the grounds of Elizabeth College to Vail Avenue; thence along Vail Avenue to the city limits; thence south along said limits to the intersection with South Boulevard, or Camden Road; thence along South Boulevard, or Camden Road, to Tremont Street and the Charlotte, Columbia and Augusta Railroad; thence along the Charlotte, Columbia and Augusta Railroad to South Tryon Street; thence along South Tryon Street to the beginning. Second ward.

Third ward.

(3) The Third Ward, or Ward Number Three, is bounded by lines beginning at the center of Independence Square and running along South Tryon Street to the Charlotte, Columbia and Augusta Railroad; thence along the railroad to Tremont Street and Camden Road; thence with Camden Road to city limits; thence west and north along said limits to Rozzell's Ferry Road; thence along the Rozzell's Ferry Road to West Trade Street, or West Avenue; thence along West Avenue, or West Trade Street, to the beginning.

Fourth ward.

(4) The Fourth Ward, or Ward Number Four, includes all that part of the city not included in the boundaries of the wards above laid out.

ELECTIONS.

Election of aldermen and school commissioners.

SEC. 4. That on Tuesday after the first Monday in May, one thousand nine hundred and nine, and every two years thereafter, there shall be elected a board of aldermen, as herein elsewhere provided, and a board of school commissioners.

Qualification of voters.

SEC. 5. That the provisions of the general election law, now existing or as hereafter amended, as to qualifications of voters, shall apply, as far as practicable, to any election held under this chapter, except as herein elsewhere provided.

Appointment of registrars.

SEC. 6. That the Board of County Commissioners of Mecklenburg County shall appoint, on or before the fifteenth day of March, Anno Domini one thousand nine hundred and nine, a competent person to act as registrar of voters for each of the eleven wards of the city of Charlotte, as the same existed prior to the passage of this act, and on or before the fifteenth day of March, Anno Domini one thousand nine hundred and eleven, and biennially thereafter, shall appoint a competent person to act as registrar of voters for each of the precincts in each of the four wards of the city of Charlotte, as the same may be made under this act, and shall cause publication thereof to be made at the city hall and the county courthouse door, and notice thereof to be served on such person by the sheriff. If any registrar shall fail or refuse to perform the duties of his office, or if there shall be a vacancy in such office, the chairman of the Board of Commissioners of Mecklenburg County shall fill said vacancy. Before entering upon the duties of his office, each registrar shall take an oath, before some person authorized to administer oaths, to faithfully perform the duties of his office.

Publication and notice of appointment.

Vacancies.

Registrars to qualify.

Voting places.

SEC. 7. That at the election to be held in May, Anno Domini one thousand nine hundred and nine, the voting places shall be the same as existed in each of the eleven wards prior to the passage of this act; that at the election to be held in May, Anno Domini one thousand nine hundred and eleven, and all subsequent elections, the voting places shall be at the several precincts in each of the four wards as constituted by this act and designated by the board of aldermen; that the board of aldermen shall have the right to

New registration.

order a new registration, in the manner prescribed by the general election law, at any time that in their judgment the same may be necessary; that the provisions of the general election law, and any amendment thereto hereafter made, shall apply to the residence of voters and the removal of voters from one voting precinct in the city of Charlotte to another, and also the oath to be taken by each voter upon registration.

SEC. 8. No person who is a candidate for the nomination or election to any municipal office shall employ any person to perform any service, of any nature whatever, on the day of or before any municipal election or primary in which he is a candidate, for the purpose of promoting or aiding his candidacy, or offer or agree, either directly or indirectly, to pay or reward any person, in money, property or appointment to office or municipal employment, for any service which any such person may render in any municipal election or primary in the aid of the candidacy of any person therein; and every candidate for office in any municipal election or primary shall, within ten days after such election or primary, file with the Clerk of the Superior Court of Mecklenburg County a sworn itemized statement of all moneys, property or other things of value paid out by him or otherwise expended, directly or indirectly, in the promotion or aid of his candidacy in such election or primary. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, and forfeit any municipal office which he may hold at the time of his conviction.

SEC. 9. That the Board of County Commissioners of Mecklenburg County, on or before the fifteenth day of April, Anno Domini one thousand nine hundred and nine, and biennially thereafter, or at such other time as it may be necessary to do so, shall appoint two persons, who shall act as judges of election at each place of holding elections in their respective wards, each of whom shall be men of good moral character and able to read and write. The said judges of election shall attend at the polling places for which they are severally appointed on the day of election, and they, together with the registrar for such ward, who shall attend with the registration books, after being sworn, by some justice of the peace or other person authorized to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep the poll books, in which shall be entered the names of every person who shall vote; and at the close of the election the said registrar and judges of election shall certify the same, over their proper signatures, and deposit same with the Clerk of the Superior Court of Mecklenburg County; and said poll books shall be evidence in any trial for illegal and

Application of
general law.

Services at or in
elections or
primaries not to
be hired or paid
for.

Statements of
expenditures to
be filed by
candidates.

Violation of sec-
tion misdemeanor.
Punishment.

Appointment of
judges of election.

Judges and
registrar to
qualify.

Conduct of
election.

Poll books.
Deposit of poll
books.

Poll books
evidence.

Service of notice of appointment on judges.	fraudulent voting. The board of county commissioners shall, immediately after the appointment of the judges of election, as herein provided, furnish a list of the names of such judges to the sheriff of the county, who shall within five days serve notice of such appointment upon such judges; and if any person appointed
Appointment of judge by registrar.	judge of election shall fail to attend or to act, the registrar of the ward shall appoint some discreet person to act in his stead,
Appointment of registrar by judge.	who shall be by him sworn, before acting; and if the registrar shall fail to attend on the day of election, then the judge or judges of election, after qualifying, may appoint another to act as registrar, who shall be sworn by him or them before acting.
Challengers.	SEC. 10. That said board, at least ten days before each election herein provided for, may appoint for each polling place two discreet persons challengers (from opposite political parties if any of the candidates belong to opposite political parties, otherwise any discreet person); and in the event the board fails to appoint such challengers, the registrar and judges may appoint; and if the vote of any elector shall be challenged by them or any other
Challengers and witnesses to enter polling place.	elector, or by the registrar or judges of election, said challengers, or either of them, upon the announcement of such challenge, and any witness that may be called upon the question of challenge, shall be permitted to enter the polling place and remain while the testimony is being taken upon the question of challenge, and no longer.
Appointment of constables or bailiffs. Purpose of appointment.	SEC. 11. The registrar and judges of election may appoint as many election constables, or bailiffs, not to exceed three, as they may deem necessary for each precinct, to be present during the election, to keep the peace, to prevent improper intrusion upon the voting place or the booths or railed or roped space provided in this act, to arrest all persons creating any disturbance about the voting place, and to enable those who have not voted to have unobstructed access to the polls, and to keep clear the open space,
Duties of constables and bailiffs.	herein provided, at all times during the election. It shall be the duty of said election constables, or bailiffs, to be present at the voting place, and to take such steps as will accomplish the object of their appointment, and they shall have full power to summon
Powers.	all persons present at the voting place to aid in arresting offenders against this section, and to hold them in custody as long as may be necessary for service of regular process on them. And for the purpose of exercising the powers herein conferred upon them, the
Registrars and judges conservators of the peace.	registrar and judges of election shall be and are hereby constituted conservators of the peace.
Procedure in cases of challenge.	SEC. 12. When any person is challenged the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications; and if the person shall insist that he is qualified and shall prove his identity with the person in whose name he offers to vote, by the testimony, under oath, of at

least one elector, the registrar or one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for two years and in this county for six months and in the city and ward four months next preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert the name given), and that in such name you are duly registered as a voter of this ward, and that you are now an actual resident of the same and have been ever since you registered; and that you are the identical person you represent yourself to be, and that you have not voted in this election at any other polling place: so help you, God." If he refuses to take such oath his vote shall be rejected; if, however, he does take the oath, when tendered, his vote shall be received:

Oath to be
tendered.
Form of oath.

Provided, that after such oath shall have been taken the registrar and judges may refuse to permit such person to vote, unless they are satisfied that he is a legal voter; and they are hereby authorized to administer necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of a person offering to vote. When any person's vote shall be received, after having taken the oath prescribed in this section, the clerk of election shall write on the poll books, at the end of such person's name, the word "Sworn." The same powers as to the administration of oaths and examination of witnesses as in this section granted to registrars and judges of election may be exercised by registrars in all cases where the names of persons registered or offering to register are objected to.

Vote rejected or
received.

Proviso: powers
of judges.

Administration of
oath to be entered
on poll books.

Powers extended
to registrar.

SEC. 13. That the board of aldermen, or other proper officer by them appointed, shall have constructed and ready for use before election day in each voting precinct in the several wards of the city of Charlotte booths or compartments, with swinging doors or curtains, in which booths voters shall prepare their ballots, secretly and screened from the observation of all persons. Each booth shall contain a counter, or shelf, suitably placed to enable voters to place their ballots thereon while preparing same for voting: the number and location of said booths to be determined by the board of aldermen, which said booths shall be erected within a railed enclosure, separating the same from the remainder of the room, and not more than one person, except as hereafter provided, shall be permitted to enter or remain in the same booth at the same time. The said booth shall be so arranged and constructed that all the officers conducting the election can see whether more than one person enters or is in any booth at the same time. Each booth shall be kept provided with a sufficient supply of official ballots of all persons who are candidates for any office, in accordance with the terms of this act, and shall also be

Polling booths.

Shelves.

Number and lo-
cation of booths.
Railed enclosure.

Only one person
allowed in booth
at one time.
Arrangement and
construction of
booths.

Ballots and
pencils.

Ballot boxes with- in enclosure. Arrangement of boxes.	provided with lead pencils. The ballot boxes at every polling place shall be within said railed enclosure, and shall be so placed that the voter may deliver his ballot to the election officers on emerging from the booth, before leaving the railed enclosure within
Entrance and exit.	which the booths and ballot boxes are placed. Such railed enclosure shall be provided with a single entrance by which voters shall enter, and a single exit by which they shall leave same. Except as in this act otherwise provided, no person shall be allowed within said enclosure while the election is in progress, other than the election officers and voters entering same for the purpose of pre-
Persons allowed within enclosure.	paring their ballots and voting at such election, and no person shall be allowed or permitted to be present in the polling room outside of such railed enclosure during the progress of the elec-
Persons allowed in polling room.	tion, except the officers connected with the election. After the hour fixed for closing the polls no voter shall be permitted within the railed enclosure, but the voters already within such enclosure
Voters permitted to prepare and cast ballots.	shall be permitted to prepare and cast their ballots. The board of aldermen may by an ordinance provide for the use of a room adjoining the room in which ballot boxes are located, if said room shall be free from access of any person whatsoever except the voter. Immediately upon the entering of said railed enclosure or
Room adjoining.	room, and before entering any booth or room for the purpose of preparing a ballot, each voter shall be furnished by one of the judges of election with one of each of the official ballots provided for said election, and with one, and only one, of the official en-
Voters supplied with ballots and envelopes.	velopes provided for such election: <i>Provided</i> , that in cases where, by the provisions of this act or ordinance of the board of aldermen, a sufficient number of official ballots for that purpose shall not have been delivered to the judges by the person charged with the duty of delivering said ballots, it shall be lawful for any person, party or organization interested in the said election to deliver to the judges official ballots in number sufficient to furnish one of such ballots to each voter, and it shall then be the duty of such judges of election to provide each voter with such ballots in the manner provided for in this section. No person shall be per-
Proviso: supply of ballots.	mitted to vote at said election until he shall have received said ballots and envelope, in manner as aforesaid, and carried same with him into one of the booths or rooms. Having obtained said ballots and envelope, the voter shall, with same in his possession, without delay, retire alone, without leaving the presence of the judges of election, to one of said booths or rooms, enter same, close the door thereto, and remain such length of time, not exceeding five minutes, as he may need for enclosing in such official envelope the ballot he intends voting, in such manner as to conceal all writing or printing; and before leaving the presence of the said judges of election the said voter shall deliver his ballot, enclosed in said envelope, as aforesaid, unsealed and with the flap
Preparation of ballots.	
Time allowed.	
Delivery and deposit of ballots.	

turned down, so as to conceal his ballot in same from the judges of election at the ballot box, who shall immediately deposit same in the ballot box, in the presence of the voter, after which the voter shall without unnecessary delay leave the polling room; and no ballot, except as herein elsewhere provided, shall be counted unless it shall be enclosed in an official envelope in the manner herein prescribed: *Provided*, that in no event shall said ballot be deposited by such judge until such judge and any other judge at said ballot box shall have decided to receive same.

Ballots not counted.

Proviso: ballot not deposited until reception ordered.

SEC. 14. Any voter at any election who declares under oath and establishes to the satisfaction of the judges of election, by reason of his being unable to read and write or physical disability, his inability to enter and remain in the booth or to prepare his ballot therein for voting without assistance, shall be permitted to bring with him to such booth a person of his own selection, who may retire with such disabled voter to the booth and assist him in the preparation of his ballot and enclosing and folding same, as such disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot. The poll clerk or other party designated by the judges of election shall make a memorandum on the poll book of every instance when oath was administered to a voter, as herein provided, stating briefly what facts were sworn to, and the name of the person who aided him in preparing his ballot. No voter shall divulge, directly or indirectly, to anyone within the polling place the name of any candidate for whom he intends to vote, nor shall he ask for or receive the assistance of any person within the polling place in the preparation of his ballot, except as provided for in this section. No person who assists a voter in the preparation of his ballot, as herein provided for, shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting the voter.

Assistance in preparation of ballot.

Memorandum by poll clerk.

Voter not to divulge intentions.

Persons assisting voters not to reveal vote.

SEC. 15. The names of the various candidates for the different offices provided for in this act shall be printed upon a sheet of paper, uniform in color, quality, texture and size, with the name of the office for which such persons are candidates, which ballot shall be prepared under the authority of the board of aldermen, and shall be arranged alphabetically, according to the surname of each of the said candidates, a specimen of said ballot being hereto attached, incorporated in and made a part of this act.

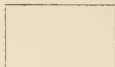
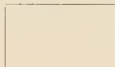
Ballots.

(Specimen Ballot.)

OFFICIAL BALLOT.

Name of Voter, ----- Precinct, -----

Ward -----, city of Charlotte, State of North Carolina.



DEMOCRATIC PARTY. REPUBLICAN PARTY. ----- PARTY.

FOR
ALDERMEN.

<input type="checkbox"/>	BROWN, OSCAR
<input type="checkbox"/>	HIGGINS, ARNOLD
<input type="checkbox"/>	JONES, JAMES
<input type="checkbox"/>	ORMOND, JULIUS
<input type="checkbox"/>	ROE, RICHARD
<input type="checkbox"/>	SUGGS, RAYMOND
<input type="checkbox"/>	SIMMONS, THOMAS

FOR
ALDERMEN.

<input type="checkbox"/>	BOWMEN, JOHN
<input type="checkbox"/>	BURKHEAD, HARRY
<input type="checkbox"/>	DIXON, ALBERT
<input type="checkbox"/>	DEES, JAMES
<input type="checkbox"/>	JACKSON, ANDREW
<input type="checkbox"/>	ROBERSON, JONAS
<input type="checkbox"/>	SINCLAIR, HAROLD

FOR
ALDERMEN.

<input type="checkbox"/>	HANSLEY, MARCUS
<input type="checkbox"/>	HILL, LOLA
<input type="checkbox"/>	MARTIN, LEWIS
<input type="checkbox"/>	MATTHEWS, HENRY
<input type="checkbox"/>	SMITH, THOMAS
<input type="checkbox"/>	THOMPSON, BENJ.
<input type="checkbox"/>	WALLACE, WM.

FOR
SCHOOL COMMISSIONERS.

<input type="checkbox"/>	ANDREWS, N. W.
<input type="checkbox"/>	CAMPEN, THEODORE
<input type="checkbox"/>	CRAWFORD, WM.
<input type="checkbox"/>	EDGERTON, HUBERT
<input type="checkbox"/>	HOWELL, ANDREW
<input type="checkbox"/>	JOHNSON, SIDNEY
<input type="checkbox"/>	ROYAL, J. W.

FOR
SCHOOL COMMISSIONERS.

<input type="checkbox"/>	CURRY, LEANDER
<input type="checkbox"/>	DAMERON, J. LEE
<input type="checkbox"/>	EDWARDS, OTHO
<input type="checkbox"/>	MCDONALD, H. C.
<input type="checkbox"/>	SAULS, W. HENRY
<input type="checkbox"/>	TAYLOR, RICHARD
<input type="checkbox"/>	WOOTEN, M. H.

FOR
SCHOOL COMMISSIONERS.

<input type="checkbox"/>	ANSEL, GEO. D.
<input type="checkbox"/>	EXUM, B. W.
<input type="checkbox"/>	HARGETT, T. W.
<input type="checkbox"/>	HONEYCUTT, J. H.
<input type="checkbox"/>	MCNEILL, L. C.
<input type="checkbox"/>	SHORT, FRANK A.
<input type="checkbox"/>	YELVERTON, H. W.

Mode of marking
ballots.

SEC. 16. Any voter desiring to vote for all the candidates in the same political party may do so by making a cross mark in the blank square at the head of the column containing the names of the candidates for whom he desires to vote. In case a voter shall desire to vote for individual candidates, not including the entire number of any political party, he may do so by making a cross mark in the square opposite the names of the respective candidates for whom he desires to vote.

SEC. 17. That any person who desires to become a candidate for any of the offices provided for in this act shall, at least ten days before the date of the election, notify the mayor, or other proper officer designated by the board of aldermen, of his intention to become a candidate. If such person shall fail to notify said mayor or other person, as aforesaid, it shall be within the discretion of the board of aldermen to declare such person ineligible as a candidate for any office at such election.

Notice of candidacy.

Discretion of aldermen when candidacy not announced.

SEC. 18. No one connected as an officer or other official with any election held under the provisions of this act shall be elected to any of the offices herein elsewhere created or enumerated.

Election officers not candidates.

SEC. 18a. That this chapter, in so far as it relates to the construction of booths and the use thereof, and to the manner of the preparation and casting of ballots, shall apply to all primary elections held in the city of Charlotte for the nomination of candidates for any municipal office.

Primary elections.

SEC. 19. The board of aldermen shall be composed of seven members, four of whom shall be elected from each of the four wards of the city by the voters thereof; the other three from the city at large. The term of office of the aldermen elected from the wards at the May election in one thousand nine hundred and nine shall be for two years and until their successors are elected and qualified, and thereafter shall be for four years; the term of the three aldermen elected from the city at large at the May election in one thousand nine hundred and nine shall be for four years and until their successors are elected and qualified, to the end that four aldermen shall be elected at one biennial election in the odd years and three elected at the next biennial election. They shall form one board, and the majority of the board, duly assembled, shall be competent to perform all the duties prescribed in this act, unless otherwise provided.

Number of aldermen.
Election from wards.
Election at large.
Terms of office.

To form one board.
Quorum.

SEC. 20. It shall be the duty of the board of aldermen to meet at ten o'clock A. M. on the first Tuesday in each month, or such other day as they may select at their first meeting, and continue in session, during business hours, until all business of the board shall have been disposed of. It shall hold special meetings on the call of the mayor or a majority of the board of aldermen, as herein elsewhere provided. All legislative business of the board shall be transacted in meeting, open to the public. Each alderman shall receive ten dollars for his attendance at each regular meeting, but shall receive no compensation for attendance at special meetings, or when not present.

Regular meetings.

Special meetings.

Legislative business.
Pay of aldermen.

SEC. 21. Special meetings of the board may be held on the call of the mayor or a majority of the aldermen, and at every such meeting when called by the mayor all the aldermen then in the city shall be notified, and on the call of a majority of the aldermen such as do not join in the call shall be notified.

Call for special meetings.
Notification to aldermen.

Aldermen not eligible to other offices.

SEC. 22. No member of the board of aldermen shall hold any other office or employment during the term for which he was elected, compensation for which is paid out of the public moneys, nor be entitled or appointed to any office created by or the compensation of which was increased or fixed by the board of aldermen while he was a member thereof.

Powers of board of aldermen as to its members.

SEC. 23. The board of aldermen shall determine its own rules of procedure: may punish its members for disorderly conduct: shall compel the attendance of members, and, with the concurrence of a majority of the members, may remove any member for malfeasance in office. Any member of the board of aldermen who shall have been convicted of bribery or who shall violate any of the provisions of this act shall forfeit his office and the emoluments thereof. Upon the demand of any member, the ayes and noes shall be taken upon the passage of all ordinances, resolutions or other measures, and entered upon the minute book of the board of aldermen.

Forfeiture of office.

Yeas and nays.

Ordinances and resolutions to lie over.
Emergency.
Proviso: franchises or grants of privileges not to be considered emergencies.
Bonds of city officers.

SEC. 24. No ordinance or resolution shall be passed upon the date of its introduction, except in case of public emergency, and then only when requested by the mayor in writing: *Provided*, that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency act.

SEC. 25. The board of aldermen shall require all officers of the city to give bond, in such sum as may be prescribed by ordinance, which sum shall always be of sufficient amount to protect the city.

Investigation of departments and officials.

SEC. 26. The mayor or the board of aldermen, or a committee of the board of aldermen, may, and it shall be their duty, at any and all times, to investigate each and every department of the city government and the official acts and conduct of the city officials,

Powers in investigations.

and, for the purpose of ascertaining facts in connection with such examination or investigation, shall have the power to compel the attendance and testimony of witnesses, administer oaths and to examine such persons as they may deem necessary, and to compel the production of books, papers and documents. Failure to appear by anyone, when served with notice to do so, shall be contempt, which may be punished by fine, and in default of the payment thereof within five days the person so fined may be imprisoned in the common jail of Mecklenburg County upon a commitment signed by the mayor, which commitment shall have the same force and effect as a commitment issued by any justice of the peace. Willful false swearing in such investigation and examination shall be perjury and punishable as such.

Failure to answer subpoena, contempt.
Punishment.

False swearing, perjury.

Appropriations to departments.

SEC. 27. It shall be the duty of the board of aldermen, at its regular meeting in October of each year, or as soon thereafter as practicable, to appropriate such sums of money, respectively, for each of the various departments of the city government as it may deem necessary for their maintenance during the current year. In

Appropriation for contingencies.

addition to the departmental appropriations herein provided for, the board of aldermen shall make such appropriation for contingent expenses as may be deemed necessary. The appropriations herein provided for shall be based upon estimates submitted by the mayor in his annual budget.

Estimates by
mayor.

SEC. 28. The head of each department created by the mayor, by and with the consent of the board of aldermen, shall make a written report to the mayor, not later than the first Monday in September of each and every year, showing the cost of the operation of his department for the preceding year. These reports shall be transmitted to the mayor and shall accompany and be made a part of his report to the aldermen, which report shall be made not later than the fifteenth day of September of each and every year. In making up the budget allowance for any current year the board of aldermen shall first make provision for the payment of interest on the outstanding bonded indebtedness of the city, and shall then make such appropriation as the remaining revenues of the city justify, to be apportioned among the respective departments or otherwise appropriated to public use, as to the board of aldermen may seem best. Except for permanent improvements, to be made by special assessments herein elsewhere provided for, the total expenditures for all purposes, including interest on bonded debt, shall not exceed in any fiscal year the amount of the total revenues raised from all sources by the city during such fiscal year. Any violation of this provision shall render the officers violating the same personally liable for the amount of such expenditures made in excess of such revenues, and also guilty of a misdemeanor and punishable in the discretion of the court.

Reports of heads
of departments.

Reports of mayor.

Appropriation for
interest on bonds.

Apportionment of
remaining
revenue.

Limit of expendi-
tures.

Liability of
officers.

Misdemeanor.
Punishment.

SEC. 29. All of the corporate powers conferred upon the city of Charlotte shall be exercised by the board of aldermen of the said city, subject to the provisions of this act and consistent with the powers herein granted. The board of aldermen shall have power and authority by ordinance duly enacted—

Corporate powers
exercised by
aldermen.

Specific grants
of powers.

(1) To provide for the payment of any existing indebtedness and of any obligations that may from time to time be made by the city, and to appropriate funds for that purpose.

Payment of debts.

(2) To establish, construct, open, close, grade and keep in repair streets, sidewalks, public alleys, bridges, culverts, drains and conduits in the city; to regulate the construction and use of the same, and to abate or punish any obstructions or encroachments thereon.

In relation to
streets.

(3) To prevent excavations on any street, sidewalk or public alley, unless by permission of the board; to prescribe and exact fees for such privileges, and to require deposits as guarantees for the proper restoration of the said street, sidewalk or public alley.

Excavations on
streets and side-
walks.

(4) To provide for the lighting of the streets, public grounds and public buildings, and for furnishing lights to the citizens of

Lights and
lighting.

said city, by contract or otherwise; and to erect, own and operate machinery, fixtures, appliances and appurtenances of every nature whatever necessary for such purposes.

Regulation of speed on streets and use of streets by railroad and street railway companies.

(5) To regulate the speed of all railroad trains, street cars and locomotives within the city, and their stops at street crossings; to require the companies to keep the streets through or across which they run in repair within and for a reasonable distance from their tracks, and to require all railroad companies or street railway companies to light the streets over or across which their trains or cars are operated, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvements, in the same manner as against abutting property owners.

Gates or watchmen at street crossings.

(6) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary.

Regulation of location and construction of railroad and street railway tracks.

(7) To regulate and control the construction and laying of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in proper repair; to regulate and control the location of street railway tracks and of steam railroad tracks, and to require railway companies of all kinds to construct, raise, lower, alter, widen and enlarge at their own expense such bridges, turnouts, culverts, subways, crossings and other things as the board of aldermen may deem necessary.

Regulation of steam engines and boilers.

(8) To control and regulate the location and use of steam engines and boilers in the city, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

Regulation of motor vehicles.

(9) To regulate the use and speed of automobiles, motor cars, motorcycles or any motor vehicles, and to require the same to be numbered.

Inspection of foods and drinks.

(10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in the city of Charlotte.

Inspection and license of dairies.

(11) To provide for the inspection of all dairies, inside and outside of the city limits, doing business within the city, and impose license and fees thereon; to regulate and maintain a standard for the quality of milk sold in the city.

Standard for quality of milk.

Slaughterhouses and abattoirs.

(12) To regulate, license or prohibit the business of slaughtering animals in the city limits; to revoke such license for malconduct in business; to regulate and license the sale of fresh meats, and to license and regulate or prohibit slaughterhouses which furnish meats to markets within the city, and to prescribe the plans and specifications of slaughterhouses or abattoirs where animals the meat of which is to be sold for human food in the city limits are slaughtered.

(13) To require any owner or occupant of any dairy, grocery, blacksmith shop, stable or slaughterhouse, to cleanse, repair or abate, as may be necessary for the health, comfort and convenience of the inhabitants. Cleansing of dairies, grocery stores, blacksmith shops, stables and slaughterhouses.

(14) To establish markets and market places and provide for the government and regulation thereof. Markets and market places.

(15) To establish and regulate public grounds, and to regulate, restrain and prohibit the running at large of horses, cattle, sheep, swine, goats, dogs and other animals in the city, and to authorize the impounding and sale of the same for the cost of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if the provisions of this ordinance have been complied with. Public grounds, and animals running at large.

(16) To pass ordinances for the observance of Sunday and for the maintenance of order in the vicinity of churches and schools. Observance of Sunday and protection of churches and schools.

(17) To establish and own stations and other property for a department for extinguishing fires, and to provide everything necessary for the regulation and maintenance of such department. Fire department.

(18) To establish fire limits and prohibit the erection, building, placing, removing or repairing of wooden buildings within said limits; to prohibit the removal of any wooden building from one place to another within said limits, and require all buildings within said limits to be constructed of fireproof material; also prohibit the repairing of wooden buildings within said limits when the same shall have been damaged one-third of their value, and may provide the mode of ascertaining such damage; also may declare all dilapidated wooden buildings which they deem dangerous, on account of fire, nuisances, and require the same to be removed in such manner as the board may direct. Fire limits.

(19) To provide for the inspection of the construction of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the city, and cause the same to be changed and all wires placed underground, whether telegraph, telephone, electric light or otherwise. Inspection of buildings and building regulations. Erection of poles and location of wires.

(20) To authorize one or more officers or agents or employees of the city to enter in and upon all buildings and premises within the city to inspect and discover whether the same are dangerous on account of fire or in an unclean state; to cause all defects to be remedied and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires as it may deem necessary or expedient. Fire and sanitary inspections and regulations.

(21) To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and other buildings, whether now built or hereafter to be built. Fire escapes.

Construction of chimneys and heating apparatus.

(22) To prevent dangerous construction and conditions of chimneys, fireplaces, stoves and stovepipes, boilers, furnaces and other heating apparatus, and cause the same to be removed and made safe, and to prevent nuisances on account of dense smoke from such furnaces.

Smoke nuisance.

Doors and stairways of buildings used for public assemblies.

(23) To regulate the size, number and manner of construction of doors and stairways of theaters, tenement houses, audience rooms, public halls and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built.

Definition and abatement of nuisances.

(24) To define what shall be nuisances in the city, and to abate them by summary proceedings, and to punish the author thereof by penalties, fines or imprisonment.

Crematories.

(25) To establish one or more crematories, and to provide for the removal of all filth, carcasses of dead animals and other unhealthful substance for cremation, and to require the owners and occupants of all premises to keep them in cleanly condition.

Private drains, sinks and privies.

(26) To require the owners of private drains, sinks and privies to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as they may be ordered by ordinance, and impose penalties upon persons failing to do the same. If there be no person in the city upon whom such order can be served, the city can have such work done, and costs of the same shall be a lien on the property and taxed up against it and collected in such manner as the board may determine.

Cemeteries.
Vital statistics.

(27) To establish one or more cemeteries, and to regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons and others for any default in the premises.

Sewerage and sewage disposal.

(28) To establish systems of sewerage and works for sewage disposal, and to extend and build the same beyond the corporate limits when deemed necessary.

Census.

Governor to appoint commissioner.

(29) To provide for taking an enumeration of the inhabitants of the city; and it shall be the duty of the Governor of the State, whenever the board shall so request by resolution, to appoint a commissioner, who shall supervise such enumeration, whose compensation, together with all the expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide.

Transportation facilities.

(30) That all transportation facilities in the city shall be under the supervision of the board of aldermen; that the board of aldermen shall have power to regulate fares for transportation by all licensed hacks and other vehicles in the streets of said city, to regulate the convenient transfer of passengers from one line of railway to another or of any street railway company, and to require such railway or street railway company to keep and maintain its tracks and roadbed in the streets or at the street crossings in proper repair.

(31) To prescribe fines, forfeitures and penalties for breach of any ordinance enforcing the powers granted in this charter, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Fines, forfeitures and penalties for breach of ordinances.

SEC. 30. That for the violation of any ordinance made by the board of aldermen, they may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the recorder without stay of process, mesne or final; and when judgment shall be given for any such penalty the party convicted may, unless the penalty and costs are paid, be immediately committed to jail for the space of thirty days or until payment thereof shall be made. Limit of penalty for breach of ordinance.
Recovery.
Committal for nonpayment.

SEC. 31. That all penalties incurred by any minor for the breach of the provisions of this act or any ordinance passed in pursuance thereof shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minor. Penalties incurred by minors.

SEC. 32. Each alderman and the mayor shall have power to administer oaths. Power to administer oaths.

SEC. 33. The board of aldermen shall have power to regulate the fares for transportation by all licensed hacks and other vehicles on the streets of said city, and to regulate the convenient transfer of passengers from one line to another of any railroad company or of any street railway company. Regulation of transfers.

SEC. 34. The board of aldermen shall have power by unanimous vote to remove the mayor for malfeasance in office, and by vote of four aldermen to remove any member of said board for like cause. Power to remove mayor and aldermen.

SEC. 35. The board of aldermen, at their first meeting after the municipal election in May, one thousand nine hundred and nine, or as soon thereafter as practicable, shall elect a mayor, who shall hold office for one year and until his successor is elected and qualified; and said board shall, at their regular meeting in May, one thousand nine hundred and ten, and biennially thereafter, elect a mayor, whose term of office shall be for two years and until his successor is elected and qualified. The salary of the mayor shall be fixed by the board of aldermen and shall not exceed the sum of four thousand dollars (\$4,000) per annum, and shall not be diminished during his term of office. Election of mayor.

Salary of mayor.

SEC. 36. The mayor shall devote his entire time to the affairs of the city and shall not actively engage in any other business. He shall be the executive head of the city and shall be active in enforcing the law and ordinances of the city. Mayor to devote his time to work.
Executive head of city.

SEC. 37. The mayor, by and with the consent of the board of aldermen, shall establish such departments for the administration of the affairs of the city as he may consider proper, and shall appoint from the members of the board of aldermen such committees as he shall consider necessary for the said departments, when so established by him, to consult with and advise him as to the proper administration of such departments. Departments established and committees appointed by mayor.

Officers appointed
by mayor.

SEC. 38. The mayor shall, by and with the advice and consent of the board of aldermen, appoint the heads or chief executive officers of all departments created or established under the provisions hereof; and also the city engineer, city attorney, city clerk and treasurer, tax collector, city physician, city plumbing inspector, city electrician, and recorder: *Provided*, that the aforesaid offices, specially named, except recorder, are created or continued under this act. The board of aldermen shall fix the compensation and terms of office of the officers above provided for, none of which shall exceed the term of the mayor. The mayor shall have authority to appoint all other employees or servants of the city and fix their compensation and terms of office, subject to the provisions of this act relating to civil service. The mayor shall preside at all meetings of the board of aldermen, and shall cast no vote, except in case of a tie. He shall have the right to veto any ordinance, resolution or order of the board of aldermen, and his veto shall be overruled only by a vote of at least five members of the board of aldermen.

Proviso: continu-
ation of offices.

Compensation and
terms of office.

Other employees
and servants.
Compensation and
terms of office.

Mayor to preside
at meetings of
aldermen.
Vote.
Veto power.

Contracts to be
signed by mayor.

SEC. 39. The mayor shall sign all written contracts and obligations of the city of Charlotte, and no contract of the city required to be in writing shall be binding upon the city until signed by the mayor and attested by the city clerk. He shall have authority to administer oaths in any transaction connected with the city government, and the official oaths of the aldermen or other officials or employees of said city may be administered by the mayor.

Administration
of oaths.

Bonds to be
approved by
mayor.

SEC. 40. It shall be the duty of the mayor to approve all bonds required by law to be given by any city official, employee or agent, or by any contractor for public work, and in case he objects to the security thereon a new and approved security shall be given before such bonds shall be received. Where the security in any such bond shall become insufficient or insolvent he shall require an additional security.

Mayor pro tem.

SEC. 41. At the first regular meeting of the board of aldermen after induction into office, or as soon thereafter as practicable, the board of aldermen shall elect one of its members mayor *pro tem*, and prescribe his term of office, but he shall receive no extra pay by reason of being or acting mayor *pro tem*, but only the pay of an alderman.

Mayor pro tem. to
act in absence of
mayor.

SEC. 42. If for any reason the mayor is absent from the city, sick or unable to perform the duties of his office, the mayor *pro tem* shall, with the consent of the board of aldermen, serve during such absence or disability.

Authority of
mayor.
To require ex-
hibits of books
and papers.
Refusal a for-
feiture of office.
Employment of
experts.

SEC. 43. The mayor shall have the authority to require any officer or employee of the city to exhibit his official books and papers, and the refusal of any officer or employee, when so required, shall be deemed a forfeiture of his office or employment. He may employ experts to examine the records of any department of the city

when he deems it necessary; and in all cases of investigation of In investigations, any such department, or any charges against any officer or employee of the city, he shall have the power to administer oaths, subpoena and compel the attendance of witnesses and the production of books and papers.

SEC. 44. The mayor shall from time to time give the board of Mayor to give aldermen information about the condition of the affairs of the information and city, and recommend for consideration such measures as he deems make recommendations, best for the city; and he may exercise such other powers and perform such other duties as may be authorized or required by the board of aldermen, not inconsistent with this charter.

SEC. 45. That upon the day following his election, or as soon Mayor to qualify, thereafter as practicable, the mayor shall take the following oath:

"I do solemnly swear that I will, to the utmost of my power, support, advance, protect and defend the good order, peace and welfare of the city of Charlotte and its inhabitants, and will faithfully demean myself in the office of mayor for said city, according to the ordinances and regulations thereof, to the best of my skill and judgment. I do swear that I will support the Constitution of this State: I do swear, also, that I will support the Constitution of the United States."

RECORDER'S COURT.

SEC. 46. A special court for the trial of misdemeanors, to be Recorder's court designated as the recorder's court of the city of Charlotte, is established, hereby created and established.

SEC. 47. Said court shall be a court of record, and the presiding Court of record, officer thereof shall be known as the recorder, who shall be duly Recorder, qualified and competent to perform the duties of this office, and who shall be an elector of the city of Charlotte. The recorder Appointment of shall be appointed by the mayor, by and with the advice and recorder, consent of the board of aldermen, and he shall be appointed at the first meeting of the said board of aldermen in the year one thousand nine hundred and nine, after the mayor shall have been elected. He shall hold office for two years and until his successor Term of office, shall be appointed and qualified. At the expiration of his term of office, the mayor, by and with the advice and consent of the board of aldermen, shall appoint his successor. His salary shall be fixed Salary, by the board of aldermen, not exceeding the sum of one thousand five hundred dollars (\$1,500) per year, payable in monthly installments, and shall not be diminished during his term of office.

SEC. 48. The recorder shall hold daily sessions of the court at Sessions of court, the city hall in the city of Charlotte, beginning at nine o'clock A. M. (Sundays excepted) and continuing until the business of the court is disposed of.

SEC. 49. Said court shall have all the jurisdiction and powers Jurisdiction, in all criminal offenses occurring within the corporate limits of the

city of Charlotte which are now or may hereafter be given to justices of the peace, and shall also have exclusive and original jurisdiction to hear and determine all offenses and misdemeanors consisting of the violation of any of the ordinances of the said city.

Further jurisdiction.

SEC. 50. In addition to the jurisdiction conferred by the preceding section, the said court shall have original jurisdiction to hear and determine all criminal offenses committed within the corporate limits of the said city below the grade of felony as now defined by law, and all such offenses committed within the said city limits are hereby declared to be petty misdemeanors.

Petty misdemeanors.

Warrants.

SEC. 51. Warrants may be issued by the recorder for any person or persons charged with the commission of any offense, as defined in the two preceding sections, of which the said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Mecklenburg County, and upon such appeal the trial in the Superior Court shall be *de novo*.

Right of appeal.

Persons bound over to recorder's court.

SEC. 52. In all cases heard by justices of the peace and other committing magistrates against any person or persons for any offense included in this act, in which said justices of the peace or other committing magistrates have no final jurisdiction, and in which probable cause of guilt is found, such person or persons shall be bound over in a reasonable recognizance, with sufficient surety, to appear at the next succeeding session of the recorder's court for trial, and in default of recognizance such person or persons shall be committed to the common jail of Mecklenburg County

Warrants returnable to recorder's court.

to await trial. Any justice of the peace of the city of Charlotte may issue his warrant for any of the offenses enumerated in this act, and may make the same returnable to the said recorder's court. All trials in the said court shall be upon warrant issued by the said court or by any justice of the peace, as aforesaid.

Trials upon warrants.

Punishments.

Any person convicted in said court of any of the offenses embraced in this act shall be fined or imprisoned, or both, according to law.

Sentences to road work.

Whenever any person is convicted in said court and the punishment imposed is imprisonment and costs, the recorder shall have power to sentence the defendant to the county jail of Mecklenburg County, to be worked upon the county roads until such sentence has been complied with.

Trials by recorder.

SEC. 53. The recorder shall preside over the said court, and hear, try and determine all criminal actions of which said court has jurisdiction, except criminal charges against the mayor or board of aldermen or any police officer of the city of Charlotte, or in cases where the said recorder is legally incompetent to try the same, such incompetency to be construed to mean the same as would disqualify a judge of the Superior Court to try a case pending in that court. Criminal charges against the mayor or any member of the board of aldermen or any policeman of the city shall be triable in that court which would have jurisdiction thereof in case the said recorder's court did not exist.

Charges against mayor and aldermen.

SEC. 54. The practice and proceedings in the said recorder's court shall be the same as are now or may hereafter be prescribed by law in courts of justices of the peace (except that sections one thousand four hundred and twenty-eight to one thousand four hundred and forty-three, inclusive, and section one thousand four hundred and fifty-five of the Revisal of one thousand nine hundred and five shall not apply to the said recorder's court), and in all cases there shall be a right of appeal on the part of the defendant adjudged guilty to the next term of the Superior Court. In all cases of appeal the defendant shall be required to give bond, with sufficient surety, to insure his appearance at the next succeeding term of said Superior Court, and in default thereof shall be committed to the common jail of Mecklenburg County until he shall be discharged according to law.

Practice and proceedings.

Right of appeal.

Bond on appeal.

SEC. 55. Said court shall also have jurisdiction to try all actions for the recovery of any penalty for the violation of any ordinance of the said city, such penalty to be sued for and recovered in the name of the city of Charlotte, and if incurred by a minor shall be recovered from and in an action against his parents or guardian, or, if he be an apprentice, against his master, with the right of appeal to the Superior Court on the part of the person against whom judgment may be rendered for such penalty.

Jurisdiction for recovery of penalties.

Right of appeal.

SEC. 56. The recorder may issue his precepts to the chief of police or any policeman of the city of Charlotte, to the Sheriff of Mecklenburg County or any constable of said county or any officer to whom a justice of the peace may direct his precepts. The said recorder shall cause to be kept a faithful minute of all warrants or precepts issued by him and all of his judicial proceedings. Warrants, precepts or other processes issued by the recorder shall be executed by any officer above named.

Precepts of recorder.

Minutes.

Execution of process.

SEC. 57. In case of a vacancy occurring in the office of the recorder for any cause, said vacancy shall be filled by appointment by the mayor, by and with the advice and consent of the board of aldermen, of a recorder for the remainder of the term. The recorder may be removed from office by the board of aldermen, by unanimous vote, for malfeasance in office.

Vacancy.

Removal for cause.

SEC. 58. Immediately upon the qualification of the recorder, or as soon thereafter as may be practicable, the mayor shall appoint, by and with the advice and consent of the board of aldermen, a duly qualified elector of the said city, possessing the qualifications of the recorder, a substitute recorder, who shall perform the duties and have all the powers of the recorder in case of his temporary absence from the city or disability to perform the duties of this office. The term of office of the substitute recorder shall be concurrent with that of the recorder, and he shall receive as compensation

Substitute recorder.

Term of office.

Compensation.

sation for his services the sum of five dollars (\$5) per day for such time as he may be actually engaged in the performance of his duties, to be deducted from the salary of the recorder.

Clerk of recorder's court. SEC. 59. The board of aldermen are authorized to appoint and employ a clerk for the said recorder's court, and fix his salary. In the event this power is not exercised by the board, the recorder shall perform the duties of clerk of said court.

Costs in recorder's court. SEC. 60. The costs in the said recorder's court shall be as follows: Affidavit of complainant, fifty cents; warrant of arrest, one dollar; commitment, one dollar; entering judgment, one dollar; taking bond, fifty cents; issuing subpoena, fifteen cents for each witness; preparing bill of costs, twenty-five cents; continuance, fifty cents. The fees for serving processes and precepts of the recorder's court to the policeman or other officer herein mentioned shall be the same as is now prescribed by law for sheriffs or constables.

Fees for service of process. All fees or costs of the recorder, chief of police or policemen of the city shall be the property of the city and shall be paid over to the city treasurer.

Fees and costs to use of city. TAXES.

Taxing powers. SEC. 61. That in order to raise a fund for the expenses incident to the proper government of the city, the board of aldermen may annually levy and collect the following taxes, viz.:

Property tax. (1) On all real and personal property within the corporate limits, and on all personal property owned by residents of said city, including money on hand, solvent credits and upon all other subjects taxed now or hereafter by the General Assembly, *ad valorem*, a tax not exceeding one dollar on every hundred dollars value, in addition to the school tax hereinafter provided for.

Poll tax. (2) A poll tax not exceeding three dollars a poll on the taxable polls of all persons who may be residents in the city on the first day of June of each year.

Advertisement for listing taxes. SEC. 62. That the city clerk and treasurer, or such other officer as the mayor and board of aldermen may designate, on the third Monday in May of each and every year, shall make advertisement in some newspaper published in the city notifying all persons who own or have control of property liable to taxation by the city on the first of June to return to him, or such other officer as the mayor and board of aldermen may designate, on or before the last day of June, a list of their said taxable property. Said list shall state the number of lots, or parts of lots, and all other property now taxable or that may hereafter be made taxable by the

Tax lists. laws of the State or the ordinances of the city, and the list so returned shall be sworn to before said clerk and treasurer, or other officer designated, as above set out; and the said clerk and treasurer, or other officer designated by the mayor and board of aldermen, shall administer the following oath: "I, A. B., do solemnly

List to be sworn to.

Form of oath.

swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said city, a full and accurate list of all personal property, of Mecklenburg County bonds, and a full and accurate list of all stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: so help me, God."

SEC. 63. That from the returns so made, the clerk and treasurer, Tax book, or such officer as the mayor and board of aldermen may designate, shall, within thirty days after the expiration of the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of State taxes; and the said clerk and treasurer, Assessments, or officer designated for the purpose by the mayor and board of aldermen, shall copy in said book the assessments made by the board of township assessors of all property within the city limits, which assessment may be revised, corrected or amended by the board of aldermen.

SEC. 64. That the clerk and treasurer, or the officer designated by the mayor and board of aldermen for that purpose, shall, within thirty days from the return of the tax list, make out, to the best of his knowledge and belief, by comparing his book with the returns made by the board of township assessors and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city who shall have failed to return a list in the time and manner aforesaid, and said persons so listed shall forfeit and pay a sum fixed by the board, not exceeding twice the amount of the tax, which penalty may be recovered, as other fines and penalties imposed by the board of aldermen, before the recorder or any justice of the peace. Lists of delinquents. Forfeit for delinquency.

SEC. 65. The board of aldermen shall annually levy the taxes on such subjects of taxation as above designated, and shall place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector, for his compensation, shall receive not exceeding two per cent on the amount collected, to be fixed, either as salary or commission, by the board of aldermen. Levy and collection of taxes. Payment to treasurer. Compensation of tax collector.

SEC. 66. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city if the property to be sold is personalty, and of thirty days if the property be realty. Collection by distress.

Sale of real estate
for taxes.

SEC. 67. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall sell same at the courthouse door, after advertising for thirty days in some newspaper published in the city; and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed, as hereinafter provided, shall belong to the said city in fee.

Return of pro-
ceedings.

SEC. 68. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner.

Time for redemp-
tion.

SEC. 69. The owner of any land sold under the provisions of this charter and amendments, or any person acting for him, may redeem the same, within one year after the sale, by paying to the purchaser the sum paid by him and twenty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Conveyance for
property not
redeemed.

SEC. 70. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser, or his assigns, by deed, signed by the tax collector, attested by the city clerk and treasurer, or such other person as the mayor and board of aldermen may designate, and with the corporate seal attached; and the recitals in such conveyance shall be conclusive evidence that the tax collector has complied with all requirements of this charter necessary to make the sale valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

License taxes.

SEC. 71. That in addition to subjects listed for taxation the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector immediately; and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith levied upon and sold to satisfy the same, viz.:

Itinerant mer-
chants or
peddlers.

(1) Upon all itinerant merchants or peddlers selling or offering to sell in the city, a tax not exceeding fifty dollars per year, ex-

cept such only as sell books, charts or maps, and such as sell only Exceptions.
goods, wares and merchandise and other productions or manufac-
ture of this State, but not excepting venders of medicine, by whom-
soever manufactured.

(2) On every bowling alley and every billiard table and every Tables for games.
bagatelle table and every pool table and every other table or
gambling contrivance, the object of which is gain, and for the
use of which a charge is made, a tax not exceeding two hundred
dollars, reserving the right to remove it or them at any time as a
nuisance.

(3) On all keepers of eating houses or restaurants, fish or meats Eating houses,
or vegetables, or bread stands, or fruiterers, a tax not exceeding restaurants and
one hundred dollars a year. eating stands.

(4) Upon every company of circus riders who shall exhibit Circuses.
within the city or within one mile thereof, a tax not exceeding three
hundred dollars for each day, the tax to be paid before the ex-
hibition, and if not, to be double.

(5) Upon every person or company exhibiting, in the city or Stage or theat-
within one mile thereof, stage or theatrical plays, sleight-of-hand rical plays and
performances, rope dancing, tumbling, wire dancing or menagerie, other shows.
a tax not exceeding two hundred dollars for every day they ex-
hibit.

(6) Upon every exhibition, for reward, of artificial curiosities Exhibitions of
(models of useful inventions excepted) in the city or within one artificial curi-
mile thereof, a tax not exceeding fifty dollars, to be paid in ad- osities.
vance.

(7) Upon each show or exhibition of any other kind, and on Other shows and
each concert for reward or for advertising purposes, and on every exhibitions.
strolling musician, a tax not exceeding twenty dollars, to be paid
before exhibiting.

(8) Upon every goat or hog running at large in the city there Goats and hogs
may be levied a tax not exceeding ten dollars, and every such running at large.
goat or hog may be seized or impounded; and if the owner, on be-
ing notified, will not pay the tax the animal shall be sold therefor,
after three days' notice at the courthouse.

(9) On every four-horse omnibus, a tax not exceeding fifty dol- Omnibus.
lars, and on every two-horse omnibus a tax not exceeding forty
dollars.

(10) On every dray or express wagon drawn by one or two Drays and express
horses, a tax not exceeding twenty-five dollars; if drawn by more wagons.
than two horses, a tax not exceeding fifty dollars.

(11) On all carriages, buggies, sulkies and other vehicles used Vehicles.
in the city for the carriage of persons or for pleasure, a tax not
exceeding twenty-five dollars.

(12) On every dog, a tax not exceeding ten dollars: *Provided*, Dogs.
that a discrimination may be made within the limits on the dif-
ferent species and sexes of dogs.

(13) On all poles, whether telegraph, telephone, electric-power Poles,
wire, or otherwise, located in or on any public alley, street or

sidewalk in the city limits, an annual tax or charge in the nature of rent not to exceed one dollar per pole: *Provided*, the board of aldermen shall have power and authority to graduate the tax with

Proviso: power to graduate tax.

Proviso: exception.

reference to location and quality of the poles: *Provided*, this subsection shall not apply to any person, firm or corporation paying a city license tax.

Tax on trades, professions, franchises and other subjects of taxation.

Moneys paid to treasurer.

Appropriations.

SEC. 72. That the board of aldermen are hereby authorized and empowered to impose a tax on trades, professions, franchises, licenses and other subjects of taxation, as provided in section three, article five of the State Constitution; that all moneys raised from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by the board, constituted of a majority of all the aldermen.

Proviso: power to graduate license tax.

SEC. 73. That the board of aldermen shall have the power to graduate any of the license taxes levied on trades or businesses by dividing the businesses into classes, according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class.

Proviso: uniformity as to class.

Carrying on business without license, misdemeanor.

SEC. 74. That any person carrying on or practicing any business, profession, trade or avocation of any kind in said city, upon which a license tax has been levied by said board, without first having obtained a license therefor, shall be guilty of a misdemeanor.

Payment of interest and bonds.

SEC. 75. That it shall be the duty of the board of aldermen, in their levy of taxes, to make provision for paying the interest on the bonded debt of the city and for the payment of said bonds as they fall due; but no owner of past-due bonds shall be paid interest thereon after advertisement in some newspaper to present the same to the city treasurer for payment.

Past-due bonds.

Board of assessors or equalization.

SEC. 76. That said board of aldermen, at any meeting prior to the month of August in each year, may at their discretion appoint a board of assessors or equalization for said city, with power to administer oaths, consisting of not less than three nor more than five freeholders, resident taxpayers of said city, whose duty it shall be, during the month of August of the year in which they are appointed, as above set out, to carefully review and justly revise the tax lists hereinbefore mentioned, and correct any inequalities or errors appearing therein, either by reducing or increasing the assessment for taxation of any property listed thereon, or by supplying omissions therefrom, or by amending same in any other manner proper and just; said corrected or amended list, however, to be used as a basis only for municipal taxation, and the original or uncorrected list to be used for taxation for county and State purposes, without change, except as provided by the State revenue law, until the next general assessment of property for taxation for the State of North Carolina. To the end that a just assessment of all property in said city for municipal taxation may be had, said board of assessors, hereinbefore in this section provided for,

Duties of board—term of service.

Extension of term of service.

may have their term of service extended as to the board of alder-

men of said city may appear proper and necessary, and are hereby vested with full power and authority to summon and examine on oath any taxpayer in said city in regard to any property of said taxpayer which is or may be liable to municipal taxation, to subpoena and examine witnesses as may be thought proper, and to send for persons and papers: *Provided, however*, before the assessment of any taxpayer in said city shall be raised, notice of five days shall be given such taxpayer, who shall have opportunity to be heard before the final decision of such matter.

Proviso: notice and hearing on increase of assessment.

SEC. 77. That said board of aldermen shall preserve said list, mentioned in the preceding section hereof, among its records, and shall, immediately after its approval of same, cause to be made a copy of so much and such parts thereof as may be required for the use of the tax collector in collecting the taxes of said city. Said copy, or said copy amended, modified or changed, as hereinbefore provided, shall be delivered to said tax collector on or before the first Monday in September in each year, and he shall receipt for the same. Said city clerk and treasurer, or such other officer as the mayor and board of aldermen may designate in said copy, shall order said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy, respectively.

Preservation of list.

Copy for tax collector.

Delivery to tax collector.

Order for collection.

SEC. 78. That whenever it shall appear to the board of aldermen of the city of Charlotte that property, real or personal, has escaped taxation in the said city for city purposes on account of the failure of the owner of the property to list said property for taxation, or for any other reason, it shall be the duty of the said board to notify the said persons or corporations whose property has thus escaped taxation to appear before it, at a time and place mentioned in the notice, and show cause, if any there be, why the said owner should not be charged with the tax on the said property for the year or years during which it escaped taxation. At the time and place mentioned in the notice, the board of aldermen shall hear and determine the matter, and if they find that the said property was liable for taxation and was not listed they shall direct the clerk of the said city to enter upon the tax book against the owner of the said property who should have listed it the taxes due for the year it escaped taxation, and the tax thus levied shall be collected as other taxes against the owner who failed to list his property or whose property was not listed for any cause.

Property escaping taxation.

Notice to owner.

Hearing and determination.

Taxes entered against property.

Collection of tax.

SEC. 79. That from the decision of the board of aldermen the owner may take an appeal to the next term of the Superior Court of Mecklenburg County, and the collection of such taxes shall be stayed, pending such appeal, if the owner shall give bond in at least double the amount of the taxes assessed against him, con-

Right of appeal.

Stay pending appeal.

ditioned that he will pay the city of Charlotte all such judgments as may be had against him in the Superior Court upon such appeal, which bond shall in no case be less than fifty dollars.

CITY TAX COMMISSIONER.

Appointment of tax commissioner. Duties.	SEC. 80. The mayor, by and with the consent of the board of aldermen, shall appoint a city tax commissioner, who shall devote his entire time and attention to investigating inequalities and undervaluations in the assessment of real and personal property within the corporate limits of said city, and all delinquents who have failed to properly list their taxables he shall report to the county list takers and assessors for Charlotte Township; also all inequalities or undervaluations in the assessment of real and personal property and all delinquent taxables he may have discovered within said city. He shall urge upon said list takers and assessors the proper assessment and return of all property, real and personal, in said city, and shall report to the Board of County Commissioners of Mecklenburg County, on or before the expiration of the time fixed by law for revising and equalizing the assessment on real and personal property, all such inequalities and undervaluations as he shall have discovered; and shall likewise report to said board, on or before the expiration of the time fixed by law for placing delinquents upon the tax books, all delinquent taxables in said city, and shall urge upon the board the proper assessment and valuation and listing of all real and personal property therein. He shall also examine the books of the tax collector of said city and report to the board of aldermen all errors and inaccuracies and discrepancies that may appear therein, and all uncollected and unlisted taxes for such year not included in the insolvent list allowed said tax collector by the board of aldermen.
Reports.	
Reports to county commissioners.	
Examination of and report on books.	
Other duties.	
Compensation.	Said commissioner shall receive such compensation for his services as the board of aldermen of the city of Charlotte and the Board of Commissioners of Mecklenburg County shall fix, one-half to be paid by the said city and one-half to be paid by the said county.

PUBLIC IMPROVEMENTS.

(1) *Streets and Sidewalks.*

Power to grade and improve streets.	SEC. 81. That the board of aldermen shall have full power and authority, by ordinance, to grade, pave, repave, macadamize, remacadamize and otherwise permanently improve for travel and drainage any street, sidewalk or public alley of said city; to put down curbing, cross drainage and crossings on the same; to lay out and bound new streets or widen those already bounded, and make such improvements thereon as the public convenience may require.
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SEC. 82. That the board of aldermen shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets and sidewalks for permanent improvement, and of equalizing the assessment on real estate to pay the cost of such improvement, as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this act for street improvement, the board of aldermen shall have power and authority to pass ordinances assessing the entire cost of paving or repaving, macadamizing or remacadamizing all such streets and sidewalks within any such district or section laid out for improvement on the real estate abutting on the street or sidewalk or portion thereof so paved or repaved, macadamized or remacadamized, and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk or part thereof so improved or repaired to pay the amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this act: *Provided*, that the board of aldermen shall not order such improvement district or section to be laid out until and unless the persons owning the land abutting on such street or sidewalk or public alley, or the portion thereof proposed to be improved, which is more than one-third of the frontage abutting on such street, sidewalk or public alley, or portion thereof proposed to be improved, shall, in writing, request said board to make such improvement, except that, in view of the fact that Tryon Street, from the Seaboard Air Line Company's passenger station to Morehead Street, and Trade Street, from the Southern Railway Company's passenger depot to its intersection with McDowell Street (the said Trade Street being called at certain points East Avenue), are main thoroughfares of the said city, no petition for such improvement as to them need be made, and the board of aldermen may order such improvement to be made without such petition: *Provided*, that the city, out of its general funds, shall pay the cost of permanently improving the street intersections, except that part of such intersections required to be paid for by such street railways as in this act elsewhere provided: and *Provided further*, that the cost of such improvement shall be financed by the issue of bonds, as hereinafter provided.

SEC. 83. That if any street railroad company or other railroad company have tracks running through or across any street or streets laid out as permanent-improvement districts or sections, it shall be incumbent on such company to pave, repave, macadamize or remacadamize or otherwise improve that part of such street or streets which the board of aldermen may prescribe, not to exceed, however, the space covered by its tracks and at least thirty inches on each side of each line of track as they are now or may hereafter be constructed by any such company: *Provided*, that the

Districts for permanent improvements.

Assessment of cost on abutting property.

Charges a lien on property.

Proviso: petition for improvement.

Exception to requirement for petition.

Proviso: amount paid by city.

Proviso: issue of bonds.

Street work imposed on railroad and street railway companies.

Proviso: work done by city at expense of companies.

board of aldermen, in order to secure uniformity in the workmanship and avoid delay in the progress of the work, shall have full power and authority to pave or repave, macadamize or remacadamize, or contract for paving or repaving, macadamizing or remacadamizing, the whole of said space without giving such street railroad company or other occupant of the street or streets the option of having said space paved or repaved, macadamized or remacadamized by itself or otherwise; and the cost of such permanent improvement, properly chargeable to such railroad company, shall be assessed upon the franchise of the property of said railway company located in said city, and special tax levies made thereon for the purpose of collecting the same in the manner herein elsewhere provided for the assessment and levy upon other property so improved.

Notice to holders of street franchises of projected improvement.

SEC. 84. All companies, corporations and persons having franchises or permits to use the streets of the city for laying railway tracks, pipes or conduits, and for other purposes requiring the excavation of the streets, sidewalks and public alleys, shall be notified by the said board when any street is to be permanently improved and given a reasonable opportunity to lay said railways, pipes or conduits, or do such work as they may be authorized to do under said franchises; and in case any such company, corporation or person fails to lay said railway or pipes or to do said work before such permanent improvements are made, they shall not be permitted to do so thereafter, except upon the condition that they shall pay such reasonable proportion of the original cost of such permanent improvements as may be fixed by the board of aldermen, to be ratably refunded to the abutting property owners who have paid for such permanent improvement.

Work to be done before improvements are made.

Payment for license to work after improvement.

Equalization of assessments.

SEC. 85. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this act, the board of aldermen shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon each side of the street upon which said work is done its *pro rata* share of the entire cost of all such improvements as may be made under the provisions of this act: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit, and shall file in the office of the city clerk and treasurer a plat of the subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth; and the assessment made and the liens

Proviso: subdivision of lots.

created by virtue of this act for street improvement shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth; and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain chargeable with its ratable proportion of said assessment and liens, according to its frontage. That the mayor and board of aldermen shall cause to be established a permanent grade on any such street, sidewalk or public alley so improved, and shall cause any such street, sidewalk or public alley to be accurately surveyed, and a map to be made of the various lots and properties abutting on such street, sidewalk or alley, or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any, and the said map shall be filed with the city clerk and treasurer, to be subject to public inspection; and when the assessments and liens, as provided for in this act, shall have been made upon the various lots and properties on the streets, sidewalks or alleys, the city clerk and treasurer or other proper clerical city officer shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any of the said assessments and liens: *Provided further*, that no assessment against any piece of property improved as in this act provided shall in any case exceed the amount of special benefit to or enhancement in value of said property by reason of said improvements or twenty per cent of the assessed taxable value thereof; and where permanent street improvements shall be made, the property bearing such assessments shall not be so assessed again until after the expiration of ten years from the date of the last preceding assessment.

Lots chargeable with proportion of assessment.

Grade and survey.

Map.

Assessments written on map.

Record of assessments and liens.

Proviso: limit on assessment.

SEC. 86. That notice of the assessment of special benefits by the board of aldermen, as herein elsewhere provided in this act, against abutting property on any street, sidewalk or public alley in any such improvement district or section shall be given at least twice a week for two weeks in some daily newspaper published in the city of Charlotte, which notice shall state the time and place that such assessments are to be made and determined, and shall notify all persons interested in any particular improvement district or section of such assessment to appear and show cause, if any, why such assessment shall not be made; and in the event the owner of such lot or lots is an infant, idiot, lunatic or incompetent, then his general guardian, if he has such, shall act for him; if he has not, it shall be the duty of the Clerk of the Superior Court of Mecklenburg County to appoint a guardian *ad litem* to act for him. That any person who shall feel aggrieved by the findings of said board with reference to said assessment for such permanent improvements shall have the right, within ten days

Notice of assessment.

Persons under disability.

Guardian ad litem.

Right of appeal.

- after such findings of said board, and not after that time, to file his objections to such findings and to appeal from the decision of said board to the next term of the Superior Court of Mecklenburg County, North Carolina, by serving upon said city notice, in writing, of his intention so to do, and specifying in said notice the grounds of his objections to said findings, and by filing, within the time prescribed for taking appeals, in the office of the Clerk of the Superior Court of Mecklenburg County, a written undertaking, in at least the sum of two hundred dollars, with sufficient surety, to be justified before and approved by said clerk, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of said appeal. In such cases of appeal from the board of aldermen the ordinance laying out the specially improved districts, the action of said board in determining special benefits, the objections of the property owner filed thereto, and all other papers material to the matter shall constitute the case on appeal and be certified by the city clerk and treasurer to the Superior Court, and shall be docketed on the civil-issue docket and stand at issue as other civil cases regularly brought in such court, with leave to either party to file such pleadings and papers as he may deem necessary. The costs of all such improvements for special benefits to property, as estimated in the above manner, shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as hereinafter provided. If all the issues be found in favor of the appellant, on such appeal, as above provided for, the lien for said assessments shall be discharged; if, however, the issues, or any of them, be found in favor of the city of Charlotte to any amount, then judgment shall be rendered in favor of said city for such amount, to the end that no merely technical objections shall defeat the rights of the city; and the amount so found, together with the cost of such appeal (which cost shall be assessed as costs in other civil actions), shall be and continue a lien against the property upon which the original assessment was placed from the date of the findings of said board of aldermen, and shall be collected by the tax collector of the city of Charlotte, as elsewhere in this act provided.
- SEC. 87. That in lieu of notice by publication to property owners affected by improvements to abutting real property, as elsewhere provided in this chapter, the board of aldermen, if it so determines, may give ten days' personal notice to all persons affected by any permanent improvements for which a charge is to be made on real estate to appear before said board, at a certain time and place, to show cause, if any, why such assessment should not be made, which notice may be served by any policeman of the city of Charlotte or other proper officer.
- Notice of appeal.
- Bond on appeal.
- Record on appeal.
- Bond issue and special tax.
- Judgment on appeal.
- Personal notice.

SEC. 88. Nothing in this act shall be construed to make it mandatory on the board of aldermen to require abutting property owners to pay the cost of macadam, but it shall be in the discretion of said board to exercise its judgment about the cost of macadam; but it is hereby made mandatory upon said board to charge the cost of bitulithic, asphalt, vitrified brick and other permanent pavements against the abutting property, as elsewhere provided in this act: *Provided further*, that nothing in this act shall be construed to make it mandatory on the board of aldermen to issue bonds to finance the construction of sidewalks, but said board may require the construction of sidewalks and charge the entire cost of same to the abutting property, the property on each side of the street to pay or bear the cost of the sidewalk on its respective side, which cost shall be a lien on the abutting property, as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property owners, and not by an issue of bonds, as is elsewhere provided, if the board of aldermen so determine; and such charge or assessment shall be enforced and collected by the tax collector by the sale of the abutting property specially benefited, in the same manner as real estate is sold for taxes.

Action in discretion of aldermen.

Action mandatory.

Proviso: issue of bonds discretionary.

SEC. 89. As soon as the amount chargeable to the real estate to be specially benefited, as is provided in other sections of this act, is finally determined by the board of aldermen, and after the contract is let for any such work or improvement, the board of aldermen may cause a notice to be published once a week for two weeks in some daily newspaper published in the city of Charlotte, substantially in the following form:

Notice to be published.

"STREET-IMPROVEMENT NOTICE.

"Notice is hereby given that a contract has been let for (describing work and street, sidewalk or alley), and that the improvement chargeable to the real estate to be benefited has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds, chargeable to the said real estate, to pay the special assessments, and such bonds will be issued, covering all of said assessments, except in cases where the owners of property file with the city clerk, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same."

Form of notice.

SEC. 90. After the expiration of the time fixed for filing notice of election to pay the special assessment, as provided in the preceding section, the board of aldermen may issue improvement bonds covering all of the assessments, except such as the owners have filed notice of election to pay, as stated in the preceding section, which bonds shall be of corresponding amounts and known as street-im-

Bond issue authorized.

Amount.

Ten series.	provement bonds and shall comprise ten equal series. Each series
Interest.	shall consist of a like number of bonds, and shall bear interest
Sale not below par.	not to exceed six per cent per annum, and shall be sold for not less
Authentication.	than par, and shall be signed by the mayor and attested by the city
Recitals.	clerk, and shall contain such recitals as may be necessary to show
Sale.	that they are chargeable to particular property, and may be sold
	at either public or private sale; and the interest upon the said
	bonds shall be payable semiannually, and each installment of
Bonds due annually.	interest shall be represented by corresponding coupons. The respec-
	tive series of the said bonds shall be payable annually, and the
	last series thereof shall be payable not exceeding ten years from
	the date of their issue. The proceeds collected by the city treas-
Payment of contractors.	urer shall be paid to the contractor when due him, or the contract
	may provide that the contractor shall take bonds as payment on
	his contract at their par value, the contractor to be charged with
	accrued interest. At the date of each tax levy after the issuance
Special assess-	of any such bonds, until all of them are paid, when the tax roll
ments.	or levy for the year is prepared, sufficient special assessments of
	taxes on each parcel of land covered by said bonds to pay the an-
	nuual installment of the principal and interest on the amount of
	such special assessments then unpaid shall be included in the tax
	levy, or roll, as a special tax on said property, and thereafter
	this tax shall be treated in all respects as any other city tax,
	to be collected in the same manner, and constitute a lien on the
	property affected, and in every respect the same as other taxes.

(2) *Water and Sewers—Pipes.*

Location of sewers and water mains authorized.	Sec. 91. The board of aldermen shall have the power and au-
	thority to locate, lay, establish and maintain public sewers and
	water mains in such of the streets or elsewhere as the board may
Connections required.	deem necessary, and shall require the owners of real property
	upon which residences or other buildings are located, abutting
	upon the streets in which said sewer and water mains are located,
	or within a reasonable distance thereof, to connect said residences
	or other buildings with such public sewers and water mains, under
	such reasonable rules and regulations and upon such conditions
Fees and rates.	as said board shall by ordinance fix and establish, in which shall
	be included the right to fix reasonable fees and rates to be charged
	upon such property owners for the privilege of connecting with
	the said public sewers and water mains and the subsequent use
	thereof, which fees and charges shall also apply to the owners
	whose property has heretofore been connected with the public
	sewers and water mains now established, as well as to those to
Enforcement of collection.	be connected hereafter. The said board shall have the right and
Mains on streets permanently im-	power to pass such ordinances as shall be necessary to enforce
proved, charged on abutting property.	the collection of such fees and charges. When in making perma-
	nent improvements it shall become necessary to extend, lay or

relay any water or sewer mains in the street or streets to be so permanently improved, then the cost of extending, laying or relaying such water or sewer mains shall be borne by the abutting or other property specially benefited thereby, to the extent of the respective benefits and improvement. Bonds shall be issued therefor, to be paid in installments, by levying special assessments upon the property so specially benefited; and the collection of said assessments shall be in the manner hereinbefore provided for levying and collecting special assessments for paving and repaving streets, sidewalks, etc., and the procedure with reference to determining such special benefits shall be the same in all respects as the procedure in regard to determining assessments for special benefits by reason of street improvement, as in this act elsewhere provided: *Provided*, that the amounts thus assessed against and collected from the property so specially benefited for water and sewer extensions shall be credited by the city to said property, to be thereafter applied in the payment of the water and sewer rent charges made against the owners of said property, in order that equality, as near as may be, shall obtain as between property where water and sewer mains have already been made and established, and property where such improvements have not been made.

Installment
bonds,
Levy and collec-
tion of assess-
ments.

Proviso: credit on
water and sewer
rates.

PUBLIC HEALTH.

SEC. 92. Power is hereby given to the city, subject to the provisions of this act, to pass such ordinances and do such acts and things and appoint such officers and employees as may be necessary, useful or desirable to safeguard and protect the health of the inhabitants of the city; and power is hereby conferred upon the said city to institute and carry out all sanitary measures for the preservation of the public health and for the prevention of the generation, introduction or spread of infectious or contagious diseases of any kind; to provide quarantine regulations, personal or otherwise, and to exercise the authority and jurisdiction conferred by sections four thousand five hundred and six, four thousand five hundred and seven, four thousand five hundred and eight, and four thousand five hundred and nine of the Revisal of one thousand nine hundred and five, and any and all acts amendatory thereof.

Powers for pro-
tection of public
health.

Quarantine.

SEC. 93. That there may be established under the provisions of this act a hospital or hospitals, that persons having or being suspected of having smallpox or any infections or contagious disease may be examined, stopped, detained or kept in the said hospital; that the city or any part thereof may be quarantined, and all persons in the city limits may be compulsorily vaccinated, and furniture, bedding, clothing or other property infected or tainted with any infections or contagious disease, or upon reasonable grounds of suspicion that the same is so tainted or infected, may

Hospitals.

Compulsory
vaccination.
Disinfection or
destruction of
infected property

be fumigated or destroyed without incurring liability to the owner; and all expense incurred in carrying out the aforesaid provisions shall be borne by the city.

Regulation of slaughter of animals and sale of meat.
Destruction of food products.

SEC. 94. Power is hereby given to the city to regulate the slaughtering of animals and the sale of meats, and, whenever it is necessary to preserve the public health, to order the destruction of any meat or product sold for the purposes of human food, and the city or persons acting under its orders shall be free from civil or criminal liability, or both, by reason of such destruction.

PUBLIC PROPERTY.

Control and custody of public property.

Officials, servants and agents.

Exception.

Trees and parks.

Charlotte park and tree commission.

SEC. 95. That all cemeteries, parks, public buildings and other public property belonging to the city, except as herein provided, shall be under the control and in the custody of the board of aldermen; and such officials, servants and agents as shall be needed to care for, manage and look after the same shall be appointed and their terms of office and compensation fixed, as herein elsewhere provided. That nothing in this act contained shall embrace the Carnegie Public Library, but the same shall remain vested in the corporation created by chapter sixteen of the Private Laws of one thousand nine hundred and three, and this act shall not be construed to repeal any part of said chapter.

SEC. 96. That the board of aldermen shall have exclusive control of all trees upon the streets or public property of the city, and shall have power to pass proper ordinances for the regulation and management of all parks within the city limits and the use thereof by the public. That nothing in this act shall be construed to abolish the Charlotte Park and Tree Commission or repeal any part of the law pertaining thereto.

POLICE AND INSPECTION.

(1) Police.

Appointment of police officials.

Power and authority.

Execution of process.

Policemen to qualify.

Bonds.

Badges and uniforms.

SEC. 97. The police powers of the city of Charlotte shall be exercised by such officials as may be appointed by the mayor, subject to the provisions of this act. The persons exercising the police powers shall have all the power and authority now or which may hereafter be vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and arresting offenders. They shall execute all processes directed to them by the mayor or recorder or other lawful officer, and shall have the same power in regard thereto as sheriffs and constables. The members of the police force shall take oath before the mayor for the faithful performance of their duties imposed by law and the ordinances of the city, and such officers and policemen as the mayor may designate shall give bond for the faithful accounting for all moneys that may come into their hands by virtue of their office. Any officer exercising police powers shall

wear a badge and uniform while on duty. All fees now or here- Fees to use of city.
after prescribed to be taxed as costs for the benefit of any officer
or policeman shall become the property of the city and shall be
paid over to the city treasurer or other person authorized to re-
ceive the same.

(2) *Inspection.*

SEC. 98. That, subject to the provisions of this act, provision Inspection of
shall be made for the inspection of all buildings which may be buildings.
in course of erection or alteration, according to the building
ordinances of the city, and an examination of the condition thereof
shall be made and reported to the mayor and board of aldermen.
All electrical works and appliances used and intended for the use Electrical works
of manufacturing, supplying or receiving electricity within the and appliances.
city, either for light, heat, power, telephone, telegraph or signaling
systems, shall be supervised and inspected. All plumbing work, Plumbing, water
water fixtures and sewer connections shall also be inspected and fixtures and sewer
required to conform to the city ordinances. The mayor, by and connections.
with the consent of the board of aldermen, may establish one or Cotton weaver
more stations in the city of Charlotte for the public weighing of and inspectors.
cotton by the cotton weigher of Mecklenburg County and such
assistant weighers as he may appoint, subject to approval of the
board of county commissioners; that said mayor, by and with the
consent of the board of aldermen, may appoint one or more in-
spectors for each of said stations, whose duties and compensation
may be regulated by ordinance of the said board, and the duties
of the assistant weigher and inspector may be performed by the
same person.

FIRE PROTECTION.

SEC. 99. Authority is hereby conferred, subject to the provisions Power to provide
of this act, to make provision for the protection of the lives and for protection.
property of the people against loss or damage by fire. In case Powers at fires.
of fire, the mayor or the person exercising the duties of chief
of the fire department may order the blowing-up, pulling-down or
destruction of any house or houses in his judgment necessary for
the prevention of the spread of fire, and no person shall be held
civilly or criminally liable for giving or obeying such order.

SEC. 100. That persons exercising the duties of firemen shall Firemen to make
have power and are hereby authorized to make arrests during arrests.
fires for interference with or obstruction of their operations.

SEC. 101. That in the event of an alarm of fire the fire ap- Right of way to
paratus of the city shall have exclusive right of way in and upon fire apparatus.
the streets, alleys, squares and railroad crossings in going to or
operating at any fire, and any interference with the operations Interference with
of the firemen in the discharge of their duty or any of the ap- operations or
paratus shall be unlawful. apparatus un-
lawful.

CIVIL SERVICE.

Government of
policemen and
firemen.

System for ap-
pointment and
promotion on
merit.

SEC. 102. The mayor shall be authorized to make all proper and necessary rules for the government of all persons exercising police powers or the powers of firemen in the city. The board of aldermen are hereby required to pass ordinances providing for a system of civil service applicable to persons exercising the powers of policemen or firemen in the city (not including, however, the head or chief of the police and fire departments or officers exercising such powers), whereby the said persons shall be chosen and retained in office, or promoted, according to merit and faithful and diligent discharge of duty.

JURY DUTY.

Exemption of
policemen and
firemen.

SEC. 103. All persons exercising the powers of policemen or firemen in the city shall be exempted from militia or jury duty, and from arrests by civil process while in the discharge of their duties.

CITY FINANCES.

Monthly reports.
Publication.

Audit of accounts.

Depository of
funds.

Preference.

Issue of bonds.

Proviso: tempo-
rary loans.

Proviso: bond
issues excepted.

SEC. 104. A report of the city's financial condition shall be made to the board of aldermen at each monthly meeting by the city treasurer and published in one of the newspapers of the city. The books of the city treasurer and of the several departments shall be audited at least once a year by a competent accountant, to be selected by the board of aldermen. The depository or depositories of the city's funds shall be designated by the mayor, with the consent of the board of aldermen, preference being given to such solvent bank or banks in the city of Charlotte as shall allow the highest rate of interest on daily balances. No bonds shall be issued by the board of aldermen for necessary expenses or any other purpose, except as specially authorized herein for permanent improvements, until after the proposition to issue said bonds has been submitted to the qualified voters of the city, at an election called for that purpose, and approved by a majority of the qualified voters: *Provided*, this shall not prevent the city from executing its promissory note for a temporary loan, to be repaid out of the revenues of the current fiscal year; no such loan, however, to be negotiated when the city has on hand sufficient funds to meet the current expenses: *Provided*, this section shall not apply to any bond issue authorized during the present session of the General Assembly.

FRANCHISES.

Limit to grant of
franchise.

Publication of
proposed ordi-
nances.

SEC. 105. No franchise for the use of streets, sidewalks, highways or other public property of the city shall be hereafter granted, extended or renewed for a longer period than thirty years, and no ordinance granting any such franchise shall be passed until the full text thereof shall have been published for

three weeks in a daily newspaper of the city, at the expense of the applicant applying for said franchise, before the second reading of such ordinance, and all such ordinances shall be read three times at a regular monthly meeting of the board, and an "aye" and "no" vote shall be recorded on the second and third readings; and the rules shall not be suspended so as to pass such ordinance in a shorter time; neither shall such ordinance be passed unless some reasonable time limit shall be therein provided for the commencement and completion of the work authorized, and the board shall have the right to fix such terms and conditions upon which such franchise shall be granted. No franchise to construct and operate any street or other railway upon any street in said city shall be granted except upon the condition that the company owning and operating such railway shall keep up and maintain the street between and at least thirty inches on each side of every line of such railway.

Proceedings in passing ordinance.

Rules not suspended. Time limit to be provided.

Terms and conditions.

Condition of franchise to railways.

CITY WATERWORKS.

SEC. 106. That the board of water commissioners is hereby abolished, and all real estate and personal property of every nature and description now held by the said board shall immediately upon the ratification of this act become the property of the city of Charlotte, and all the liabilities of the said board shall be and become the obligations of the city of Charlotte.

Board of water commissioners abolished. Property vested in city.

Liabilities.

SEC. 107. That the board of aldermen shall have authority to extend, construct, maintain, change the location of or discontinue the water mains and water pipes connected with said waterworks, and by ordinance shall have authority to regulate and control the introduction, distribution and use of water in the said city, and fix the rate at which the same shall be furnished to consumers and prescribe the time of payment, and may grant a rebate for payment of such rates within a designated time, and provide for the collection of all rents, rates, forfeitures or emoluments from the operation of the waterworks system, and require the payment in advance of the water rates for water furnished in or to any building, place or premises, and, after five days' notice, may cause the water to be shut off from any building, place or premises on account of nonpayment of the said rates or rent, and said premises, building or place need not be furnished with water until the arrears, with interest thereon, and the expense of cutting off and reintroducing the water supply shall have been fully paid; and to prescribe penalties against any person who shall interfere with the water supply of any building, place or premises, or who shall turn on the water in or to any building, place or premises after the same shall have been cut off and before payment of said arrears.

Powers of aldermen as to waterworks.

SEC. 108. That no contract shall be made for the use of water within the city for a longer term than five years.

Limit of contracts.

Inquiry into waste.

SEC. 109. That where unnecessary waste of water is known or suspected the board of aldermen shall have authority to cause entry to be made, at reasonable hours, after demand and refusal, into and upon any building, place or premises where such water is taken and used, and examine and inquire into the cause of the waste thereof, and may prescribe penalties for any person who refuses to permit such examination or obstructs the performance of this duty, and the supply of water may be cut off until such examination is made.

Penalties for refusal to permit examination.

Separate accounts.

SEC. 110. That accurate accounts shall be kept of all receipts and disbursements and expenditures on account of the operation of the waterworks, separate from the other funds of the city.

Appropriation of proceeds.

SEC. 111. That out of the proceeds of the operation of the waterworks there shall be paid the interest upon bonds of the city of Charlotte which were sold for the purpose of raising money to purchase or enlarge said system of waterworks, and the balance remaining over and above the costs of maintenance, operation and extension, after the payment of such interest, shall be invested, under the direction of the board of aldermen, as a sinking fund to meet the payment of said bonds at their maturity.

Balance to sinking fund.

Injury to waterworks misdemeanor.

SEC. 112. That if any person or persons shall maliciously or willfully divert the water or any portion thereof from the said waterworks, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe or other property used or acquired for procuring or distributing the water, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or shall be imprisoned not exceeding one year, at the discretion of the court.

Punishment.

Powers in laying water pipes.

SEC. 113. That the said board of aldermen shall have the right to use the ground or soil within the right of way of any street or other railway, highway, lane or alley for the purpose of extending or improving the said system of waterworks, and may carry pipes under any railroad or highway for said purposes, upon condition that such property shall not be permanently injured and shall be restored to its original condition, or damages done thereto repaired.

Inspection of watershed.

SEC. 114. That the watershed shall be inspected by a competent person, to be appointed as herein elsewhere provided, regularly, and a daily examination of the public water supply shall be made.

Daily examination of water supply.

Power to protect watershed.

SEC. 115. That the board of aldermen shall have full power and authority to protect the watershed from contamination or pollution of any kind, and provide for the removal of the cause thereof.

PUBLIC UTILITIES.

Power to regulate and supervise public utilities.

SEC. 116. That the said city of Charlotte shall have the power, to be exercised by and through its board of aldermen, to regulate

and supervise all public-utility corporations or *quasi* public-utility corporations which operate or do business in the city of Charlotte as to all matters exclusively in the city of Charlotte, to the end that all the citizens of Charlotte shall receive from the said public or *quasi* public-utility corporations equal treatment, and also to the end that said citizens shall have good service and just and reasonable rates from any and all said public or *quasi* public-utility corporations. The board of aldermen of the city of Charlotte shall have power to make and establish just and reasonable rules and regulations governing the public-utility or *quasi* public-utility corporations which operate or do business in the city of Charlotte for the purpose of providing and enforcing such equal treatment and good service. Any violation of such rules or regulations as may be prescribed under this section shall subject the person or corporation so offending to the penalty of fifty dollars. For the purposes mentioned in this section, the term "public-utility" or "*quasi* public-utility" corporation shall be construed to embrace all corporations usually known as public-service or *quasi* public-service corporations. This section shall not apply to any steam railroad company doing business in the city of Charlotte. Any public-utility or *quasi* public-utility corporation or other interested person shall at any time have and be entitled to an appeal to the Corporation Commission of the State from any action, judgment or other decision of the board of aldermen of the city of Charlotte. On such appeal the Corporation Commission shall hear the matter on the same evidence as that heard by the board of aldermen, which evidence shall be certified to the Corporation Commission, under the hand of the mayor and seal of the city, attested by the city clerk or other proper officer, and said evidence, together with the other papers in the case, shall constitute the record before the Corporation Commission. In all other respects the said cause shall be governed by all the laws and rules regulating matters heard by the Corporation Commission. The board of aldermen of the city of Charlotte, upon complaint of any person, firm or corporation residing or doing business in said city that any public-service or *quasi* public-service corporation is charging an unjust or unreasonable rate, or, of its own motion, after due notice and hearing, shall have the power to declare what shall be just and reasonable rates in the matter under investigation, and shall make an order accordingly, such order not to become effective for thirty days after same is made and notice given. If within said thirty days exception is filed to such order by any corporation or other person affected thereby, then the whole matter under investigation shall be heard *de novo* by the Corporation Commission of North Carolina; and said Corporation Commission, after hearing the same, shall have power to fix just and reasonable rates and such rules as they shall deem necessary to carry such rates and rules into effect. In case no exception

Rules and regulations.

Penalty for violating regulations.

Terms construed.

Steam railroads not affected.

Right of appeal to corporation commission.

Hearing on appeal.

Power to declare just and reasonable rates.

Order effective after thirty days.

Hearing *de novo* by corporation commission.

Power of corporation commission. Ordinance.

Power of corporation commission to fix rates.

Application to corporation commission.

Penalty on corporation.

Powers of corporation commission not abridged.

Power of purchase.

is filed to the order or rule of the board of aldermen within thirty days, as above provided, then the board of aldermen are authorized to make such ordinances as may be necessary to carry the same into effect. In addition to the power herein conferred, the Corporation Commission shall have full power and authority to fix and establish any and all rates which any public-service or *quasi* public-service corporation, other than railroads using steam as a motive power, shall charge or exact from any person, firm or corporation for the service rendered or commodity furnished. Upon application being made, the Corporation Commission shall proceed to hear, pass on and determine, in the manner prescribed by law, a just and reasonable rate or charge for the service or other commodity rendered or furnished. Said hearing before the Corporation Commission shall be governed by the general law as to said commission relating to the fixing of rates and rules and orders of the commission as to the enforcement thereof by said commission. The Corporation Commission shall have the same power and authority, in hearing and passing on any matter or case under this act, enforcing or fixing of rates or supervising and regulating said corporation, or otherwise, under this act, as they now have under the act establishing said Corporation Commission, in addition to such power and authority as they now have under the general law. The failure or refusal to conform to or obey any decision, rule, regulation or order made in such cases by the Corporation Commission shall subject said public-utility corporation or *quasi* public-utility corporation refusing or failing to comply therewith to the penalty provided for railroad companies in chapter twenty (20), sections one thousand and eighty-six, one thousand and eighty-seven, one thousand and eighty-eight, one thousand and eighty-nine, one thousand and ninety, one thousand and ninety-one, one thousand and ninety-two and one thousand and ninety-three, of the Revisal of North Carolina of one thousand nine hundred and five. Nothing contained in this section shall be construed to deprive the Corporation Commission of the authority and power which it now has under the laws of North Carolina to supervise and regulate or fix the rates for public-utility or *quasi* public-utility corporations operating or doing business in the city of Charlotte.

CONDEMNATION FOR PUBLIC USE.

SEC. 117. That when in the opinion of the board of aldermen any land, right of way, privilege or easement shall be required for the purpose of opening new streets or of extending or widening those already open, or for the extension and maintenance of the drainage and sewerage system of the city of Charlotte, or for other public purposes, said city may purchase the same from the owner or owners thereof, and pay such compensation therefor as may be agreed upon; and when in any case the said board shall find

that additional land, water rights, privileges, rights of way or easements are necessary to the operation or extension of the system of waterworks, they may likewise purchase the same at an agreed price; but if said city or said board, as the case may be, should be unable to agree with the owner thereof for the purchase of such land, rights, privileges or easements therein, condemnation of the same for such public use may be made in the manner hereinafter set forth. The said city or board, as the case may be, shall file with the Clerk of the Superior Court of Mecklenburg County its verified petition praying for the appointment of commissioners to appraise and value the real property or rights, privileges or easements proposed to be taken or condemned for the purpose aforesaid, and to ascertain and report to the court what sum should be paid to the owner or owners as damages for the property, rights, privileges or easements so taken, the said assessment to be made by the commissioners according to the value of the property or rights, privileges or easements to be acquired for public use. The petition shall set forth and describe the particular property, rights, privileges or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof, and of the persons who have any interest therein, which may be affected by the said condemnation, and whether any of the said owners are minors, with or without guardians.

Power of condemnation.

Procedure for condemnation. Petition for appraisal.

SEC. 118. That upon the filing of the said petition the clerk of the Superior Court shall issue a summons to the parties interested in the lands, rights, privileges or easements described in the petition, requiring them to appear at his office in the courthouse of said county, on a day at least ten days after the service of the said summons, and answer or otherwise plead to the petition; and the said proceedings shall be conducted in all respects as are other special proceedings; and the clerk may issue process and make publication for parties and appoint guardians in like manner as is provided by law in the case of special proceedings.

Hearing day.

SEC. 119. That if the clerk shall find that the property, rights, privileges or easements described in the petition are required for public use, he shall make an order appointing five disinterested and competent freeholders of Mecklenburg County to ascertain and assess the value of the property, rights, privileges or easements proposed to be taken, and the damages to be paid to the owner thereof by said city or said board, as the case may be. The clerk shall issue a notice of their appointment to the said freeholders, to be served upon them by the sheriff of the county, and when so notified they shall within five days go upon the premises and ascertain the value of the lands, rights, privileges or easements proposed to be taken for public use, determine by a majority vote the amount of damages to be paid for the same, and make report of their findings to the clerk of the Superior Court of

Order for appraisal.

Notice to appraisers. Appraisal.

Exceptions to appraisal.

Transfer to superior court.

Precedence of trial.

Appeals to supreme court.

Proviso: appeal not to delay work.

Matters for consideration of appraisers.

Benefits assessed a lien on land.

Benefits exceeding damage.

Power of court.

said county within ten days after notice of their appointment. Before making such report, they may take the evidence of witnesses offered as to any values to be assessed, but shall not hear argument by the parties interested; that if any party to the proceedings shall be dissatisfied with the report of the commissioners he may file exceptions thereto with the clerk of the Superior Court within ten days after the filing of the said report with the said clerk; and all issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the Superior Court for trial in like manner as provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the Superior Court after they are transferred, unless for good cause shown the trial or hearing of the matter is continued by the court; and the trial of said issues shall have precedence over all other civil cases or matters on the docket of the said court. From the judgment of the Superior Court rendered in said proceedings any of the parties may appeal to the Supreme Court, as in other cases pending in the Superior Court: *Provided, however*, that no appeal, either to the Superior or Supreme Court, shall hinder or delay the city or board in opening such streets, in constructing such lines or erecting such improvements.

Sec. 120. That in making the valuation and assessment aforesaid the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right of way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending or widening of the street or any other improvements thereof, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be; that the value of any benefit or advantage to any lot or land arising from the opening, extending, widening or improving any street and accruing to said lot or land in common with other lots or land similarly situated may be assessed by the said commissioners against the lots so benefited and shall be a lien thereon, and the payment thereof may be enforced as provided in this act, but the amount of said assessment shall be stated separately in the report of the commissioners; that in any case where the benefits to land caused by the erection of any such improvement are ascertained to exceed the damages to the land, then the city or board shall pay the costs of the proceedings and shall not have a judgment for the excess of benefits over the damages.

Sec. 121. That in all cases of appraisal under this act, where the mode or manner of the proceedings is not expressly or sufficiently provided for herein, the court before which such proceedings may be pending shall have the power to make all necessary orders and give proper directions to carry into effect the object

and intent of this act, and the practice and procedure in such cases shall conform as near as may be to the ordinary practice and procedure in such court.

SEC. 122. That when it is proposed to condemn any land, rights, privileges or easements for the purposes herein specified, an order or resolution of the board of aldermen at a regular or special meeting of the board shall be made, stating generally or as near as may be the nature of the improvement for which the land is required and authorizing the board of public service or committee in charge of the improvement to proceed in accordance with this act.

Resolution for condemnation of land.

SEC. 123. When any proceedings for appraisal of property or rights under this act shall have been instituted, no change of ownership or transfer of the real estate or any interest therein, or of the subject-matter of the appraisal, or any part thereof, shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Change of ownership not to stay proceedings.

SEC. 124. If at any time after the attempt to acquire such property or rights, by appraisal or damage, or otherwise, it shall be found that the title to said property or rights proposed to be taken, or which has been acquired or condemned, is defective, said city or said board may proceed anew to acquire or perfect such title, in the same manner as if no appraisal had been made; and at any stage of the new proceedings the court may authorize the petitioner, if in possession of the said property or rights, to continue in the possession of the same, and if not in possession to take possession and use such property or rights during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the petitioner on account thereof upon such petitioner paying into court a sufficient sum or giving security as the court may direct for the damages which may be finally assessed and recovered against it; and in every case any party interested in such property or rights may conduct the proceedings to a conclusion if the city or board delays or omits to prosecute the same.

Procedure to perfect title.

Possession pending proceedings.

SEC. 125. That if the title to any property or rights, privileges or easements condemned in any proceedings instituted under this section shall prove to be defective, the city may by action recover of the party or person who has received the money or compensation for the property, rights, privileges or easements so condemned any loss or damage it may have sustained by reason of said defect of title, not exceeding the amount so paid as compensation for the taking of the said property, rights, privileges or easements.

Recovery of payment if title defective.

SEC. 126. That where any notice is required to be given in said proceedings and the person to be notified is a nonresident of Mecklenburg County, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be; and if the said person is a nonresident of the State, the notice

Service of notice.

Service by publication.

may be served by the publication thereof once a week for four weeks in a newspaper published in the city of Charlotte, and the affidavit of the publisher, proprietor or foreman of said newspaper that said notice was so published shall be sufficient *prima facie* proof of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

Title to vest in city.

SEC. 127. That the title to any real estate, rights, privileges or easements which have been condemned under the provisions of this act shall vest in the said city upon its paying into court, or to the parties entitled to receive the same, the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in the said proceedings, and upon its further complying in all respects with the judgment of the court.

Registration of judgment.

SEC. 128. A copy of the final judgment of the court, duly certified by its clerk, may be registered in the office of the Register of Deeds of Mecklenburg County, aforesaid, and said copy so certified by the clerk, or a copy of the registry of such judgment, duly certified by the register of deeds, shall be received as evidence in all the courts of this State, and where the said copy is offered in evidence in any court not held in the county of Mecklenburg the certificate shall have affixed to it the official seal of the certifying officer.

PUBLIC SCHOOLS.

Public schools to be maintained.
Length of term.

SEC. 129. That there shall be maintained in the city of Charlotte a system of public schools, to be kept open not less than nine months in each year, without charge, for the education of the children of said city within the ages of six and twenty-one years.

Control of schools.

SEC. 130. That said system of public schools shall be under the control of a board of school commissioners, composed of seven members elected from the city at large at the general election to be held for mayor and other city officers in May, one thousand nine hundred and nine. Three members of said school board to be elected at said election in May, one thousand nine hundred and nine, shall hold office for a term of two years and until their successors are elected and qualified, and thereafter their successors shall be elected for a term of four years and until their successors are elected and qualified, and four of said members of said board of school commissioners to be elected in May, one thousand nine hundred and nine, shall hold office for a term of four years and until their successors are elected and qualified, to the end that three of the seven members of said board of school commissioners shall be elected at one biennial municipal election and four members of said board at the next biennial municipal election.

Terms of office of school commissioners.

Incorporation.
Corporate name.

SEC. 131. Said board of school commissioners shall be a body corporate and politic, under the name of the school commissioners

of the city of Charlotte, with all the rights and powers of the school committees of the respective townships, in addition to the powers in this act granted.

SEC. 132. That the board of school commissioners shall, at their first meeting after the May election in the year one thousand nine hundred and nine, and every year thereafter, elect one of its members as chairman, who shall hold office for one year and until his successor is elected and qualified. The chairman shall preside at all meetings of the board and shall have no vote except in case of a tie. The board shall hold regular meetings on the first Tuesday in each month, special meetings to be called at any time by the chairman or by four members of the board, notice of such meeting to be given to each member. In all meetings of the board a majority shall constitute a quorum for the transaction of business.

Organization.

Regular meetings.

Special meetings.

Quorum.

SEC. 133. That said board of school commissioners shall have exclusive control of the public schools of the city of Charlotte, and shall have full and ample power to purchase sites, to provide necessary school buildings and facilities, to appoint examiners, employ teachers and fix their salaries, prescribe courses of study, and in general to do everything that may be necessary and proper to open and conduct a sufficient number of schools to meet the needs of the scholastic population of the city of Charlotte; and it shall be lawful for said board of school commissioners, in their discretion, to receive into the public schools of the city of Charlotte, upon such terms as they think reasonable, any children of school age residing beyond the limits of the said city.

Powers of school commissioners.

Nonresident pupils.

SEC. 134. That said board of school commissioners shall have the power and authority to establish and maintain a library in connection with each school building, which shall be free for the use of the teachers and pupils of the graded schools of said city; and shall have the power to acquire, by donation, purchase or otherwise, books, charts, maps, periodicals and other publications and property of every kind suitable for such library, and shall arrange for separate books and publications for the white and colored races and provide separate rooms for the use of each of said races; and the said board of school commissioners shall have the power to prescribe such rules and regulations for the use of such library as it may deem proper, and to do all acts and things necessary for the successful maintenance and operation of said library. The expense of equipping and maintaining the same shall be paid out of the school revenues of the said city of Charlotte.

School libraries.

Separate publications and rooms for white and colored races.

Library rules.

Expense of equipment and maintenance.

SEC. 135. That the said board of school commissioners shall have the power and authority to establish and maintain one or more high schools in the city of Charlotte, to be known as the Charlotte High School, and may purchase sites, provide necessary buildings, employ a principal and teachers, fix their salaries, prescribe courses of study, and in general do whatever may be necessary and proper

High schools.

Powers in establishing high schools.

Nonresident pupils.

to establish and maintain said high school for the higher education of the children of said city of Charlotte, without charge, between the ages of twelve and twenty-one years; and it shall be lawful for said board of school commissioners, in their discretion, to receive into said high school, upon such terms as they may think reasonable, any children between the ages herein mentioned residing beyond the limits of said city.

Text-books.

SEC. 136. That the said board of school commissioners shall have the power and authority to adopt and prescribe such text-books for use in the public schools in the city of Charlotte as they may deem suitable and proper, and the said board shall not be compelled to adopt for use in the public schools in said city (graded or high school) any book or books which may be at any time adopted by the State Text-book Commission.

School treasurer.

SEC. 137. The said board of school commissioners shall appoint a treasurer and prescribe his duties and compensation. He shall give bond for the faithful performance of his duties, in such sum as the board may prescribe, which bond shall not be less than double the amount which may reasonably come into his hands at any one time, and with sufficient security, to be approved by said board.

Moneys paid to treasurer.

SEC. 138. It shall be the duty of the board of aldermen of the city of Charlotte to provide for the payment to said treasurer of all moneys collected under this act; and it shall be the duty of the Treasurer of Mecklenburg County to pay to the treasurer of said board of school commissioners, to be used in carrying out the objects of this act, all school moneys in his hands from time to time to which the city of Charlotte shall fairly be entitled.

Reports.

SEC. 139. The said board shall make reports annually, and as often as they may be requested, to the board of aldermen of the city of Charlotte and to the Superintendent of Public Instruction of the State of North Carolina, in the manner and to the extent that the county treasurer and the secretaries of the boards of education of the counties are bound by law to report to the Superintendent of Public Instruction, under the same pains and penalties for failure so to do as said officers are liable to for like failure.

School furniture.

SEC. 140. All school furniture shall be paid for out of the school funds. The expense of all repairs to buildings (school) shall be paid for out of the general funds of the city: *Provided*, the school commissioners shall submit in their annual budget at the beginning of the fiscal year the amount necessary for repairs to school buildings for the current year; and *Provided further*, that the board of aldermen may make an appropriation therefor.

Repairs to school buildings.
Proviso: school commissioners to report amount.

Proviso: appropriation.

School census.

SEC. 141. That said board of school commissioners may cause to be made, annually, on or before the first day of December, an accurate school census of all the children of school age within the limits of said city of Charlotte, and upon such census so taken in each year shall be based the apportionment to the city of Charlotte of its proper share of the county school fund.

Basis of apportionment.

SEC. 142. The board of aldermen of the city of Charlotte shall levy, in addition to the levy provided for elsewhere in this act for general purposes, an annual tax for the support and maintenance of said system of public schools in the city of Charlotte, which annual tax shall not exceed twenty cents on the hundred dollars valuation of property and sixty cents on the poll. Levy of school tax.
Rate.

SEC. 143. That the County Board of Education of Mecklenburg County, in apportioning the school fund of said county, shall ascertain and determine the amount of said funds to be used each year for the public graded schools of the city of Charlotte by dividing the whole amount of school funds received by the County Treasurer of Mecklenburg County, less his commission or the part of his salary which is to be paid out of said funds, and less the amount reserved by the county board of education for the office expenses and salary of the county superintendent of education, and for the per diem and mileage of the said county board of education, by the total number of children of school age in said county, as determined by the last census preceding such apportionment, and by multiplying the quotient so obtained by the total number of children of school age in the city of Charlotte, as determined by the last school census preceding such apportionment; and the amount so ascertained and determined is to be paid by the treasurer of said Mecklenburg County to the treasurer of the public schools of the city of Charlotte or such other official as may be legally designated to receive the same, to be used for the said public schools of said city, under the control and direction of the board of school commissioners of said city of Charlotte: *Provided*, that the amount so ascertained and determined for said graded school shall bear its proportionate part of the loss sustained on account of any taxes not collected by reason of errors, release from taxation or otherwise. Apportionment by county.
Proviso: apportionment of losses.

SEC. 144. That all the lands, lots and public-school buildings and fixtures located therein, within the corporate limits of said city, as defined by this act, formerly held by the County Board of Education of Mecklenburg County or by any public-school trustees and used as part of the public-school system within said territory, shall be and remain absolutely the property of the city of Charlotte. School property vested in city.

SEC. 145. The board of aldermen of the city of Charlotte shall have power and authority to borrow money on the credit of the city for acquiring sites and purchasing or constructing suitable buildings for additional school facilities as the needs of the scholastic population require, and may issue bonds of the city therefor: *Provided*, that if the school fund is adequate for above purposes, then the cost thereof shall be paid out of the school fund and not out of the general fund. Power to borrow money.
Proviso: payment.

MISCELLANEOUS.

Application of
general laws.

SEC. 146. That all questions arising in the administration of the government of said city and not provided for in this act shall be governed by the laws of the State in such cases made and provided.

Mode of pleading
ordinances.

SEC. 147. That in all judicial proceedings it shall be sufficient to plead any ordinance of said city by caption or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published in book form by authority of the board of aldermen shall be admitted in evidence in all courts and shall have the same force and effect as would the original ordinances.

Evidence of
ordinances.

Action for
recovery of
taxes and assess-
ments for
improvements.

SEC. 148. That in addition to the other modes of collection in this act provided, all taxes due the city, whether general or special, and all assessments for street improvements, or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as *prima facie* evidence of the statements made therein, and the city shall have the right to become the purchaser at all sales of property for taxes or assessments due it, under judgment or otherwise. It shall be the duty of the mayor to attend such sales to make such purchases, if it be necessary.

Assessment rolls
prima facie evi-
dence.
City may become
purchaser at tax
sales.

Mayor to attend
sales.

Police to serve
civil process.

SEC. 149. That it shall be lawful for the policemen or any person exercising police powers to serve all civil processes or notices that may be directed to them by the mayor or by any court, under the same regulations and penalties as are now or may be prescribed by law in the case of constables.

Payment of city
debt.

SEC. 150. That no levy shall be made on any property belonging to the city, nor shall any levy be made on the property of any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects properly taxed by such corporation.

Failure of officer
to turn over
property misde-
meanor.
Punishment.

SEC. 151. That any officer of the city of Charlotte who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals or effects of such city shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Control of tax
lists.

SEC. 152. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the control of the authorities imposing the tax, and subject to be corrected or altered by them, and shall be opened for inspection by the public, and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities

for such inspection or correction, and any tax collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor.

SEC. 153. That the board of aldermen shall have power, by vote of two-thirds of the aldermen present, to sell any real property belonging to the city, and, when so authorized, a deed for the said real estate may be executed by the mayor and attested by the city clerk and treasurer or by two members of said board, with the corporate seal of the city attached: *Provided, however,* that this section shall not apply to plats in the cemetery, except as to the manner of the execution of the deed.

Sale of real estate.

Deeds.

Proviso: plats in cemetery.

SEC. 154. That from and after the ratification, as hereinafter provided, of this act, the same shall thenceforth be the charter of the city of Charlotte, and all laws now constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchises and powers, except the acts relating to the issue of bonds, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect this city: *Provided, however,* that such repeal shall not annul any ordinances, by-laws or rules of the corporation unless the same be inconsistent with this act, nor shall such repeal affect any act done or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect: neither shall any rights, estate, duty or obligation possessed by or due to the corporation, by its present name, from any corporation or person whatever, be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the city of Charlotte.

Repealing clause.

Proviso: effect of repeal.

SEC. 155. That no offense committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of the act such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided,* that no suit or prosecution pending at the time of repeal for any offense committed or for any penalty or forfeiture incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal: *Provided further,* that no law heretofore repealed shall be revived by the repeal of any act repealing such law.

Offenses committed and penalties and forfeitures incurred.

Proviso: existing suits and prosecutions.

Proviso: laws not revived.

SEC. 156. It shall be the duty of the Secretary of State to furnish a certified copy of this act to the mayor of the city of Charlotte immediately after the ratification of the same.

Copy of act to be furnished mayor.

SEC. 157. That this act shall not go into effect unless the same shall be ratified by a majority of the votes cast by the voters of

Election on ratification of act.

Date of election.	the city of Charlotte at a special election to be held on Tuesday after the first Monday in April, one thousand nine hundred and nine; said election to be held according to the law prescribed by chapter seventy-three of the Revisal of one thousand nine hundred and five of North Carolina for holding elections for towns. Those favoring the adoption of this act as the charter of the city of Charlotte shall vote a written or printed ballot containing the words "For Charter," and those opposed to the adoption of this act shall vote a written or printed ballot containing the words "Against Charter"; <i>Provided</i> , that only twenty days' notice of said special election shall be required; that the registrars shall be appointed at least twenty days before the time prescribed for holding said election; that no new registration shall be required, and that the registration books shall be kept open for only seven (7) days, as prescribed by section two thousand nine hundred and fifty-two of the Revisal of one thousand nine hundred and five.
Law governing election.	
Ballots.	
Proviso: notice of election. Appointment of registrars.	
Registration.	

Ratified this the 8th day of March, A. D. 1909.

STATE OF NORTH CAROLINA,

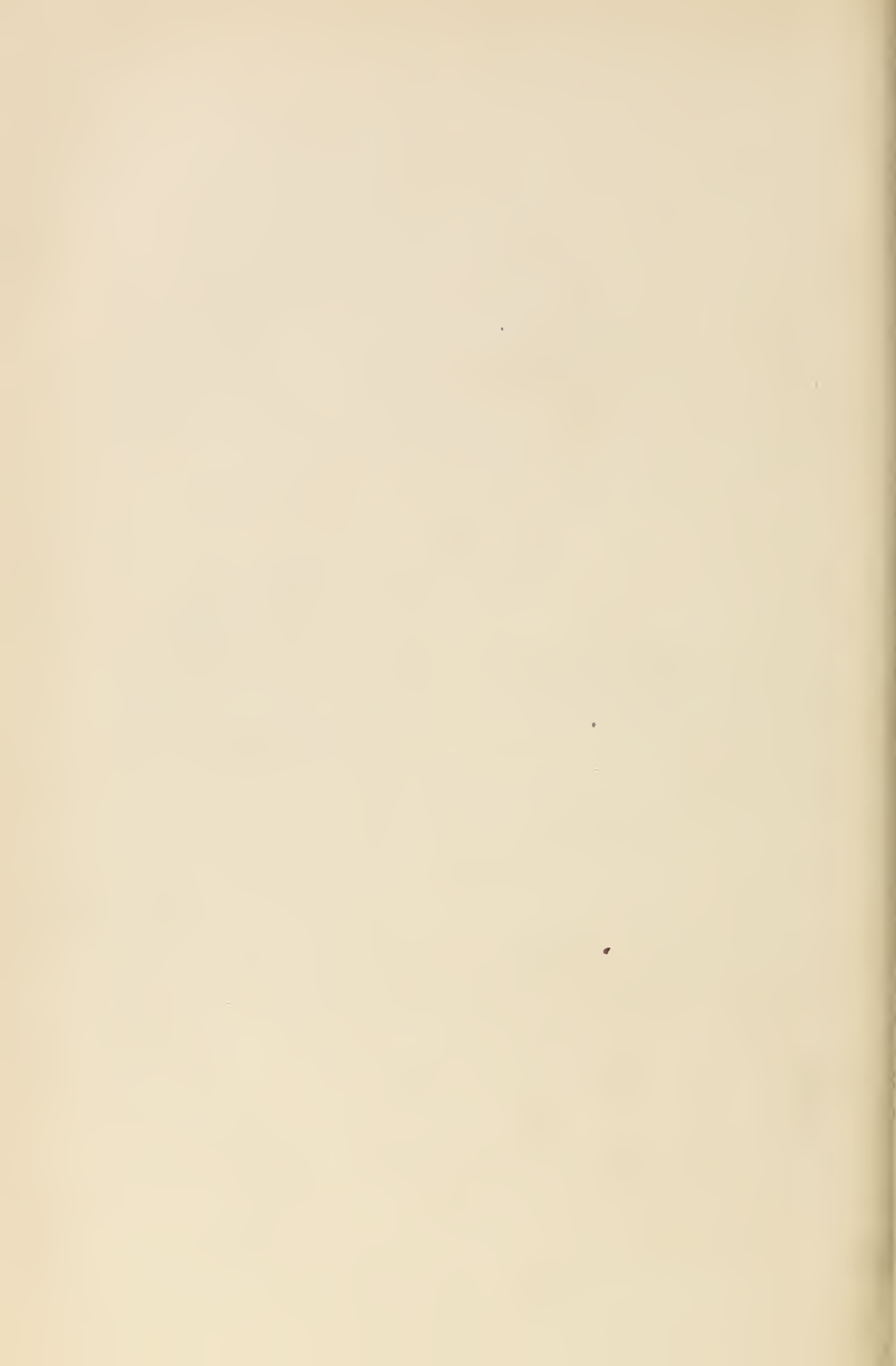
OFFICE OF SECRETARY OF STATE,

RALEIGH, March 30, 1909.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. BRYAN GRIMES,

Secretary of State.



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